Douglas County

Board of County Commissioners Public Meeting Notice and Agenda

Mark Gardner
Nathan Tolbert
Sharla Hales
Wesley Rice
Danny Tarkanian

Thursday, October 1, 2026 **10:00 AM** **Historic Courthouse**
1616 Eighth Street
Minden, NV 89423

The Board of County Commissioners sit jointly as the following boards: Liquor Board, License Board, Tahoe-Douglas Transportation District Board, Water District Board, and the Redevelopment Agency. Agenda items may be taken out of order, may be combined for consideration, or may be removed from the agenda at any time. All items designated "for possible action" may include discussion by the County Commissioners and they may take action to approve, modify, deny, take "no action," or continue the item.

To Watch the Meeting : Members of the public may click on the following link to watch the livestream of the Board of County Commissioners meeting: **https://www.youtube.com/@douglascountynevada**

Written Public Comment : To offer public comment before the Board meeting, members of the public may submit public comments online through the County's public comment form by clicking on the following link:
https://www.douglascountynv.gov/government/board_of_county_commissioners/public_comment

Public Comment During the Meeting : Members of the public may attend the meeting in person at the address listed at the top of the agenda to provide public comment.

Supporting Materials:
Copies of supporting material can be requested in person from the Douglas County Clerk/Treasurer's Office, 1616 8th Street, Minden, Nevada or by calling Nicki Oehlerking at 775-782-9014. Electronic copies of the agenda and supporting materials are also available at the following websites:

State of Nevada Public Notices Website: https://notice.nv.gov/
Douglas County Meeting website: https://douglascountynv.granicus.com/ViewPublisher.php?view_id=1

Notice to Persons with Disabilities:
Members of the public who are disabled or require special assistance or accommodations are requested to notify the Douglas County Manager's Office in writing at Post Office Box 218, Minden, Nevada 89423 or by calling 775-782-9821 at least 20 hours in advance of the meeting.

Members of the public may call the County Manager's office at 775-782-9821 to obtain help making public comment using any of the foregoing methods.

A copy of the finalized agenda is posted at the Minden Inn at 1594 Esmeralda Avenue, Minden Nevada.

DOUGLAS COUNTY BOARD OF COUNTY COMMISSIONERS

FINAL AGENDA

October 1, 2026

LUNCH BREAK
The Board of County Commissioners may break for lunch at approximately noon and will reconvene after a break at the discretion of the Chairperson.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE
Led by County Manager Jenifer Davidson

3. PUBLIC COMMENT (No Action)
Forum Restrictions and Orderly Conduct of Business
The Board of County Commissioners conducts the business of Douglas County and its citizens during its meetings. The Board may impose reasonable, content-neutral restrictions on public comment such as comments that are on topics that are not within the jurisdiction, authority, or control of the Board of County Commissioners, or if the content of the comment is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounts to a personal attack or interfering with the rights of other speakers. The presiding officer may order the removal of any person whose statement or other conduct disrupts the orderly, efficient or safe conduct of the meeting. Warnings against disruptive comments or behavior may or may not be given prior to removal. Hand clapping, making remarks or gestures from the audience that may interrupt, interfere or prevent any speaker from commenting should not occur.

Responses to Public Comments
The Board of County Commissioners can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda as long as those matters are within the jurisdiction and control of the Board of County Commissioners. The Open Meeting Law does not expressly prohibit responses to public comments by the Commissioners. However, responses from Commissioners to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel, and to ensure the public has notice of all matters the Board of County Commissioners will consider, Commissioners may choose not to respond to public comments, except to correct factual inaccuracies, ask clarifying questions, or to ask that a matter be listed on a future agenda.

Public comment is limited to three minutes per speaker unless additional time is granted by the Board Chairperson. The Board of Commissioners uses timing lights to ensure that everyone has an opportunity to speak. You will see a green light when you begin, and then a yellow light which indicates that you have thirty seconds left and should conclude your comments. Once the light turns red, please sit down.

In addition to opening public comment, public comment will also be taken on administrative agenda items that are identified for possible action and closing public comment. If you plan to

speak on a specific agenda item that is on the administrative agenda and identified for possible action, then please provide your public comment when that agenda item is heard. Public comment will not be taken on Liquor Board agenda items. If you would like to provide public comment on Liquor Board agenda items, please provide your public comment during opening public comment or closing public comment.

Public comment must be limited to matters that are within the jurisdiction and control of the Board of County Commissioners. Public comment must be addressed to the Chairperson and not to members of the public so that the Board may take future action on the issues that are raised by the public.

At this time, public comment will be taken on those items that are within the jurisdiction and control of the Board of County Commissioners.

4. APPROVAL OF AGENDA

For possible action. Approval of the proposed agenda. The Board of Commissioners reserves the right to take items in a different order to accomplish business in the most efficient manner, to combine two or more agenda items for consideration, and to remove items from the agenda or delay discussion relating to items on the agenda.

APPROVAL OF PREVIOUS MINUTES

5. For possible action. Discussion to approve the minutes of the regular meeting on September 3, 2026, of the Board of County Commissioners.

6. RECESS AS BOARD OF COUNTY COMMISSIONERS CONVENE AS DOUGLAS COUNTY LIQUOR BOARD

DOUGLAS COUNTY LIQUOR BOARD

7. For possible action. Discussion to approve the On-Site Retail Unrestricted Liquor License for La Hacienda Del Sazon Gonzalez LLC, dba La Hacienda Del Sazon, represented by owners Jose Gonzalez and Luis Gonzalez. Jose Gonzalez and Luis Gonzalez have signed a Waiver of Notice of Hearing. La Hacienda Del Sazon is located at 1685 US Highway 395, Suite B, Minden, Nevada. (Captain Koontz)

8. ADJOURN AS DOUGLAS COUNTY LIQUOR BOARD RECONVENE AS BOARD OF COUNTY COMMISSIONERS

CONSENT CALENDAR

Items appearing on the Consent Calendar are items that can be adopted with one motion unless an item is pulled by a Commissioner or a member of the public. Members of the public who wish to have a consent item placed on the Administrative Agenda shall make that request during the public comment section at the beginning of the meeting and specifically state why they are making the request. If items are pulled for discussion by a vote of the Board of County Commissioners, they will automatically be placed on the Administrative Agenda to be heard at the discretion of the Chairperson or may be continued until another meeting.

9. CONSENT ITEMS

A. For possible action. Discussion on the Outdoor Festival License application submitted by Traci Votel, Co-Director of Carson Valley Community Food Closet, for the Carson Valley Turkey Trot to be held Thursday, November 26, 2026, from 7:00 AM to 11:00 AM, at Minden Park, 1601 Sixth Street, Minden, Nevada. (Amy Burgans, Clerk-Treasurer)

B. For possible action. Discussion to accept a $10,305.75 Affordable Housing Grant Award from the State of Nevada's Department of Business and Industry, Housing Division, for the period of July 1, 2025, through June 30, 2028, and authorize the County Manager to sign the grant award and any associated grant paperwork. These grant funds will be used to provide temporary housing and rental assistance to qualified Douglas County residents. (Brook Adie, Community Services Director)

C. For possible action. Discussion to accept the second year of funding for the DART Operating grant, in the amount of $759,689, for the time period of October 1, 2026, through September 30, 2027, and authorize Chairman Gardner to electronically sign the Year 2 Agreement through Docusign. (Brook Adie, Community Services Director)

D. For possible action. Discussion to accept the auditor's report on Douglas County's general ledger cash balances through August 31, 2026, per Nevada Revised Statute 251.030. (Kathy Kaiser, Comptroller)

E. For possible action. Discussion to accept $22,377 from the Federal Bureau of Investigation (FBI) pursuant to the Safe Streets Task Force Memorandum of Understanding for Fiscal Year 2026-27 to reimburse overtime for the hours worked by the Douglas County Sheriff's Office Investigator assigned to the FBI Safe Streets Task Force. (Undersheriff Elges)

F. For possible action. Discussion to accept a $5,200 State Homeland Security Program (SHSP) grant through the Nevada Office of Emergency Management; augment the Emergency Operations budget in the amount of the grant award; and authorize the Director of Emergency Management to sign all related documents. (Kara Easton, Director of Emergency Management)

G. For possible action. Discussion to approve the purchase of thirty-three (33) XL-200 Portable Handheld Radios and four (4) XL-200 Mobile Radios by the Douglas County Sheriff's Office from L3Harris Technologies, Inc. for a total cost of $99,908.12. (Undersheriff Elges)

H. For possible action. Discussion to accept $22,377 from the Drug Enforcement Administration (DEA) pursuant to the Task Force Memorandum of Agreement to reimburse overtime for the hours worked by the Douglas County Sheriff's Office Investigator assigned to the DEA Task Force for Fiscal Year 2026-27. (Undersheriff Elges)

ADMINISTRATIVE AGENDA

The Chairperson will read the agenda title into the public record and will have the discretion to determine how the item will be presented. Agenda items may be considered ahead of or after the schedule indicated by this agenda. Public comment will be taken on items that are identified for possible action.

10. ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME

PRESENTATIONS

11.1 For presentation only. Ceremonial presentation of **Proclamation 2026P-055** recognizing October 2026 as Breast Cancer Awareness Month in Douglas County. (Commissioner Gardner)

11.2 For presentation only. Ceremonial presentation of **Proclamation 2026P-056** recognizing October 2026 as National Domestic Violence Awareness Month in Douglas County. (Melissa Elges, Vice Chair, Family Support Council and Brandy Thomson Interim Executive Director, Family Support Council)

11.3 For presentation only. Ceremonial presentation of an employee service award to Kevin Karosich for 20 continuous years of service to Douglas County. (Sheriff Coverley)

COMMUNITY DEVELOPMENT

12. For possible action. Discussion to hear or continue Verizon Wireless' appeal of the Planning Commission's decision to deny Development Application DP24-0169, a Design Review to install a new 80-foot monopole cell tower and associated network equipment at 1699 County Road, within the Town of Minden (APN: 1320-30-802-004). The appellant is Verizon Wireless (Alan Bar) and the appellant's representative is Epic Wireless (Melissa Ofina). The appeal was assigned development application number DP24-0204. The appellants are requesting a continuance to allow Verizon to continue its efforts to find alternative tower locations. In the alternative, a hearing on Verizon's appeal will occur. (Linda Doherty, Assistant Planner)

FINANCE

13. For possible action. Discussion to approve the Douglas County Community Grant process, including an update of the Douglas County Community Grant website, notice of funding intent for media, community grant application, and scoring sheets. $150,000 of grant funding is currently available in addition to another $30,000 through the Social Services Department. (Debbie Swickard, Grants Administrator)

COMMUNITY SERVICES

14. For presentation only. Presentation on the current community grant opportunities available through the Douglas County One Nevada Opioid Prevention Fund and current program updates and accomplishments. (Jodi Martinez, Manager of Social Services and Sarah Johnson, Administrative Services Manager)

PUBLIC WORKS

15. For possible action. Discussion to approve the reclassification of the Utility Systems Technician Senior position in the Douglas County Utilities Division to Utility Systems Technician III, and add the Utility Systems Technician III position into the Utility Systems Technician job family. The Utility Systems Technician III will maintain Grade 112 consistent with the current Senior position. (Rick Robilllard, Deputy Public Works Director)

COUNTY MANAGER

16. For presentation only. Announcements, reports, and updates from County Commissioners and the County Manager, including information regarding boards or commissions on which they serve as members or liaisons, other meetings or functions attended, and Commissioner requests for discussion of potential future agenda items. Discussion may also include status reports and updates on County projects and administrative matters for the Board of County Commissioners. (Chairman Gardner)

17. CLOSING PUBLIC COMMENT (No Action)

At this time, public comment will be taken on those items that are within the jurisdiction and control of the Board of Commissioners or those agenda items where public comment has not already been taken.

18. ADJOURNMENT

AGENDA ITEM NO. 5.

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: **APPROVAL OF PREVIOUS MINUTES**

TITLE:
For possible action. Discussion to approve the minutes of the regular meeting on September 3, 2026, of the Board of County Commissioners.

RECOMMENDED MOTION:
Approve the minutes of the regular meeting on September 3, 2026, of the Board of County Commissioners, as presented.

FINANCIAL IMPACT:
None.

BACKGROUND:

ATTACHMENTS:
090326ForBoardApproval.pdf

DRAFT

The Regular Meeting of the Board of County Commissioners was held on Thursday, September 3, 2026, beginning at 10:00 AM in the meeting room of the County Administration Building, 1616 8th Street, Minden, Nevada and via Zoom participation as well as was streamed via Live Stream – Video Link, Douglas County YouTube Channel. **When applicable, the minutes below have been transcribed.**

CALL TO ORDER
The meeting was called to order at 10:00 AM.

COMMISSIONERS PRESENT:
Mark Gardner, Chair
Nathan E Tolbert, Vice Chair
Wesley Rice, Commissioner – *via Zoom*
Danny Tarkanian, Commissioner
Sharla Hales, Commissioner

STAFF PRESENT:
Amy Burgans, Clerk-Treasurer
Jenifer Davidson, County Manager
Doug Ritchie, Chief Civil Deputy District Attorney
Nicki Oehlerking, Assistant County Clerk
Tanya Balda, Senior Deputy Clerk

2. PLEDGE OF ALLEGIANCE
Led by Commissioner Tarkanian.

Chairman Gardner speaks:
We do have a couple of housekeeping items that I want to mention before we get into the Opening Public Comment. First of all, Commissioner Rice is joining us today via Zoom. He is still in the hospital; however, it's my understanding he is progressing, which is encouraging. So thank you, Commissioner Rice, for joining us today. You'll also notice that a number of Commissioners are wearing different attire. Today we will be presenting a proclamation in recognition of Suicide Prevention Month and we have a couple of Commissioners colored in purple, so the appropriate color. And then we have the rodeo coming up, not this weekend but next weekend, and that's why I am supporting my Douglas County Rodeo shirt okay; a great event. Also on the agenda, if you've looked at the agenda, you'll notice that it says that the Knox item, I believe it is Item 14.1, will not be heard before 2:00 PM and the reason for that is that the Commissioners by Nevada Revised Statutes are required to make a visit to the jail, Douglas County Jail, on an annual basis and today is our jail tour day, so we're going to jail at noon or thereabouts and we won't be returning until around 2:00 PM. So we have an opportunity to visit it and see it in operations. Captain Koontz is here, but it's Captain Storke now that's in charge of the jail, right? Okay. Yeah. So anyways, we will be eating the food that the inmates eat. We've done that before, so it's very nutritious. So anyways, that's the reason that item is on for 2:00 PM. What?

Vice Chairman Tolbert speaks:
We're not taking their food.

Chairman Gardner speaks:
We're not taking their food. No, we're eating the same food as they eat, the same meal. Okay. With that, I have nothing else to mention in regards to housekeeping.

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3. PUBLIC COMMENT (No Action)

Chairman Gardner speaks:
So we allow three periods of Public Comment; one at the opening of the meeting, Opening Public Comment, we have a section at the close of the meeting called Closing Public Comment, and then we take Public Comment on all items that are mentioned on the agenda as for Public Comment, so those are the three opportunities. If you wish to offer Public Comment for an agenda item that is marked for possible action in our regular agenda and you cannot stay until that item is heard, we encourage you to use the podium at this time to offer your Public Comment on that item, understanding that if you then choose to stick around you forfeited your time for that item. So we limit Public Comment to three minutes per speaker. We use timing lights operated by Vice Chairman Tolbert. When you approach the podium, we ask you to print your name so we can get it accurately in the record, state your name for the record, and then we will start your time. The light will turn yellow and you'll hear a slight beep when you have 30 seconds left. And then at the end of your three minutes, you'll hear an obnoxious red light go off, so we ask you to conclude your comments and sit down at that time. We also ask you to limit your Public Comment to matters that are within the jurisdiction and control of the Board of County Commissioners. It must be addressed to the Chairperson and the Board, not the members of the public, so that the Board may take future action on those items that are raised by the public. So at this time, Public Comment will be taken on those items that are within the jurisdiction and control of the Board of County Commissioners. And it looks like Mr. Maier is lining up to do that. Welcome.

Nick Maier speaks:
Thank you, Mark, Commissioners. I want to address the agenda item of compensation. The compensation schedule that was adopted by the Board in 2022 is excessive and completely out of sync with compensation in other rural counties in Nevada, Idaho, and Oregon. Lyon County, our neighboring county, has a population of 66,000 people, larger than Douglas County, and their County Manager has a salary of $216,000, which is far less than what the Board is recommending we pay our County Manager. Plus, Lyon County does not have an Assistant County Manager, while Douglas has an Assistant County Manager with a $200,000 salary. This is just the tip of the iceberg. In addition to these excessive salaries, Douglas County is paying 100 percent of the retirement benefits for these positions, which amounts to $100,000 per year for the County Manager and $72,000 for the Assistant County Manager and we have to pay that every single year. There isn't a single private or public company in America that pays 100 percent of an employee's retirement at 36.75 percent of their salary. The bottom line is that compensation is excessive and out of sync with other rural counties. We're top heavy with administration and paying too much. Where is the performance review of the County Manager? Where is the performance review of the Assistant County Manager? Are they online? Have their goals and objectives been posted online? On what basis is the Board recommending a merit increase? The one thing we know is that the County Manager failed to file for a Stormwater grant on time, resulting in the County missing an opportunity to fund a Stormwater project. And why didn't the County Manager, with her staff, step up to develop and propose a Stormwater Utility Tax instead of the Board having to spend $140,000 on a consultant who came up with a plan that was so unfair that it was rejected soundly? These salaries and retirement packages are an insult to the citizens of this county. We have residents in this county who are having difficulty making rent and need the food bank to make ends meet. My recommendation is that the Board create a task force of current and retired business executives to review and revise the compensation structure in this County. We have plenty of business executives that are experienced in just that. They can also set up a structure of performance reviews against goals and objectives. Mark my words, these excessive salaries and retirement benefits are going to bite us in the behind and drive this County into a fiscal crisis. This should be the top priority of the Board. Thank you.

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Chairman Gardner speaks:
Thank you, Mr. Maier.

Ellie Waller speaks:
Good morning. I have lots of questions, but first, a clarification. Is the jail tour, I'm hearing noise out of here, open to the public as well? You can answer later. Next…

Commissioner Tarkanian speaks:
You have to commit a crime.

Laughter was heard.

Ms. Waller speaks:
I commit crimes.

Laughter was heard.

Ms. Waller speaks:
Okay. So I have lots of questions today. Who on Community Development staff addresses questions about Tahoe related issues? November 2025 was the last update on the Barton proposed South Shore Area Plan amendments and Environmental Impact Statement; is there more recent info? Kahle Complete Streets project; is it still on track to be completed in October of 2026? There has been a stormwater stakeholder group formed in the Valley, when will a Tahoe group announcement to apply come forward? Who on staff is now assigned to the Tahoe Regional Planning Agency Advisory Planning Commission besides our at-large person, Garth Alling, who I thought we were going to get presentations from? Typically, it's a Land Use Planner from Community Development. Next, what is the status of the developers addressing Vista Grande Road intersection? It would be nice to know. When will the individual community plans within the Master Plan be addressed and vetted by individual communities now that the Tahoe Area Plans are underway? When will there be an update from the Roads Workshop of April 2025? And lastly, something of great value to me, because I attended several meetings and that's why you haven't seen me here, is the citizens from both California and Nevada, all the local jurisdictions got together. We were successful at the Legislative Oversight Interim Committee on the Tahoe Regional Planning Agency on getting evacuation issues elevated to a bill draft request which will be forwarded to session. Thank you.

To review Ms. Waller's full Public Comment statement please see the Supplemental Meeting Materials.

Chairman Gardner speaks:
Thank you.

Justin Sinner speaks:
Good morning. On behalf of Roots & Wings parents in Lake Tahoe. This week, the Parks and Rec Department and Roots & Wings parents had a productive meeting, but we found it very important that we should reframe the narrative of this school. This is a school. This is a preschool. It's not a daycare; it is a preschool. And the reason it falls under Parks and Rec is because the job of Parks and Rec is to provide essential, life-enhancing services to its constituents and that is exactly what this program does. Despite the narrative that is being presented the population of young families and toddlers in Lake Tahoe is increasing. Toddlers make up 44 percent of our current child population and that number is only growing with record numbers of births and projected record numbers of birth at Barton Hospital. One of the possible solutions that have been presented to the Board was a privatization model versus the current

UNAPPROVED

public model. When we switch from a private, from a public model to a private model, we start prioritizing profits over education and to see what that actually looks like in real life we don't have to look very far. Whittell High School is the number one rated high school in Nevada. Zephyr Cove is in the top 20 percent. Roots & Wings is an award-winning school. The reason being is because those schools, at a foundational level, due to Roots & Wings, children are learning how to read and how to write and how to succeed in the academic world. When you look down here in the Valley where there's a privatization model, none of the schools crack the top 40 percent with a state that ranks number 40 in the nation. That's unacceptable and that shows you what happens when you prioritize profits over education. So how do we actually fund this? What was presented to the board from staff was a tuition hike. In order to fully cover the amount that is needed it would cost families $75 a day. Private nannies are cheaper. The problem that we had as parents was that there are revenue streams right in front of Parks and Rec that are not being looked at. Right now, the Douglas County Rec Center charges roughly 50 percent of what South Lake Tahoe charges for their rec center. If for a modest rate increase of $2.44, what a cup of coffee used to cost, we can fully use those funds to fund Roots & Wings. If you want to use this as an actual revenue generating source raising this amount $8 a month per person, $100 a year, would generate $500,000 for this County, budget problems go away for Parks and Recs. So there are other avenues to explore and I'm really hoping that staff will actually explore that versus just trying to pass the buck onto the parents. Thank you.

Chairman Gardner speaks:
Thank you.

Rachel Christensen speaks:
I'm here today because I believe the residents of Douglas County deserve accountability from the people they elected to manage our County and protect our tax dollars. Today, you have the opportunity to give the County Manager a performance review and potentially a raise. I'm asking you to look carefully at the record before you reward the performance. Under the County Manager's leadership Douglas County has become entangled in one costly controversy after another. There's the Muller Parkway lawsuit involving concerns over roadway designs, drainage right-of-way, and compliance with existing agreements. There's the Ashland Park litigation, which has continued for years, contributing to delays, legal expenses, and uncertain surrounding a major County project. Then there's China Springs, where serious questions have been raised about the County Manager's oversight, spending, and transparency. A federal lawsuit now names the County Manager and two Commissioners. Then comes the Stormwater fee. The County spent the past year developing and promoting a countywide fee only to put it on hold after residents raised serious concerns about affordability, fairness, accountability, and how the fees were calculated. Now, we're going back to the drawing board. And there's the Knox Excavating and Painted Rock Mine matter. The County Manager was directly involved in that agreement and later overseeing its enforcement. That agreement has now broken down with Knox claiming the County breached it and speaking of the difficulty they have had with Jenifer Davidson. Now, this Commissioner is directing the County Manager to negotiate a new path forward. When we are entrusting the County Manager with millions of taxpayer dollars, these are questions that deserve answers, not a raise. The Commissioner is responsible for the person running the County. When the multiple major projects, financial decisions, and controversies repeatedly require BoCC's attention, taxpayers have the right to ask whether management is being held accountable. Commissioners, this isn't about anti-County Manager, it's about accountability and that brings me to you. You're the Elected Officials; you're the ones who ultimately answer to the voters. The County Manager doesn't have to stand for election; you do. When the taxpayers see lawsuits, financial problems, controversial fees, and agreements that break down they don't get to vote on the County Manager's job, they vote on yours. Your job is now not to protect someone's position or reward someone simply because that's what's always been done. Your job is to protect the taxpayers. The County Managers base salary is already over $250,000, with the total pay and benefits over $352,000. That's the highest

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paid County Manager in the state. At this time when we are repeatedly told the County needs more money, taxpayers deserve to know why this performance warrants an even larger paycheck. Her anniversary date is in June, when her review has traditionally taken place; yet this year, the review was moved to immediately before a holiday weekend following intense public controversy over the Stormwater fee; residents noticed. So today I'm asking you to listen to the people who elected you. Don't give a raise simply because it's expected. Don't give a glowing review simply because it's easier. Look at the results. Look at the costs. Look at the consequences. We are not just evaluating this County Manager's pay…

Chairman Gardner speaks:
Ms. Christensen, your time has expired. Thank you.

Dave Fogerson speaks:
Good morning, County Manager and Commissioners. Resident. First off, to Jenifer, having a public evaluation has got to be the hardest thing to ever be done and you've always done this with grace through the years that I've seen you, so keep on doing that. I wasn't planning to talk today, but I wanted to get some stuff on the record because in my time at East Fork Fire, Douglas County Emergency Management, and the State Emergency Management I think I've seen eight County Managers here at Douglas County. Larry got recycled once, so I think maybe seven, if you count it that way. A lot of these folks that were here before Jenifer kicked cans down the road. They were hills they didn't want to die on is what I heard multiple times. People wanted to close a fire station in TRE because they didn't think those people paid enough tax dollars to have a fire station down there was the idea from one County Manager. Jenifer takes on these hard ideas. Jenifer does a great job building community rapport. Whether she agrees with them or not she's still doing a lot of public outreach. So I encourage you, I'm not going to talk about salary because that's up to you guys, but I think she deserves high marks for what she's doing and some goal tightening and some more support from all of us to help her do a better job. But thank you for what you do for us, Jenifer.

Chairman Gardner speaks:
Thank you, Mr. Fogerson.

Jim Jackson speaks:
I'm going to speak more on the County Manager at the time that that comes up, but whoever came up with the idea of having a public review of an employee must have thought of the most brutal thing you can do. I've done a lot of employee reviews and this is the most brutal way to do it. I think if it was the Commissioners that came up with it, we should have a yearly review of you folks...

Laughter was heard.

Mr. Jackson speaks:
…where we get to speak directly on that. My purpose to come up right now was I noticed in the paper this past week about a certain entity that's being proposed in Carson City and the only reason I bring it up is because we've got one being proposed, not being proposed, it's being put here, a community performing arts center, which has changed its name many times. But Carson is now proposing a new community performing arts center at the high school, a new auditorium, 500 seats plus, one theater, and primarily for use for students and all that, but open to public performances and everything else. The only reason I bring this up is they were very honest about the price, $32 to $36 million for one stage, performing arts center. There are… If that goes through, which I doubt that it will, but if it does, they will now have two performing arts centers up there competing with one that we're in the process of trying to come up with the money to put together. We've already spent ten percent of that $32 million, so who knows how far that's going to go. I just wanted to bring that up so that you're aware of it. I'm sure that

UNAPPROVED

you were. But $32 to $36 million is a more appropriate cost for what we are looking at down here with more than one stage and a 250 to 500-seat theater and stuff. So we have to be very careful about how we're going about that. Thank you.

Chairman Gardner speaks:
Thank you.

Julie Duda speaks:
Good morning. On Tuesday, I met with the Treasurer, the Treasurer Assistant, the COO, and the Comptroller to discuss action for improving transparency of the LGIP money market. I thank all of them for their support and cooperation. It's a dynamic transition with a possible resolution of a separate LGIP money market report with actual balances and monthly transactions. This action to improve LGIP transparency is directly connected to the people who took a stand and contacted Commissioners and the County Manager. To all those people, good job. When completed this will be a win for the people of Douglas County. To be clear, the Commission Chair and County Manager were responsive and made the meeting possible. To briefly review the transparency issue, during the Stormwater campaign, research determined the LGIP money market balance was $103 million and the County investment total was $227 million. The County monthly investment report failed to report the LGIP money market balance of $103 million. Instead, although the balance fluctuated, about $40 plus million was reported. The transparency upgrade now in progress will prevent this incomplete LGIP reporting. Another topic to consider is the County messaging during the Stormwater campaign related to the FEMA flood mitigation grants awarded to Douglas County. The disinformation or propaganda message was County funds may not be available for the required match. People want to know who stated this and was it a strategy to get the fundamentally flawed Stormwater Enterprise Tax approved. Going forward please stress the importance of truthful and accurate disclosures to the public.

Chairman Gardner speaks:
Thank you, Ms. Duda, and thank you for your recognition of and taking advantage of the opportunity to visit with them. Is there any additional Public Comment? Okay, I'm not seeing any additional Public Comment, I'm going to bring it back up here. Our County Clerk-Treasurer wishes to offer some Public Comment also, so I asked her to wait until Opening Public Comment was concluded. Ms. Burgans.

Amy Burgans, Clerk-Treasurer, speaks:
Thank you, Chairman. I appreciate the opportunity. I too, Julie, I wasn't going to use your name, but since you told everyone that we spoke, I'll just throw that out there. I wanted to address the Public Comments that were made at the previous Board meeting that I was unable to attend. I was not here the previous Board meeting. Those comments raised concerns regarding the transparency within the County's investment reports, specifically referencing three subaccounts that are contained within LGIP. LGIP, which is the Local Government Investment Pool, is separate from the County's. They are investment accounts, but they're separate from the County's investment accounts that are through Meeder. I think it's just important to provide a little bit of clarification for the record. The accounts that were referenced are associated with bond obligations and the Muller Parkway project. These are not general investment accounts with funds available for discretionary use. The monies within those accounts have been specifically allocated and are restricted for their designated purpose. They are maintained separately precisely so that those funds can be properly accounted for and used for the obligations and projects for which they are intended. I also want to clarify something regarding the responsibility of the County's investment reporting. As the Elected County Treasurer, the responsibility of the investment of County funds and the reporting of those investments falls completely under my office and my statutory responsibility as Treasurer. The Board of County Commissioners receives those reports, but the Board does not prepare them, manage the investments, or direct me in carrying out those statutory

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responsibilities. I take transparency and accountability very seriously. If there is a question about something contained in an investment report or if someone believes additional information or explanation would be helpful, I absolutely welcome those questions, in fact, I encourage them, but I would respectfully ask that those questions be directed to me. Since the Public Comment was made, I have met personally with the individual who raised the concerns. We went through the funds in detail, including what those accounts represent, why the funds are held separately, and the restrictions on the use. We also had a very productive discussion about ways my office could provide additional information in the reporting to make it easier for members of the public to understand exactly what they are looking at. I appreciated the conversation and the opportunity to hear another perspective. My office is now working on a plan to provide additional transparency and context within our investment reporting going forward. Transparency does not simply mean providing numbers, it also means making sure those numbers are presented in a way that people can understand. It is difficult for the Commissioners to respond to concerns that are on a report that is prepared under the authority and responsibility of another Elected Official. More importantly, directing those questions to my office gives me the opportunity to provide those facts, explain what the accounts represent, and address those concerns directly, rather than allowing questions or misunderstandings to remain unanswered on the public record. I am accountable for the work of the Treasurer's Office and I am always willing to answer for it. Going forward, I simply ask those questions regarding our investment reports be brought to me so that I have the opportunity to provide the information and the transparency that the public deserves. Thank you.

Chairman Gardner speaks:
Thank you, Ms. Burgans. I did want to take an opportunity to address a couple of the things that were asked by our public. Number one, Ms. Waller asked about the public jail tours and I honestly don't know the answer to that. It is not. Okay. Secondly, Ms. Rachelson referred to a lawsuit that has been filed against the County regarding activities and accusations of the China Springs Youth Camp and named myself, our Vice Chair, and our County Manager. I think that can't go unspoken to. Those allegations happened in early 2000, early 2000s. Okay. None of us were involved with the County. I can't say that for Jenifer, but…

Jenifer Davidson, County Manager, speaks:
I wasn't there then.

Chairman Gardner speaks:
You weren't there then. Okay. The only reason that we were named is because of the titles under our names here and under Jenifer's name, so it has nothing to do with us. It's just that when an individual sues us, they name the Chair, the Vice Chair, and the County Manager all the time. Okay. But those allegations are 25 years old and did not involve… I wasn't even a resident of this county at that time and I was not on the Board of Commissioners. So I think that the public needs to understand that aspect of that lawsuit. Okay. So anyways, with that, I'll shut up. Thank you. With that, I'll close Public Comment unless another Commissioner had anything that they wish to add. Okay, very good. I'll close Public Comment.

4. APPROVAL OF AGENDA

MOTION TO: Approve the agenda; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sharla Hales, Commissioner
SECONDER:	Nathan E Tolbert, Vice Chair
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Danny Tarkanian, Nathan E Tolbert

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APPROVAL OF PREVIOUS MINUTES

5. For possible action. Discussion to approve the draft minutes of the special meeting on August 4, 2026, and the regular meeting on August 6, 2026, of the Board of County Commissioners.

MOTION TO: Approve the draft minutes of the special meeting on August 4, 2026, and the regular meeting on August 6, 2026, of the Board of County Commissioners; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Danny Tarkanian, Commissioner
SECONDER:	Wesley Rice, Commissioner
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Danny Tarkanian, Nathan E Tolbert

5. RECESS AS BOARD OF COUNTY COMMISSIONERS CONVENE AS DOUGLAS COUNTY LIQUOR BOARD

DOUGLAS COUNTY LIQUOR BOARD

7.1 For possible action. Discussion to approve the addition of Vice President and General Manager Arik Allan Knowles to the existing On-Site Unrestricted Retail, Packaged Retail, and Caterer's Liquor License with Entertainment Endorsement and a Non-Restricted Gaming License for Premier Entertainment Tahoe, LLC, dba Bally's Lake Tahoe. Arik Allan Knowles has signed a Waiver of Notice of Hearing. Premier Entertainment Tahoe, LLC, dba Bally's Lake Tahoe, is located at 55 US Hwy 50, Stateline, Nevada 89449. (Captain Koontz)

MOTION TO: Approve the addition of Vice President and General Manager, Arik Allan Knowles to the existing On-Site Unrestricted Retail, Packaged Retail, and Caterer's Liquor License with Entertainment Endorsement and a Non-Restricted Gaming License for Premier Entertainment Tahoe, LLC dba Bally's Lake Tahoe; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Wesley Rice, Commissioner
SECONDER:	Danny Tarkanian, Commissioner
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Danny Tarkanian, Nathan E Tolbert

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7.2 For possible action. Discussion to approve the addition of Vice President and General Manager Arik Allan Knowles to the existing Adult Characterized Business License for Premier Entertainment Tahoe, LLC, dba Bally's Lake Tahoe. Arik Allan Knowles has signed a Waiver of Notice of Hearing. Premier Entertainment Tahoe, LLC, dba Bally's Lake Tahoe, is located at 55 US Hwy 50, Stateline, Nevada 89449. (Captain Koontz)

MOTION TO: Approve the addition of Vice President and General Manager, Arik Allan Knowles to the existing Adult Characterized Business License for Premier Entertainment Tahoe, LLC dba Bally's Lake Tahoe; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sharla Hales, Commissioner
SECONDER:	Nathan E Tolbert, Vice Chair
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Danny Tarkanian, Nathan E Tolbert

8. ADJOURN AS DOUGLAS COUNTY LIQUOR BOARD RECONVENE AS BOARD OF COUNTY COMMISSIONERS

CONSENT CALENDAR

MOTION TO: Approve the Consent Calendar Items A-G; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sharla Hales, Commissioner
SECONDER:	Wesley Rice, Commissioner
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Danny Tarkanian, Nathan E Tolbert

9. CONSENT ITEMS

A. For possible action. Discussion to accept a $19,207 Title X grant award for the period of April 1, 2026, through March 31, 2027, and authorize the Board Chairman and County Manager to sign the grant award. (Brook Adie, Community Services Director)

B. For possible action. Discussion and review of the Douglas County Treasurer's Monthly Statement for June 2026 submitted per Nevada Revised Statutes 354.280(2). (Amy Burgans, Clerk-Treasurer)

C. For possible action. Discussion on the Douglas County June 2026 Investment Report submitted per Douglas County Code 3.02.040. (Amy Burgans, Clerk-Treasurer)

D. For possible action. Discussion to accept the auditor's report on Douglas County's general ledger cash balances through July 31, 2026, per Nevada Revised Statute 251.030. (Kathy Kaiser, Comptroller)

E. For possible action. Discussion to approve a $50,500 contract with Summit Plumbing Co., LLC for the 2026-27 Lift Station Wet Well servicing, and authorize the Director of Public Works to execute the contract and change orders up to 10% of the original contract. (Rick Robillard, Deputy Public Works Director)

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F. For possible action. Discussion to authorize the Douglas County Sheriff's Office to accept a $35,500 State of Nevada Department of Public Safety (DPS) Traffic Safety Joining Forces Project Agreement Grant for Fiscal Year 2026-27 with a 25% matching requirement of $8,875 (totaling $44,375) for the grant period of October 1, 2026, through September 30, 2027; and authorize Sheriff Dan Coverley to sign the agreement. (Undersheriff Elges)

G. For possible action. Discussion to approve a $306,412 budget transfer in the Residential Construction Tax fund in order to align the budgeted expenses with the actual expenses for the purchase and installation of a new playground in Indian Hills during Fiscal Year 2025-26. (Brook Adie, Community Services Director)

ADMINISTRATIVE AGENDA

10. ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME – none

PRESENTATIONS

11.1 For presentation only. Ceremonial presentation of Proclamation 2026P-050, proclaiming the month of September 2026 as Suicide Prevention Awareness Month in Douglas County. (Debbie Posnien, Suicide Prevention Network)

Chairman Gardner read the agenda item into the record.

Commissioner Hales speaks:
I'm honored to be able to do this. I am always amazed at the wonderful work of Suicide Prevention and so very grateful for all the good things you do.

Commissioner Hales read the proclamation into the record.

Applause was heard.

Debbie Posnien, Suicide Prevention Network Executive Director, speaks:
Wow, that was beautiful. This is such an honor to be recognized for our Suicide Prevention Network.

Tanya Balda, Senior Deputy Clerk, speaks:
Can I get you to pull the microphone? Thank you.

Ms. Posnien speaks:
Can you hear me now? Okay. Again, thank you for the recognition. It's such an honor to be here today. Since becoming a nonprofit in 2002, Suicide Prevention Network has had one purpose, to help save lives and remind people in our community that they do not have to struggle alone. For more than two decades Suicide Prevention Network has worked to create a community where conversations about suicide and mental health are no longer hidden in the shadows. Through education, prevention, outreach, and support we have built partnerships throughout Douglas County and helped create culture where it is okay to say, I am not doing okay. As long as there is one person in our community who feels alone, overwhelmed, and believes their life doesn't matter we have more work to do. Suicide Prevention Network is more than the work of an agency; it is the strength of a community that chooses to care for one another. It is found in connection, in compassion, and in the simple but powerful message that no one should struggle alone. Every time we reach out, every time we truly listen, and every time we remind someone that they matter we strengthen the safety net of our community and sometimes just that one connection can save a life. I

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imagine there are people in this room today whose lives have been touched by suicide in some way. Maybe it was someone they loved, someone they worked with, someone they worried about, or perhaps there was a time when you yourself felt that you needed someone to talk to. We are incredibly proud of how far we have come and each day we wonder who is going to walk into our office doors, the challenge of finding funding to keep our services going, creating new programs as our community needs have changed, and sometimes carrying home the heartbreak of the people that we have touched in our agency, but through it all, we never lose sight of why we are here. Behind every program, every dollar raised, and every person we reach out what matters the most, a life we have saved. We must keep talking. We must keep listening. We must keep reaching out. And no matter how far we have come, we must never be comfortable believing we have done enough. This proclamation is a wonderful recognition of where we have been but also see it's the commitment where we still need to go. On behalf of the families who have lost someone they love, the individuals who have allowed us to walk beside them during their darkest moments, and everyone at Suicide Prevention Network, our staff, our Board of Directors, our volunteers, our supporters, we are so grateful to you and to Douglas County and you, Douglas County Commissioners, for recognizing us and letting us work so hard in the community that we all live in. But most importantly, thank you for standing with us as we continue this work because together we continue to save lives, strengthen families, and build a community where no one has to struggle alone. The work continues, the fight continues, and so will we. Thank you.

Applause was heard.

Jenifer Davidson, County Manager, speaks:
I just wanted to state on the public record the only reason why I'm not wearing purple in solidarity with your team today, Debbie, is because I didn't want anyone to think I was bruised by my evaluation that's coming up later.

Laughter was heard.

Ms. Davidson speaks:
So we'll get a quick photo and then we'll move on.

Photos were taken.

Chairman Gardner speaks:
Thank you, Commissioner Hales, for taking care of that. I misspoke in my reading that item into the agenda. Ms. Balda, did you catch that error? Okay, it's 2026, not 2025, as I think I stated. So anyways, going backwards a year.

RESULT:	**PRESENTATION HELD**

11.2 For presentation only. Presentation on Carson Valley Health updates and activities. (Shannon Rogers, Chief Executive Officer, Carson Valley Health)

Chairman Gardner read the agenda item into the record.

Shannon Rogers, Carson Valley Health Chief Executive Officer, speaks:
I'm going to spend a few minutes of your day to talk about some of the activities going on at Carson Valley Health. I could talk about this for hours, but I will not because I know you have a…

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Chairman Gardner speaks:
You're not usually this quiet at a Chamber board meeting, but I need you to speak up.

Ms. Rogers speaks:
Perfect. Maybe. How's this? Any better? Okay, great. Thank you. So again, thank you for the time this morning. I will be happy to share a few things that are going on at Carson Valley Health. But first and foremost, I would like to commend Debbie and her team, that was a very touching presentation and we truly are stronger together, so thank you.

Ms. Rogers began the presentation and covered the following topics:

- STRONGER TOGETHER: INVESTING IN OUR COMMUNITY UPDATES FROM YOUR LOCAL HOSPITAL
- INTRODUCTION

Ms. Rogers speaks:
By way of introduction, if I haven't had the opportunity to meet you guys before, I am the Chief Executive Officer here at Carson Valley Health. I've been in that role as just identified for about six months now, but I've been with the organization since 2004, so 22 years. I've served in a variety of capacities, those are on your screen, and I put those on there because I think it's important to share that the first decade or so of my time with the organization was spent creating community relationships and building programs to serve our community and so I think that's really set up a good foundation for myself and for the organization to succeed.

Ms. Rogers continued the presentation and covered the following topic:

- ABOUT CVH

Ms. Rogers speaks:
We are a private, not-for-profit hospital system here in Carson Valley, located in Gardnerville. And as a not-for-profit hospital, we are required to reinvest all of the profits from our operations into the community, so that's what I'm going to talk to you guys about a little bit today, how we are doing that.

Ms. Rogers continued the presentation and covered the following topic:

- LOCAL LEADERSHP

Ms. Rogers speaks:
We do have a local leadership team up on your screen there that I'm very fortunate to work with. They are a very experienced team and they all live here locally. I would also like to share that we have a four-member governing board of also local residents and health care experts, so we're very fortunate to have the leadership that we do.

Ms. Rogers continued the presentation and covered the following topics:

- PART OF BARTON HEALTH SYSTEM
  - Strategic alignment elevates care for both communities:
    - Expanding access through shared services/physicians.
    - Collaboration for care coordination.
    - Creates a multi community system to keep care local.

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    - Non-profit health system committed to the communities we serve.
- COVERING THE CARSON VALLEY
    - Hospital Main Campus
    - 1516 Virginia Ranch Rd.
    - 1520 Virginia Ranch Rd.
    - Ironwood Medical Center
    - Primary Care Minden Village
    - Primary Care Topaz Ranch

Ms. Rogers speaks:
We have an internal joke that if we build it, they will come. Every time we put up a new facility or add a new service we get very busy very quickly and I think people are very surprised at the amount of patients we serve at our small hospital.

Ms. Rogers continued the presentation and covered the following topics:

- CONTINUED GROWTH
    - 1,360 patient hospital admissions
    - 2,500 Surgeries
    - 14,000 ER visits
    - 10,000 Behavioral Health visits
    - 13,000 Urgent Care visits
    - 36,115 Primary Care visits
- SPECIALTY SERVICES
- OUR ROLE IN THE COMMUNITY

Ms. Rogers speaks:
We take our role in the community very seriously.

Ms. Rogers continued the presentation and covered the following topic:

- OUR VISION
    - To strengthen our community by providing accessible, affordable, high-quality healthcare to all.

Ms. Rogers speaks:
The most important thing to me is that we're here to strengthen our community. Again, we're stronger together and we do more than just serve the patients that come into our building. We do a lot of work out in the community and we take pride in that.

Ms. Rogers continued the presentation and covered the following topic:

- ECONOMIC IMPACT: ONE OF CARSON VALLEY'S LARGEST EMPLOYERS
    - 641 Employees
    - $41.8 Million payroll

Ms. Rogers speaks:
129 of those are nurses; I always get asked that question. That does not include the 200 plus physicians that we work with, who we contract with, to provide services to our community.

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Ms. Rogers continued the presentation and covered the following topics:

- SERVING OUR COMMUNITY
  - CVH serves patients from Carson Valley, Carson City, Lyon/Mono/Alpine Counties.
  - $8.3M in uncompensated care
  - $1M in community health improvement initiatives
  - 2,500+ volunteer hours contributed by employees
  - $100,000+ donations & sponsorships to ~70 organizations
- RECENT ACHEIVEMENTS TO ENHANCE THE COMMUNITY'S HEALTHCARE
- RECENT ACCOMPLISHMENTS

Ms. Rogers speaks:
First and foremost, we were very proud to be only one of three hospitals in the state of Nevada to have received the CMS five-star rating and that is indicative of the work we've done on our quality metrics, our quality of care, and our patient safety. So we're very proud of the work we've done there and we hope the community is too.

Ms. Rogers continued the presentation and covered the following topic:

- LEVEL IV TRAUMA CENTER
  - Carson Valley Health Made History: First Critical Access Hospital in Nevada Designated as Level IV Trauma Center
- LEVEL IV TRAUMA CENTER AT CVH – IMPACT TO COMMUNITY

Ms. Rogers speaks:
I want to share a little bit about what that means. So what is required of a Level IV Trauma Center is to have a system to respond to traumas. Traumas can be anything from a fall with internal injuries or head injury or a motor vehicle accident; there could be a number of things along those lines. But what we had to go through to become designated is to have a system of response to these traumas with our partners in the field, so before they come to Carson Valley Health for care, have a system within the hospital to address them without delay, and then with other regional facilities where patients may have to ultimately be transferred depending on the significance of the trauma. We also had to provide special training to our staff and also provide the right equipment to support these types of care scenarios. So we've invested in all of those things. All of our emergency room nurses are trauma certified, so you will get the same level of care at any time of day that you come into our facility. We've also invested in some medical imaging technology. We recently acquired a second CT, which is an essential piece of imaging equipment in a trauma scenario, so we have that back up. And what that has done for our community and our organization is we have seen an 18 percent increase in traumas come through our facility that would have gone elsewhere before and we've seen a decrease of transfers out of our community hospital, so we are able to keep more patients being cared for locally.

Ms. Rogers continued the presentation and covered the following topic:

- LOOKING AHEAD
  - 10 YEAR FACILITY MASTER PLAN – SIGNIFICANT INVESTMENT INTO THE COMMUNITY SPECIALTY RECRUITMENT & GROWTH PLAN

Ms. Rogers speaks:
That will be coming out in the months to come and we're very excited about some of the opportunities we are exploring. I can share from the Carson Valley Health side that we'll focus primarily on increased

UNAPPROVED

behavioral health services and increased oncology cancer care services, so we're very excited to bring those opportunities forward.

Ms. Rogers continued the presentation and covered the following topic:

- KEEPING CARE LOCAL
  - CVH is committed to investing in our community and continuing to serve the 48,000 patients who chose CVH for their healthcare needs.

Ms. Rogers speaks:
That concludes my presentation and I'm happy to answer any questions.

To review Ms. Rogers' full presentation please see the Agenda Packet material.

Chairman Gardner speaks:
Wow, you do a lot and very comprehensive and I don't know that our community understands it and certainly I don't. The only time I go to the hospital is when I'm taking my wife generally.

Laughter was heard.

Chairman Gardner speaks:
So anyways, Commissioners? Commissioner Hales.

Commissioner Hales speaks:
I really love keeping care local. I think that's great and appreciate so much of what you do. As I read through the presentation in preparation I focused on this statement, first critical access hospital in Nevada designated as Level IV Trauma Center. I didn't understand what a critical access hospital was, so I looked it up, but maybe you would explain.

Ms. Rogers speaks:
Yes, absolutely. A critical access hospital is, it's actually a designation from the federal government and it is to support hospitals in rural settings who oftentimes have a higher level of overhead than hospitals, overhead per volume compared to our more urban hospitals in the state and so we do have a different reimbursement structure to support that type of care that we provide.

Commissioner Hales speaks:
So basically what we know about this is you're the first more rural, maybe phrased imprecisely but more user friendly, as the first rural hospital to be a Level IV Trauma Center.

Ms. Rogers speaks:
Yes, perfectly phrased, that's correct.

Commissioner Hales speaks:
Okay, and I just think what this means to us is shorter time, if there's an accident or incident here shorter time between that and getting treatment, which is by its very nature lifesaving and so this is very exciting and it represents a lot of hard work by everyone, including all the nurses who had to do the additional training. And just everyone in your organization is just great, so thank you.

UNAPPROVED

Ms. Rogers speaks:
Great. Thank you. Yes, and any sort of emergency, but particularly traumas, minutes matter, seconds matter and so to your point all of this work is really advancing the level of care that we can provide. So thank you for those comments.

Vice Chairman Tolbert speaks:
So you mentioned the expansion and the increase in mental health and since we have Suicide Prevention here today, I think it's maybe, can you elaborate on that? And I know there's also, you're doing work, but I'm not sure the success is in your youth mental health services, so could you touch on those?

Ms. Rogers speaks:
Yeah, absolutely. Currently we have outpatient behavioral health services, both for all ages, and then we have a specific geriatric program. That clinic, that service is very, very busy. We continually work to recruit providers to take care of the needs in our community. One thing I didn't mention is Carson Valley Health was a recent recipient of some of the rural health transformation funds and what we will be using a portion of that for is to recruit more behavioral health providers, amongst other types of providers, but really focusing on behavioral health therapists and providers to come in and do that hard work for us. So that's one thing, it's a service line we already offer. What we're looking at in the expansion plan is to continue to build upon that service but also add an inpatient behavioral health unit so if patients do need to be admitted we can offer them some specialized care.

Chairman Gardner speaks:
Ms. Rogers, I know that our Sheriff's Department is a collection point for unused and expired medications; do you offer those same services at your hospital?

Ms. Rogers speaks:
We do. We do have a collection box outside of our emergency room, so it's available 24 hours a day, seven days a week and it is in conjunction with the Sheriff's Office.

Chairman Gardner speaks:
I think that's an important thing to highlight for our residents who have, you know, as our population ages we may have unused or expired medications. Please do not dispose of those improperly. They need to be disposed either at the Sheriff's Department or at Carson Valley Health. Does that service exist also at your clinics?

Ms. Rogers speaks:
It does not. There's some very specific regulations around that so we do want to keep it in our 24-hour location that's monitored.

Chairman Gardner speaks:
Very good. So I hope our public is picking up on that idea. So thank you. Any other questions, Commissioners? Commissioner Rice, I know you're in the hospital.

Laughter was heard.

Chairman Gardner speaks:
Not in this hospital, but you're in the hospital. Any observations or questions for Ms. Rogers?

Commissioner Rice speaks:
No. I just wish that our County insurance covered me to go to local care centers, but that's another story and I'm not going to go into it.

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Chairman Gardner speaks:
But I think Ms. Vido's here today, so she's hearing that.

Laughter was heard.

Chairman Gardner speaks:
So, thank you. Okay. If there's no other questions or comments or observations, thank you very much for your presentation and hopefully we can do this on a little bit more often basis.

Ms. Rogers speaks:
I would look forward to that. Thank you very much.

Chairman Gardner speaks:
Okay. As things change down there. So thank you. Thank you for what you bring to the community.

RESULT:	**PRESENTATION HELD**

Chairman Gardner speaks:
So five-minute break? Quick break. Let's take a five-minute break. We'll come back at 11:05 AM.

A break was held.

Chairman Gardner speaks:
If I can get the Commissioners to return to their seats so we can get back into the meeting.

11.3 For presentation only. Presentation on the expansion of Big Brothers Big Sisters of Northern Nevada, Inc. into Douglas County, including the organization's plans to serve local youth through one-to-one mentoring relationships and an overview of current efforts to recruit adult volunteers to become Big Brothers/Big Sisters in the Douglas County community. (Derek Beauvais, Chief Executive Officer, Big Brothers Big Sisters of Northern Nevada)

Chairman Gardner read the agenda item into the record.

Derek Beauvais, Big Brothers Big Sisters of Northern Nevada Chief Executive Officer, speaks:
That was really good. You nailed it first time, good job.

Chairman Gardner speaks:
Really. Okay. I took French in high school. That's been back in the last century, so a long time ago. Welcome, Derek.

Mr. Beauvais speaks:
Yeah, welcome. Thank you very much. Good morning, Chairman and Commissioners. Thank you for the opportunity to be here today. I'm excited to share that Big Brothers Big Sisters of Northern Nevada is officially expanding back into Douglas County. For more than a decade, Big Brothers Big Sisters has not had a consistent presence in Douglas County and we're incredibly excited to change that. At the heart of what we do is a very simple idea, every young person deserves someone in their corner. Our organization connects young people with caring adult mentors, big brothers and big sisters who invest their time, build relationships, and help young people see what's possible for their future. These relationships don't have to be complicated. Sometimes it's grabbing a burger, going for a walk, playing a game, talking about school, or simply being someone a young person knows they can count on. But those small moments

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have a tremendous impact. Our goal in returning to Douglas County is to build strong, sustainable, mentoring relationships that support local youth and give families another resource in their community. We see currently in our service areas that youth with similar backgrounds and similar socioeconomic status to our kids are graduating at a 51 percent rate. Our program is graduating at a 92 percent rate over the last eight years. We're excited to bring that impact to Douglas County and we know to make this successful we can't do it alone. Last week, we had the opportunity to meet with key members and leaders of this community, including Douglas County Sheriff, leaders from Juvenile Probation, Alicia Main from the Carson Valley Chamber, a Boys & Girls Club board member, and Commissioner Tolbert, who has been working with us diligently. It's been an internal process that's taken us over a year to apply with our national office to serve this zip code and county and service area. So really thank you for your work and dedication to help bring us to Douglas County. Those conversations have reinforced something we've already believed in, there's tremendous interest and support in this community for mentoring. We are now actively recruiting adults through Douglas County who are willing to step up and become a Big Brother or Big Sister; we even got our first inquiry last week. So our initial goal is to recruit, enroll, and onboard a minimum of five Douglas County Bigs by the end of this calendar year. Five may sound like a small number, but we look at it differently. Five adults means five young people with an additional caring adult in their lives, five relationships that can grow over time, five opportunities to help a young person feel supported, encouraged, and believed in. And then we build from there. We're also incredibly grateful for the financial support that is making this expansion possible. Eaglemark Savings Bank, Harley-Davidson Financial Services have stepped up to support this effort, along with the Rural Health Outcomes Accelerator Program, providing critical resources to help us establish and sustain mentoring relationships in a rural community. That support is especially important because expanding into a rural community requires us to think differently. We have to be intentional about how we recruit volunteers, how we connect with families, and how we make mentoring accessible across Douglas County. Our goal is to add value to Douglas County and to not pull resources out of it, so that's why we wanted to secure funding before entering this county to make sure that we are not trying to pull any resources or dollars out of the community. But most importantly, we need people. We need adults who are willing to say, I have a little time to give and I'm willing to make a big difference in the life of a young person. You don't have to be a perfect role model. You don't have to have all the answers. You just have to be willing to show up, be consistent, listen, and care; that's what being a Big is really about. So today I want to thank the Commissioners and the many community leaders who have already welcomed us back and are helping champion this effort. And I want to extend an invitation to everyone in Douglas County if you've ever thought about mentoring a young person, now is the time. We are actively recruiting Big Brothers and Big Sisters and we would love to have you join us in getting the power of mentorship back in Douglas County. We're excited to be back, we're excited about the partnerships we're building, and most importantly we're excited about the young people whose lives will be impacted because adults in this community chose to step up. Thank you for welcoming Big Brothers Big Sisters back to Douglas County. We look forward to being part of this community for many years. And I'm happy to answer any questions that you guys have.

To review Mr. Beauvais' full presentation please see the Supplemental Meeting Materials.

Chairman Gardner speaks:
Thank you. Commissioners, questions? Commissioner Rice.

Commissioner Rice speaks:
Yes. One thing I didn't hear mentioned is the facility that they have and how they acquired that facility.

Mr. Beauvais speaks:
You might be referring to Boys & Girls Club. Big Brothers Big Sisters only has one facility and we are located in Reno, Nevada on Mill Street.

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Commissioner Rice speaks:
Okay, my misunderstanding, because we just opened a Boys & Girls Club over off of Lucerne.

Mr. Beauvais speaks:
Yeah, separate agencies, but we are partnered with Boys & Girls Club throughout the community and across the country.

Commissioner Rice speaks:
Okay. Thank you.

Chairman Gardner speaks:
Commissioners?

Vice Chairman Tolbert speaks:
So if we want to get Bigs, the first question is, what's the commitment? Can you review what that is and then what's the process to become a Big?

Mr. Beauvais speaks:
Yeah. So the commitment to be a Big is four to six hours a month and you commit to at least one year in the program. Right now, our program is recognized as one of the top one percent in the country among 240 other Big Brothers Big Sisters for our quality and our impact, which means that we are keeping our matches together on average for four years. But we're asking for volunteers when they sign up to commit to four to six hours a month and what we call a minimum of two match outings. So you're spending time with your Little every other week for a couple hours each month for a minimum of one year. The process for signing up to become a Big is if you go to our website there's a link at the top that says become a Big, you click on that, you'll fill out an inquiry, and my staff will contact you within 24 hours. You'll complete an orientation, an interview, criminal background check, and training before you're enrolled into the program.

Vice Chairman Tolbert speaks:
And what if, I have overcommitted my time now, but I know that somebody might be a good mentor, how do I get them involved?

Mr. Beauvais speaks:
Yep, there's also a link on our website called nominate a Big and so you can click on that and you can nominate anybody to be a Big. And honestly, that's our biggest success rate of how we recruit Bigs. So 60 percent of the people that are nominated to become a Big actually follow through in the process because they… What you'll do when you fill out your nominated Big form is you're going to tell why you think that other person is a Big. So then we're going to call that individual and explain to them who nominated them and why. And once they see that somebody else believes that they can have an impact they're more likely to sign up to become a Big.

Chairman Gardner speaks:
Well, you know, I was just going to make an observation, so you don't have to be as big as he is to do this, right?

Laughter was heard.

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Mr. Beauvais speaks:
So yeah, our youngest Big is 18 and our oldest Big is 84, so it's a wide range of individuals that sign up. So there's not like a prototypical Big Brother or Big Sister out there, it's anybody who has the time and is willing to give back and spend time with a young person in the community.

Commissioner Hales speaks:
I just want to clarify, when you say four to six, you're saying four to six not 46?

Mr. Beauvais speaks:
Correct. Yeah, four to six hours a month. So you're spending time with your Little maybe twice a month for a couple hours each time.

Commissioner Hales speaks:
And I just want to note that a few years ago, which is probably a few, actually more than a few as time is accelerating, but I did serve as a mentor for a couple of high school girls, one after the other, and it was, there was not a process or an organization in place that made it easy to do. So while I had the desire, I had to work hard to put it in place. So I'm really, really pleased that you are here and that Vice Chairman Tolbert has worked to bring you here. And I'm excited for the good that you will do, you/we will do, because I will nominate some Bigs.

Mr. Beauvais speaks:
Wonderful.

Commissioner Hales speaks:
Maybe eventually be a Big. Maybe in about four and a half years I will.

Mr. Beauvais speaks:
Wonderful. We're excited to be here and thank you so much.

Chairman Gardner speaks:
Yes, in all our spare time. So yeah. Okay, very good. If no other questions… Commissioner Tarkanian? No. Okay. Thank you so much for coming and thank you for bringing this program to Douglas County, very important.

Mr. Beauvais speaks:
Yeah, thank you for having me.

Chairman Gardner speaks:
Thank you. Okay. Don't overlook that, folks, if you're looking for something to do in our county.

RESULT:	**PRESENTATION HELD**

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COMMUNITY SERVICES

12.1 For presentation only. Introduction of Ordinance 2026- 1672, an ordinance creating Chapter 20.850 of the Douglas County Code, pertaining to Art in Public Places; and a zoning text amendment to Section 20.660.050(N) of the Douglas County Code, decategorizing "murals" as a "use of community significance." First Reading. (Brook Adie, Community Services Director)

Chairman Gardner read the agenda item into the record.

Brook Aide, Community Services Director, speaks:
Good morning. Thank you for allowing me the opportunity to present the first reading of the Title 20 Art Code. This was a joint effort by Community Services, Community Development, AJ Hames from the DA's Office, the Town of Minden, the Town of Genoa, Main Street Gardnerville, Carson Valley Arts Council. We all came together and reviewed this and it's been in the works for quite some time as a result of the approval of the Public Art Plan, which happened in 2023, and so we are happy to be able to bring this forward. And I will come back, I think the first meeting in October, and do a full presentation, but I'm happy to answer any questions if there are some.

Chairman Gardner speaks:
Commissioners?

Vice Chairman Tolbert speaks:
I do have one, just to clarify, because there's been the Public Comment out there, so the coincidence of the time with the mural at the art center. So that actually went through the existing process to be done, which even highlighted more the need for this; is that correct? I just want to make sure people, this isn't trying to go fix something that was already done, that one went through the proper channels that are in place, now we're trying to improve those channels.

Ms. Adie speaks:
Yes, thank you for the question. Creating a Public Art Code in Title 20 has been something that has been talked about for several years. This has been in the works for at least the last year with the individuals that I have identified creating a program moving forward for how you get murals and public art. The mural at the Community Arts Center went through the existing, what is in Title 20 today, process through a Special Use Permit. We went to the Planning Commission. We went to the Town Board of Minden. We went through all of the appropriate steps as identified in the code today. This is setting new standards moving forward.

Chairman Gardner speaks:
Yeah. And so what I would like to say in that regard is this is something that I recognized when I first became a Commissioner in 2021 and then started talking with the folks with Main Street Gardnerville and the Chamber of Commerce in discovering that our mural ordinance is tied up in our sign ordinance in Title 20 and I've been trying to work on this for six years now. I often say that government works slower than a sloth covered in molasses in the dead of winter. Okay. But this is finally coming and I'm so glad to see it. And yes, the timing is very coincidental, it has nothing to do with that. So anyways, I'm glad that we're finally separating that out and so I look forward to the actual ordinance coming to us in another month or so. So anyways, thank you for finally doing that, hanging in there. Okay. Thank you. Any other questions, Commissioners? Okay. Thank you very much for staying on this.

RESULT:	**PRESENTATION HELD**

UNAPPROVED

12.2 For possible action. Discussion to review the Roots & Wings Preschool Program at Kahle Community Center and provide direction regarding possible changes to the program and fee structure for the 2027- 28 school year. (Brook Adie, Community Services Director)

Chairman Gardner read the agenda item into the record.

Brook Adie, Community Services Director, speaks:
Good morning. Thank you again for allowing me the opportunity to be before you to talk about our Roots & Wings Preschool Program. As Mr. Sinner stated in Public Comment, we did have a meeting earlier this week on Tuesday with our Parks and Rec Advisory Board and where some direction was given at that time. I'm going to share a lot of the information with you all today that I shared with them and then I will let you know what sort of direction and advisement the Parks and Rec Advisory Board had given for you guys to then decide how we move forward. So this conversation is about our Roots & Wings Preschool. This is a preschool that is up in our Kahle Community Center.

Ms. Adie began the presentation and covered the following topics:

- Preschool Evaluation
- Roots & Wings Preschool
  - Why this program is valuable?
  - What is the financial status of the program?
  - Should we charge a non-resident fee?

Ms. Adie speaks:
In talking about the model, there are a number of individuals in the program who are California residents and so this has come up multiple times where how do we support California residents and what sort of fees do we charge? So I'm going to talk about all of those things as we go through the presentation.

Chairman Gardner speaks:
Commissioners, if you have questions of Ms. Adie during the presentation please go ahead and take the opportunity to do so rather than waiting until the end.

Ms. Adie continued the presentation and covered the following topics:

- COMMUNITY VALUE
- Roots & Wings: A Legacy Program
  - For more than 30 years, Roots & Wings has provided a trusted early-learning option at Kahle Community Center while helping children build confidence, independence, and school readiness.
  - Why the program matters
    - Trusted local option
      - Long-standing preschool presence in a familiar public facility.
    - Play-based development
      - Daily learning experiences support social skills, creativity, independence, and school readiness.
    - Flexible access
      - A morning, part-time model fills a different need than full-day child care.
    - Community identity
      - Shows Parks & Recreation's role in serving children and families across generations.

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- Board takeaway: The program has clear public value; the policy question is what level of County contribution and risk is appropriate.

Ms. Adie speaks:
At the Parks and Rec Advisory Board we had several parents come up and give Public Comment about the positive impact this program has had on their children who have transitioned. Many of them have multiple children, so they are bringing multiple children through this program. And those that have moved on to kindergarten, they talked extensively about how ready their children were and how they are excelling when they finally go into school because of all of the base foundational skills that they've learned in this program. This program, it is very clear that it has a community value, nobody is questioning that, but what brought us here today was when we started evaluating the cost for the program, the revenue for the program, which is what I'm going to get into a little bit more, but this is a very important, very valuable program that has impacted many children for the last 30 years up at the Douglas County area in Stateline.

Ms. Adie continued the presentation and covered the following topic:

- Roots and Wings History
- Started Mid 1990's and operated under a full direct cost recovery model.

Ms. Adie speaks:
So when the program started, it was a County program, and then it was a contracted program, and then it went back to being a County program. What was discovered at the time it became a contracted program is that it just really wasn't feasible then to be a successful operation as a contracted entity.

Ms. Adie continued the presentation and covered the following topics:

- This program has historically covered all expenses of program staff, supplies, and materials for program.
- This program was designed to introduce children into a school structured environment prior to kindergarten.
- The County's preschool is a voluntary, part-time preschool program intended primarily to introduce young children to a structured educational environment before they enter kindergarten or elementary school. It is important to distinguish this type of program from services that address an essential community need.
- This was not designed to be a childcare program. For example, the County's Kids Club program which is designed to provide a safe and supervised environment while parents are working. Thereby supporting working families and the local workforce.
- Kids club program operates on a recovery model and provides an essential service to working parents and the economy of Douglas County.
- Over the last 30 years there has been a decline in the population of young families and school aged families at the Lake.
- The decline in the population of children and families eligible for the preschool program has had a direct impact on enrollment and, consequently, on cost recovery. A program that historically covered its direct costs and generated revenue has now reached a point where it requires a significant contribution from the operating budget of the room tax fund and the Kahle Community Center.

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Ms. Adie speaks:
I think we see that when we're looking at the school where at one point Whittell was able to have a football team and then a few years ago they had six kids graduate as a senior class. So there has been a decline, which I'll show you, in our enrollment and kind of where our enrollment sits.

Ms. Adie continued the presentation and covered the following topics:

    - The program has incurred significant increases in cost to run over the last 5 years.
- Context
- Why This Evaluation Is Needed Now
    - Two separate issues are converging: financial sustainability, and enrollment utilization.
    - $222,418.82
        - FY25/26 total cost
        - Last fiscal year. Salaries, Supplies, Materials.
    - $71,512.59
        - FY25/26 revenue
        - 32.2% cost recovery
    - 13.8
        - Avg. children/day
        - 65.7% of 21-child capacity. 30% are CA residents.
    - $150,906.23
        - Total County Contribution 25/26
        - At last year's actual revenue level, the County funded 67.8% of total program cost.
    - Contributing factors for program evaluation
        - Directed by County Management and BOCC to look at 5-year projections department wide and by program.
        - Enrollment has been well below the 21-child licensed capacity, limiting revenue.
        - Need to asses community need for preschool programming.
        - Revenues are not keeping up with expenses in the preschool.
        - Staffing recruitment challenges over the last 5 years.

Ms. Adie speaks:
At the end of the last school year, we sent letters to the families saying we were going to evaluate the program to see if it was something that was going to continue and if it was maybe we were going to have a later start. And we got a lot of feedback from a lot of parents that were very upset because this is such a treasured program that there was an outpouring of support for it and so what that did, it caused us to sort of hit pause and say, okay, this program is funded for this fiscal year, so July 1, 2026 through June 30, 2027, let's go ahead and operate the program as is this year because it is funded and let's look at how we structure the program in future years to help offset some of that cost and for sustainability.

Ms. Adie continued the presentation and covered the following topic:

- COMMUNITY VALUE
- What We Have Done So Far
    - Douglas County has already taken steps to reduce costs, increase enrollment, and gather community input before asking the Board for long-term direction.
    - Adjusted staffing model
        - Moving from three teachers to two, creating significant cost savings.

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Ms. Adie speaks:
We're still meeting our ratios, but we have two teachers in the program now and we're looking to hire some on call staff to be able to bring them in case we have a teacher that's sick or goes on vacation because we can't go below those two, we need to be able to keep our ratios. We've also trained several of our front desk counter staff. So our preschool teachers are actually Rec Leader Seniors, which is also what our front counter staff is. So we have trained some of our front counter staff to also fill in if needed.

Ms. Adie continued the presentation and covered the following topic:

- Launched enrollment campaign
  - Advertising Roots & Wings to help fill available preschool spots for the current year.

Ms. Adie speaks:
I think there is a disconnect between our communication and the community out there. Everybody thinks that this program is full and there's waitlists and so maybe people aren't even trying to get in. So we're making some efforts to say, hey, we have a preschool, we are open, we have capacity, please come and sign up. I'm not sure if we've had any additional kids sign up since we've launched that campaign, but we're going to continue to do so.

Ms. Adie continued the presentation and covered the following topics:

- Seeking grant opportunities
  - We have applied for several grants to support this program and are actively looking for additional resources.
- Engaged the community
  - Held a community meeting to hear questions, concerns, and ideas.
- Surveyed preschool families
  - Asked current families for feedback on what program structure, cost structure best meets community needs.

- CURRENT MODEL
- Roots & Wings: Current County-Operated Model
  - A voluntary part-time preschool program built around school-year, morning-only care.
  - Program at a glance
    - Licensed developmental preschool for children ages 2–5.
    - School-year schedule: 36 weeks, 9:00 a.m.–12:00 p.m.
    - Current fee: $34 per day; families select the days they attend.
    - Licensed capacity: 21 children per day.
    - Play-based curriculum focused on social development, creativity, independence, and
    - school readiness.
    - Staffed by Douglas County employees.
    - Program has operated from Kahle Community Center since the mid 1990’s.

Commissioner Tarkanian speaks:
I’m sorry, Brook, how many kids do we have now and how many are California kids?

Ms. Adie speaks:
Right now, we have 24 families registered and 11 are California, but I'll go into the breakdown of how many kids we have each day in a couple future slides, if that's okay?

Ms. Adie continued the presentation and covered the following topic:

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- What makes this model distinct
  - Part-time
    - 3 hours per day; school-year rather than year-round.
  - Flexible enrollment
    - Parents can select individual weekdays instead of a fixed 2/3/5-day plan.

Ms. Adie speaks:
One of the other things that have happened to caused us to look at this program was Douglas County School District opened up a pre-K program at Zephyr Cove Elementary School and we thought, wow, this is great, if this program were unable to continue families have another option. Resources are so limited at the Lake that we thought if we could really get some families to sign up for the Zephyr Cove program that would be a really great alternative if we were unable to continue this program. What we heard from the families is the program at Zephyr Cove and the program at Roots & Wings are not apples to apples, they are different programs. The program at Zephyr Cove Elementary School is really for four- and five-year-olds and it's an all-day program. The program at Roots & Wings, we can take three- to five-year-olds. So it's really that gap of finding a place for three-year-olds to go to be able to get some preschool and prepare them for a full day classroom and it's a part day program, it's three hours a day. We did get a lot of feedback from families that they really did not believe that their three-year-olds were ready for a full day program. So that's what this program does, it meets that need for those families.

Ms. Adie continued the presentation and covered the following topics:

  - Public operation
    - County carries staffing, licensing, and operating cost.
- OPERATING MODELS
- Contracted Preschool Model
  - Sagebrush Sprouts serves as a preschool although it is a day care to many of its participants- not a one-for-one program comparison.

Ms. Adie speaks:
This preschool is contracted through the County and they hire their staff, they train their staff, they really operate independently.

Chairman Gardner speaks:
So the only thing we really provide at Sagebrush Sprouts from a County standpoint is the facility. Do they pay us for the use of that facility?

Ms. Adie speaks:
Yeah. So Sagebrush Sprouts is a year-round program and it's a full day program. They do have half day options and they do do some preschool curriculum, but they really are a daycare model where Roots & Wings is a preschool. It is just a preschool. They do preschool curriculum. The way that Sagebrush Sprouts works is that we have a contract with them to operate the program. County staff does all of the enrollment, we collect all of the funds, and then we give the revenue minus 11 percent, we keep 11 percent of the revenue, back to the preschool teacher who hires her staff, who pays her staff. So when you look at this revenue the Sagebrush Sprouts Preschool brought in $193,000 last fiscal year.

Chairman Gardner speaks:
Could that model not work up at Kahle?

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Ms. Adie speaks:
I will talk about that in a little bit, yep. So if you look at the Sagebrush Sprouts and the amount of revenue they brought in there are a couple caveats and differences between that program and Roots & Wings; one is that it's a year-round program. Roots & Wings does 36 weeks a year. Sagebrush Sprouts does year-round. Two, their space is bigger so they can hold more children. They are able to serve more kids, because if you look at the rate, the rate isn't that different, they do $35 a day for part time, $40 a day for full time, but they do require a five day a week enrollment where Roots & Wings has a minimum of a two-day enrollment. So looking at Roots & Wings, it's a program that goes from 9:00 AM till 12:00 PM. It's 36 weeks out of the school year, $34 a day, and then parents get to select what days they bring their kids as long as it's a minimum of two. But when they enroll and I say, I want to have my kid come on Tuesday and Wednesday they're locked into Tuesday and Wednesday the whole rest of the year. They can't decide Tuesday, Wednesday this week, Wednesday, Friday next week, they're locked into those days. And so at $34 a day, the rate that we have, $72,000 of revenue was brought in through the County operated model.

Ms. Adie continued the presentation and covered the following topic:

- ENROLLEMNT
- Enrollment History
    - The last completed school year averaged 13.8 registered children per day against a licensed capacity of 21.

Ms. Adie speaks:
This is how our enrollment has looked over the last couple of years. In 2023/24 is when we had a shift where Shelly, who was our Preschool Director, she had been doing it since it opened, retired. We had several staff that left when she left and so we've had to sort of rebuild the program. But if you look at the enrollment we average about 13, 14 kids per day in the program even looking back a few years ago. Some other things that have changed since 23/24, when Shelly retired a lot of her staff went with her. We really struggled to fill those positions because the Preschool Teacher positions were 19 hour a week positions that don't have any benefits. So we had one Preschool Director and we had one 29-hour Teacher who were running the program. They did an amazing job. They were still able to serve this number of kids. And what we did on the County's end is we said, hey, we're really struggling with these 19 hour a week positions, we need to do something to get a better pool of recruitment. So we combined some 19-hour positions, making 29-hour positions, which now receive benefits, so that cost increased. But we still struggled and it took us a year to hire one of those individuals. Right now where we are, we have two Preschool Teachers, a Preschool Director. Preschool started today, or no, yesterday was the first day and we're ready to go this year. But over the last couple years there had been some struggles with staffing. We did some combination of some positions and that kind of increased our cost too. But here's a look over history about how many kids we've had in the program year after year.

Ms. Adie continued the presentation and covered the following topic:

- MARKET CONTEXT
- Preschool Price Benchmarks
    - Roots & Wings is a 3-hour, 36-week program; most market datasets report full-time or full-time-equivalent care.

Ms. Adie speaks:
We did some research also on how does our rate compare to other preschools in the county? How does it compare to the state? How does it compare to national preschool rates? The data that you see on here is from 2022, on the United States one it is from 2025, but we actually called several preschools in Douglas

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County and we're kind of right there with what they are charging. So it's like the average is about $34 a day, which is what we're charging right now. So when we're trying to figure out are we priced too high, are we price too low, we're kind of right in the range of where other people are pricing. It is a little bit difficult because most of the models that we look at are daycare models. This is such a unique model that is only preschool for three hours a day.

Ms. Adie continued the presentation and covered the following topic:

- Cost Recovery Scenarios Based on Historical Average Enrollment
  - What daily tuition would be required if 14 children paid for all 173 school days?

Ms. Adie speaks:
So looking at what we're charging, looking at our capacity that we've had for the preschool, we put together some numbers to say, hey, if the County needed to recover 80 percent of the cost and we had 14 kids per day in the program we would have to charge $60 a day for the families. If you wanted to recover 100 percent, so there have been comments I've heard about California residents should pay the full price and I believe Mr. Sinner referenced this this morning that if we said we have to cover 100 percent of the cost, yeah, the rate would have to be $75 a day if we continue to be at this average of 14 kids per day. What's happening right now? So this year we did increase the rate by $1, which is getting us an additional $10,000 in revenue from last year. So we've been able to lower the cost of the program by eliminating one staff by about $40,000 and we've been able to bring in $10,000 more in revenue by adjusting the cost by $1. If we continue at the pace that we're at with about 14 kids a day here's some ideas of rates that would need to be charged to determine how much of a County contribution there would be to support the program.

Ms. Adie continued the presentation and covered the following topic:

- Cost Recovery Scenarios at Full Daily Capacity Starting FY 27/28 School Year
  - What daily tuition would be required if 21 children paid for all 173 school days?

Ms. Adie speaks:
If we were to be at capacity and we were to have 21 children a day in the program, which is the goal in order to cover our full cost, which is that $181,000, we would charge $50 a day. If we needed to recover 80 percent of our cost, we could charge $40 a day. If we were even at full capacity and charging $34 a day, we would be able to increase our revenue to about $123,000. So there are a couple factors at play; one is being able to get at capacity, but two is to be able to find a rate that addresses the amount of funds that the County is contributing to this program.

Ms. Adie continued the presentation and covered the following topic:

- CONTRACT OPTION
- Contracting: An Option to Explore
  - A Request for Proposal (RFP) would test the market before any transition decision is made.

Ms. Adie speaks:
Commissioner Gardner had asked about what if we did a private contracting option up here at the Lake. We know that they tried that before and it didn't quite work, but it's been 30 years so is there an opportunity to look at this again; I do have somebody that is interested in a contract option.

Ms. Adie continued the presentation and covered the following topic:

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- Potential advantages
  - Transfers day-to-day preschool staffing and recruitment responsibility to the contractor.
  - Could support a different service model, including longer days or year-round operation, if desired and feasible.
  - Allows the County to negotiate revenue share, facility use, insurance, program standards, and performance expectations.
  - Provides a backup path if enrollment or staffing makes County operation difficult to sustain.
  - County oversight to ensure all State Licensure requirements are met.
  - County will be responsible for managing enrollment and collecting fees.
  - County will approve tuition pricing and operating schedule.

Ms. Adie speaks:
The feedback that we got from the families, if we go to a contract model, are they going to have the same teachers? No, they probably won't because the new Preschool Director will hire their own teachers. Will we have the same curriculum? Maybe because in the process of negotiating with a contractor we can set some parameters about what type of preschool we would like to see, what are the hours, what are the rates. Those are all things that get approved by the County as we go into the contractor. So we would still approve the tuition and the operating schedule.

Ms. Adie continued the presentation and covered the following topics:

- Potential Disadvantages
  - Is there enough demand to meet enrolment expectations for contractor.
  - Contractor may struggle to hire qualified preschool staff at wages comparable to area.
  - Potential for gaps in services with contract defined notice.
  - The preschool director is not required to follow county hiring practices.
  - The preschool director cannot use county staff as back-up in an emergency.
  - Timing: Any contract transition should be planned for a future program year (no earlier than 2027/28), not during the current 2026/27 school year.

- CONTRACT OPTIONS
- Contracting: Selecting a Contractor
  - A Request for Proposal (RFP) would test the market before any transition decision is made.
  - Information Gathered from RFP
    - Is there qualified operator interest in the Tahoe Basin?
    - What tuition would be proposed?
    - What operating schedule would be proposed?
    - How would licensing, transition, quality standards, and continuity for families be
    - handled?
    - What revenue and facility-use terms are appropriate for operations?
    - What curriculum and teaching philosophy would be used?
  - What does RFP Process Look Like:
    - Release RFP in the fall/winter.
    - Evaluate applications and select contractor.
    - Negotiate contract terms.
    - Contract approved by BOCC in spring 2027.
    - Contractor prepares for preschool opening fall 2027.
    - Timing: Any contract transition should be planned for a future program year (no earlier than 2027/28), not during the current 2026/27 school year.

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- COMMUNITY INPUT
- Family Survey Results: What We Heard
  - Main message: families value Roots & Wings, but flexibility, affordability, and schedule options are central to any fee change.
    - 86% said flexible day selection is very important or essential
    - 90% would remain enrolled if a 3-day minimum commitment was required
    - 67% would be somewhat or very likely to use extended-day care
  - Top Themes
    - Families chose the program for quality teachers, reputation, small class size, and curriculum/philosophy.
    - A reasonable increase appears possible, but support depends on the amount and preserving practical schedule options.
    - Drop-in or occasional extended care had the most support among extended schedule options.
  - Board Policy Takeaways
    - Consider a phased rate increase rather than a single large adjustment.
    - If moving away from individual-day selection, keep both 2-day and 3-day blocks under consideration.
    - A non-resident fee could improve cost recovery while keeping the resident rate lower.

Ms. Adie speaks:
Some of the other feedback that we got from the survey, there were families that said charge California residents more. There were families that said a modest increase in the daily cost would be okay or maybe we make a raise this year and then we sort of do a little bit each year to get us to a certain point. The comment that was made previously by Mr. Sinner, which we had talked about before, about increasing the cost for a gym membership to support this program, our gym memberships support the staff that operate our gym. They support the equipment that goes in our gym, our equipment replacement and maintenance and so we are looking at doing some increases across the board. We're working with our Parks and Rec Advisory Board to come forward and with our fees and charges manual to propose some rate increases because it's been a few years since we've increased our memberships. But what has happened in those few years, staffing costs have increased, our facilities are getting older, our equipment needs to be replaced and maintenance and so those fees really go to support those types of things.

Ms. Adie continued the presentation and covered the following topic:

- BOARD DIRECTION
- Recommendation from the Parks & Recreation Advisory Board
  - The Parks & Recreation Advisory Board was not prepared to move forward with a rate recommendation at this time.
  - The staff and the public presented options that need to be vetted before an operating model and/or rate can be recommended.
  - Staff are being directed to release a Request for Proposal (RFP) to solicit a private preschool operator.
  - Staff will report back to the Board in January with the RFP results, and additional funding options for further discussion and direction.

Ms. Adie speaks:
One of the families had said the Kahle parking lot during 4th of July is insanely busy, why don't we charge that and have it go to the preschool? I don't know if all of these options are feasible, but these are the suggestions that the parents are coming back to us with. And so the Parks and Rec Advisory Board felt

UNAPPROVED

like there were some things that were presented that need to be vetted before we can make a decision and that's where we left the meeting off on Tuesday. And now, I'm here before you to provide you with all of this information and answer any questions you guys may have.

To review Ms. Adie's full presentation please see the Supplemental Meeting Materials.

Chairman Gardner speaks:
Thank you, Ms. Adie. Commissioner Rice, did you get all that?

Commissioner Rice speaks:
I most certainly did. I have just a couple of questions; number one, on the California side if one of our residents goes over there to use one of their facilities do we have to pay more than a resident?

Ms. Adie speaks:
Yes, the South Lake Tahoe Community Center, we actually took our Parks and Rec Advisory Board last month there for a tour and that is what we found is they have a different rate for Nevada residents, well, California residents and non-residents. So basically, anybody coming in who is not a resident of that area does have to pay a higher rate.

Commissioner Rice speaks:
I think they would agree appropriate for us to do the same. As far as the charging for parking on the 4th of July, good luck with that one. Anyway, no, I got all that. I just want to be very cautious that the people at the Lake don't see this as another, well, we're doing away with programs here and moving them down to the Valley and we're not getting our fair share. I wanted to really guard against that perception. Thank you.

Chairman Gardner speaks:
Thank you, Commissioner Rice. Commissioner Hales.

Commissioner Hales speaks:
Do we have any idea of the numbers of kids in terms of potential increases? Because right now, we're having an average of how many a day? 14. And it has room for 21. It would really help the program if we boosted that to 21. Do we have any idea of, I mean, I've heard that the birth rate has increased and that maybe there is a new flock of toddlers whose parents might be looking for this service, do we know? Are there numbers out there? I know you said you're trying to get the word out that there are openings, but how's that going and do you have any data?

Ms. Adie speaks:
I don't have any data right now, but I think that is one of the things that we need to vet to come forward in January and get information on. Mr. Sinner, in his presentation, has been able to gather some data. I will say anecdotally many of the moms who came to speak at the preschool have children who've come through the program, have children that are in the program, and have children that are expected to come to the program. Many of these families have multiple children and so there are definitely multiple families that are wanting to bring their kids here in the future. What the number looks like I can't tell you right now.

Commissioner Hales speaks:
Okay, then just a couple quick comments. I don't feel good about subsidizing California residents using our services, so I would support a change there. That said, I really support, I want to support families, families here in the Valley, families at the Lake, so if we end up not recovering every single dollar, I'm

UNAPPROVED

okay with that. I want to support families. There's merit, there are advantages in having young people in our communities and I want to support that. But I appreciate the work you're doing.

Ms. Adie speaks:
Thank you.

Commissioner Tarkanian speaks:
Okay. I got a couple questions, a couple statements. First of all, it is unfair for us not to charge California more. I think that's been the view of the Board. The problem is some of them are going to drop out, which makes it even more difficult for us to fill those spots. But you can't subsidize California and then expect Nevada taxpayers who aren't getting any benefit out of it to feel that's okay, but there's going to be a cause and effect to it. Second of all, these parents that are so into this program, there's a lot of them that have spoken, I think part of them need to get out and promote the program and get other kids to come and that should be a big portion of it. But this is a problem I have, I agree with everything Commissioner Hales is saying about this is an important program, you want to take care of the children, this and that, but we're talking about $145,000 for, you said there's a 24 kids in the program now, 11 are California, so for 13 kids the County is spending $145,000 for them out of the Parks and Rec program. How does that compare to other dollars that are being spent for the Parks and Rec program? And finally, I haven't heard anything from you about how much money is in the Parks and Rec fund and if we continue this program does it dilute what needs to be done in those other areas?

Ms. Adie speaks:
I'm contemplating how to answer, which to answer.

Commissioner Tarkanian speaks:
It wasn't really a question.

Ms. Adie speaks:
Okay.

Commissioner Tarkanian speaks:
Unless you know the Parks information.

Ms. Adie speaks:
All good points to look at. Thank you.

Vice Chairman Tolbert speaks:
I had the benefit of sitting in on that meeting with the Parks and Rec Advisory council. So one of the things that I took away from that that I didn't have and I don't think I would have from this meeting that I got from that is that this program is specific and comparing it to a preschool is not really what it is. It's more like if you consider it an art class that the County provided and people came into because it's specifically preparing kids for school and the parents are driving the kid to there at 9:00 AM and then hanging around doing whatever and picking them right back up at 12:00 PM so that they can participate in this program. It is not daycare whatsoever, it is specific. And there was one lady who was coming from Meyers, so she's driving a couple hours a day for three hours for her kid to come to this program because it is unique and it is very successful in what it does. When the kids come out they are, you know, evidentially it's what we've been shown, advancing and ahead of the class when they get into the class, so that's why the parents want to do it. And the other thing is there's a public perception and I think because they have waitlists and that was one of the things is, well, the waitlist is not a waitlist to get in, it's more of a reservation for your two-year-old to get in when they're three and so I think that has gotten out there. It's like, oh, I've been on the waitlist for over a year. Well, they've been on the waitlist over a

UNAPPROVED

year to make sure that their three-year-old gets in when they're three, not because it's all full. And not to knock our generation, but I work with the kids all the time, the younger generations tend to see a roadblock and stop and say, oh, you know, there's a roadblock. And so when these things are going out there they're not looking for, oh, well, what I'll find out for myself. They're being told, hey, there's a waitlist, well, I'm not even going to bother. So I think that public perception is something we need to overcome in order to fill these because there are allegedly a lot of parents that would like to get their kids into it, but they haven't even tried because there was a persona that this program is so elite that they can't get their kids in. So that's another one that I think if we could bust through, we probably would get more enrollment as far as that goes. But I also really want to make sure we think of it more of a program that we are offering that is highly successful in its results, it's just finding a way to fund it. And I don't know what that exact answer is and that's why I think the advisory board also said, well, we want to keep it if at all possible, we would like to see if we can find a way for it to cover itself and then if we have to get rid of it or cut it as far as the County goes the last resort would be it going to a third party or privatization. So that's why I think we're there. I think there's a lot of things to vet and maybe that parking thing could be, if those parents run it like the school does for the other one, the school people are actually the ones out there doing the work. So there's a lot of things to be vetted in that scenario. But that's kind of where I wanted to make sure we kind of got the perception that was the benefit of that it's not just a preschool for people to have a place to have their kids during the day, it's not, it is a specific program that they take their kids to to benefit their kids. It's not a, yeah, so think of it more like an art program or the basketball program or something like that that's a part of Kahle and who Kahle is. So that was my comment.

Chairman Gardner speaks:
Okay. So first of all, I want to say that I concur with the Park and Rec recommendations. I don't know enough about this program to make a lot of judgments at this time, so I think we need to gather a lot more information. But I need to ask the basic question that poses to me is, is this a function of County government? I think we need to address that. Is this a function of County government because I'm not sure it is and should we be involved in a preschool program? Commissioner Rice has indicated that we don't want to cut a service in the Lake that is available on the county floor, but we are not offering a preschool in the county floor, it's a different program, so it's not like we're doing that. So I have to question why this program isn't being run by the Douglas County School District who is in the schooling program, in the schooling process, that's their function. And I want to also understand, are we a singular program or is this service being offered in South Lake Tahoe or other surrounding jurisdictions? Is this a program available in Washoe County, Lyon County, Carson, Storey County, Churchill County or are we the only jurisdiction in this area? And if they are doing this, then maybe we need to take a look at their model. But my other thought process is rather than offering it on a, if we're going to offer it as we go into the 27/28 budget year, why do we make it available for five days when we only require the kid to be there for three days? Why don't we limit that to Tuesday, Wednesday, Thursday versus a five-day availability so that we can have the majority? You know, that's economies of scale, right, where we are offering a service for Tuesday, Wednesday, Thursday, or whatever the dates may be if it's three days or we require a five-day program, one of the two. I do concur with what my fellow Commissioners are indicating. I believe at least three of them have expressed it and I don't know that Vice Chairman Tolbert disagrees, but the aspect of us, Douglas County, supplementing the cost of non-Nevada residents, I don't know that that's fair to our residents. I don't know that that's a proper use of taxpayer dollars.

Commissioner Tarkanian speaks:
You don’t know that.

Chairman Gardner speaks:
I do know that, of course, of course it's not, right, it's not a proper use of, and we've done that, we've used that model in our Warrior Way parking structure with the school district and we say that if you're a Nevada resident, a Douglas County resident, then you don't pay for that fee, but other people coming from other

UNAPPROVED

jurisdictions outside of Douglas County are paying for that fee. So anyways, those are my concerns. I would encourage that we not really necessarily take, I don't know that we have enough information on this to really make a motion or do anything on that. The primary reason I think we put it on here for possible action is to allow the public to speak to this item and it's been a robust discussion, a very comprehensive illustration of the program. But I, once again, is this an essential service in Douglas County? I don't know. I need to be convinced otherwise, so anyways.

Commissioner Hales speaks:
Chairman Gardner, can I add a couple thoughts that have occurred to me? Okay.

Chairman Gardner speaks:
Remember, we do need to go to Public Comment.

Commissioner Hales speaks:
Right. At a cost of $150,000 last year, my little math exercise shows me that was over $6,000 per child that the County paid over and above what was brought in and if there were 11 California children that's $63,000 that went to non-Douglas County residents. I salute you for seeing this as a problem and trying to solve it because that, that troubles me, but I think you're well on your way. Regarding the idea of raising revenue, I'm a little uncomfortable with that. I'm a little uncomfortable with any one group saying, oh, so the County's considering cuts to our program; therefore, we want to devise ways to bring in income that help just us. I'm uncomfortable with that. That is not to say good ideas might generate revenue and maybe we should do them, but I'm uncomfortable with one special interest group figuring out a revenue source and claiming it as their own. So I really like the idea of recruiting and filling up or if we have to cut back to three days a week and families would have to adjust to whatever three days we were able to move to get the program more cost neutral, not that it has to be completely that way. But thanks for letting me add those additional… It seems like you're here for our thoughts, so those are my thoughts.

Chairman Gardner speaks:
Okay, any other questions before we go to Public Comment? Okay, let's go to Public Comment.

PUBLIC COMMENT

Jim Jackson speaks:
I'll share the title of Grinch with you, Commissioner Gardner. I'll share the title of Grinch with you. The program may be a very important program to a very few number of people. I relate back to when our son was in this position. We found a very good private school for him to go to, a very expensive private school. We knew that going into it. The County wasn't paying for it; we paid for it. But you have a problem of very few students and a very large cost and you're not going to get the two to come together from what I see of this. By the time you start charging enough to either California residents, which should actually charge more, they'll start finding other alternatives. If you set the price at here's where it needs to be to maintain this, they're all going to say it costs way too much money. Well, that's up to them to decide is it worth it for their kids or not. That's an individual choice; it's not something that I think the County can answer. We hear constantly the County does not have enough money to provide things to the rest of the county; roads, flood control, all those different things that benefit a large number of people. So here we have a very few number of people getting a fairly large amount of money and like you were saying, they think it's their revenue source. No, it's not, it's the revenue source for the whole county. It's a tough decision to make, but I think it needs to be looked at more on a business side; what do you need to charge to provide this service? And if we can't charge that much then that service can't be provided. That's tough saying, but that's just the way it happens to be. I don't know what your solution is going to be, but I do think that you have to consider is it a County government function to do this or is it a school board function? The school boards got its own problems. They're closing schools because they don't have

UNAPPROVED

enough money. The population is getting older in the county, not younger and everything, so I don't think you can look at future enrollment as going up. I don't know, like you said, we don't have enough information to really make any decisions on it at this point. But I think it needs to be considered, like you were saying, is it a County function first and foremost? And if it's not, then the County is out of it. If it is, then you got to figure out how to get more out of the people benefiting from it directly. Thank you.

Chairman Gardner speaks:
Thank you.

Ellie Waller speaks:
Good afternoon. I wasn't going to comment today, but it's interesting how this is playing out and it sounds like it's an exceptional model for maybe a contractor that needs to explore a business. We've discussed, and it was an exceptional presentation, Brook. Honestly, it's going to be a hard decision. This is also precedent setting for future issues that might come to this County. I'm deep in the Barton process and there is recommendations to use our transit center for potential parking for them, so it's the same kind of thing. If this County continues to be brought forward with issues that benefit some of the aspects of families in any kind of arena and the budget challenges continue, we do need to make some hard decisions and it starts with this one. Thank you.

Chairman Gardner speaks:
Thank you. Additional Public Comment. Seeing no additional Public Comment, I'll bring it back to the Board. Additional comments, questions, observations? We're not required to, even though it's possible action, it says possible action. I think if there's no motion, I think you've, Ms. Adie, gotten some direction from us in regards to that and you've gotten direction from the Parks and Rec Advisory council as well. And so I guess we need to, we'll expect you back at a later date to discuss how you feel the program needs to go and your observations or suggestions; is that right? Is that where we are? Okay. With that, thank you very much, we appreciate it, and go forth and see what you can find out. Okay.

RESULT:	**PRESENTATION HELD**

Chairman Gardner speaks:
We're going to take a quick break. We're going to come back and we're going to go ahead and do the County Manager's annual performance evaluation and then we'll take a break for lunch. Thank you.

A break was held.

Chairman Gardner speaks:
It is 12:15 PM. I'm going to reconvene the meeting. At this time, we're going to go into Item 13, for possible action, which is the annual performance review of our County Manager. And we've made the decision as a Board of Commissioners today, we will maintain our timeframe as we will not hear the item on Knox until 2:00 PM, but we've concluded that we are going to not go to jail today. We're going to postpone that for a future date to be determined. So we'll do this item and then we're going to take a break until 2:00 PM and we'll resume our meeting at 2:00 PM.

Chairman Gardner speaks:
It is 12:15 PM, I'm going to reconvene the meeting.

UNAPPROVED

HUMAN RESOURCES

13. For possible action. Conduct the annual performance evaluation of the County Manager, Jenifer Davidson, including the granting of a merit pay, and setting additional goals, expectations, and priorities for the County Manager in addition to those currently identified in the Douglas County Strategic Plan. Notice requirements consistent with NRS Chapter 241, regarding the discussion of Ms. Davidson's character and competence, have been provided to her. (Christine Vido, Human Resources Director)

Chairman Gardner read the agenda item into the record.

Christine Vido, Human Resources Director, speaks:
Chairman Gardner, Members of the Commission. The item before you is the annual performance evaluation of County Manager, Jenifer Davidson, who completed her third year in the role on June 10, 2026. Under her employment agreement, the Board is required to review and evaluate her performance annually. The required notice regarding the Board's discussion of her character and competence has been provided to Ms. Davidson. The Board may also consider a merit pay increase based on her performance in the meeting, I'm sorry, in meeting the goals, priorities, and expectations established for the prior year. Consistent with the amount available to other exempt management employees, the Board may award a merit increase of up to three percent. Performance is evaluated based on County's organizational values of integrity, accountability, customer service, leadership, communication, teamwork, and respect. Your materials include Ms. Davidson's summary of accomplishments, an update on the County Strategic Plan, her employment agreement, and a County performance evaluation form and policy. I also provided as Supplemental a survey that was conducted in 2024 by Washoe County Human Resources of county and city managers in Nevada. I have not been provided the updated report for 2026. They do this on a bi-annual basis, so this is the most recent information that I've been provided. With that, this item is before the Board for discussion and possible action.

Chairman Gardner speaks:
Thank you. Do you have a presentation, Ms. Davidson?

Jenifer Davidson, County Manager, speaks:
Thank you, Mr. Chairman, Members of the Commission. I don't have a presentation today, but I do have a few brief comments for your consideration before we have a discussion. Thank you for the opportunity to discuss my performance evaluation today. This past year has been one of the most demanding of my 19 year professional career, but it has also reinforced my commitment to leading this organization with integrity, accountability, and a focus on continuous improvement. Before I touch on our operational priorities, I want to pause, and explicitly acknowledge, and thank the Department Heads and leadership teams sitting in the audience today. I'm deeply grateful for your presence, your support, and your daily dedication to this community. I would describe our efforts this year as a whole lot of heavy lifting and a whole bunch of collaboration, and I could not do my job without them. To the Board, I want to assure you that the feedback, guidance, and direction you provide during this evaluation today will not rest on my shoulders alone. It is heard directly by the leaders of this organization and together, we will act upon it. As detailed in my written review, our organization achieved critical milestones this past year. Together, we broke ground on the Justice Center on time and under budget, delivered a balanced operating budget despite projected revenue shortfalls without cutting core services, and expanded inclusive community infrastructure across this county. These successes reflect the resilience and professionalism of our exceptional workforce.

UNAPPROVED

At the same time, meaningful leadership requires confronting missteps with humility. The feedback I received regarding the proposed Stormwater Utility rates demonstrated that our communication and processes fell short of expectations of both the Board and the public. I accept full responsibility for my role in that process, recommending that we pause to gather further input. And I support the creation of the Stormwater Task Force because it was the right path forward. That experience highlighted our most critical opportunity for growth, modernizing public engagement and building public trust. Municipal decisions often carry extensive background history and technical context, placing the responsibility squarely on us to bring residents up to speed early and clearly. Moving forward, my focus is to embed proactive transparency into our daily operations, explaining the reasoning behind staff recommendations, making financial data accessible, and clearly demonstrating how public feedback shapes policy before final votes occur. Internally, we will continue refining our workflows, breaking down department silos, and advancing key priorities like Muller Parkway and the Public Safety Radio Task Force. I remain fully dedicated to leading this organization in alignment with our core values; integrity, accountability, customer service, communication, leadership, teamwork, and respect. Thank you for your continued partnership and leadership and trust. I look forward to our discussion today.

Chairman Gardner speaks:
Thank you, Ms. Davidson. I think what we probably need to do is go Commissioner by Commissioner, like we did last year. And you could give your input and feedback. And then after we have that discussion, then we should go to Public Comment and allow Public Comment and then we can come back and discuss further action. Okay, everybody good with that? I don't know who wants to start. You always seem to be put in the position of starting because you're down on the other end for me, but I don't want you to feel compelled to do that. Commissioner Rice… Who would like to lead us off today on this discussion?

Commissioner Rice speaks:
I would be more than happy to.

Chairman Gardner speaks:
Okay, thank you.

Commissioner Rice speaks:
All right. I heard comments comparing her salary to that of a neighboring county and my first question to myself was, would I trade County Managers? And my opinion was not only no, but hell no. And one of the things that I have delighted in seeing in Ms., I'm losing words. One of the things that I am constantly being reminded of is that when Jenifer sees a problem, she tackles it. If that problem becomes a bigger problem, she doesn't internalize it and take it personally. She falls back, regroups, looks at it again and then comes up with a better answer. I admire that in her, I admire that in anybody. But she has shown me that she's capable of doing that on far more than one occasion. As far as any criticism I have of her, she's not responsible for civil suits against the County. And I think that anybody that has followed this process understands that she's not the problem, the problem lies elsewhere. And I give her high marks, she has always kept me informed on the issues that are going on and has never led me down the wrong path. So I give her glowing remarks and I wouldn't trade her for any County Manager that I'm aware of. And thank you for that.

Chairman Gardner speaks:
Thank you, Commissioner Rice, that concludes your comments? I'm not precluding the fact that you may want to have later comments.

Commissioner Rice speaks:
I will have later comments. Thank you.

UNAPPROVED

Chairman Gardner speaks:
Yeah, I didn't want to cut you off if you had other things you wanted to say at this time.

Commissioner Rice speaks:
Nope, that's it.

Chairman Gardner speaks:
Thank you. Commissioner Hales.

Commissioner Hales speaks:
Yes, I'm ready and I have a lot to say, so settle in. I'm using the County Manager performance evaluation template that I believe is consistent with other employees' evaluation in the organization and that is focusing on the core values. So starting with integrity, the employee demonstrates honest and ethical conduct through their actions at all times. Ethics is one of Ms. Davidson's strongest characteristics. She is extremely knowledgeable and she aligns her actions with her knowledge and her commitment to integrity. She personally leads the annual ethics training and in her daily conduct I have heard many times where she pauses to say, okay, do I have an ethical conflict and let me articulate it. And works through it immediately when something comes up because it's constantly on her radar. So excellent in the integrity category. Accountability, the employee accepts responsibility for their actions and I'm going to add to that accepts responsibility for the well-being of the whole county because that's what her job is. And I see that every day. One example is she had planned a family vacation, which is important for her to do, and while she was gone, it became evident that we would have an opportunity as a County to provide testimony to a Senate Committee about the Lands Bill. And she cut her vacation short to get home and to get herself ready and to get to Washington to provide really important testimony on our Lands Bill. She has made very strong progress on our Strategic Plan goals. Some Public Comment today said you need to come up with some goals for her. Well, you know what, we did, it's called the Strategic Plan and she works on it seriously, and has made great progress on it, and there's evidence of that in the Board packet for today. Strong marks on accountability.

Customer service, the employee delivers efficient and effective service with an attitude of respect and fairness. I believe that Jenifer also excels in this category. I have seen her, I guess I should say I don't think I've ever seen her be disrespectful or unfair to anyone within or outside the organization. She is efficient and effective in the things that she does. Leadership, the employee establishes the tone and direction for success, motivating and inspiring others to accomplish a shared vision. Well, if you've worked with Jenifer at all, you know that she has a deep commitment to Douglas County. This deep commitment is not just professional but it's also personal. She is genuine in her passion to do what's best for the County and to improve the County processes. And I want to mention in this category that Ms. Davidson is an example of emotional maturity. There are plenty, plenty of times where it would be tempting to be angry, to be sarcastic, to be petty, to be vengeful, but she rises above that. She is confident and she is also humble, so I give her high marks in leadership. Communication, the employee ensures open dialog through proactive listening and sharing of information throughout the organization and the community. Ms. Davidson does not shy away from difficult conversations, she sometimes has to give some thought to how to have those conversations and what to say. And she is a great communicator and she listens effectively. There was a glitch in communication, which I'll cover later, but strong marks in communication.

Teamwork, the employee works together with others to achieve shared goals. This is apparent in her letter where she gives credit in her letter, in the Board packet, regarding her evaluation. She gives credit to the exceptional workforce who are Douglas County employees and Department Heads committed to serving our community every day. She always gives credit to others and often when I present a problem to her,

UNAPPROVED

very frequently, in fact, probably most of the time she'll say let me talk to the team, I need to work with the team. And she brings the team in to do the work and she also brings in the team to get the credit, rightly so. The employee treats all citizens, employees, and visitors with respect, I've already spoken to that, yes. I want to mention a couple of things, as Chairman Gardner did, there was Public Comment that the Knox, the Painted Rock Mine, the China Springs, the Muller, the Ashland Springs, there have been complications with all of those things this year. And maybe if a County Manager, when they started their term, got to start with a fresh county with no problems and everything is just running great, if that had happened, maybe it'd be fair to lay these complications at her feet. But that did not happen, it doesn't happen. And she has been given very complex challenges and has dealt with them sometimes like changing a bus on a moving van and has dealt with them well. And they're ongoing challenges because they're complex, they're not of her making, they're not of this Board's making, but we're doing the best that we can to deal with them with integrity and with an eye for the best interest to the County. It's also been said that there is a neighboring county with a lower salary. Well, you know what, we have extra accomplishments we're working on, we have a lot of big things we're working on. And we also have extra complications because we have a lot of different communities, including the Lake. The Lake has a lot of challenging circumstances, not because the residents there are challenging, just because we have TRPA and we have other complex challenges and opportunities because we have the Lake, which is a different community. We also have South County, we have a lot of different communities that require a lot of us. And so it's not one cookie cutter situation, it's challenging.

And I will say that when I look at this spreadsheet with other executive officer's pay, Ms. Davidson's pay is not out of line. It is not even in the top, so I do feel like her salary is fair. In the desire to meet an important Strategic Plan goal which was Stormwater, Ms. Davidson rushed a process and there was a big misstep and I am not going to sugarcoat it. There was a rate map that was posted that did not reflect the Board's intentions and it caused significant and legitimate anxiety to many, many residents. There was a loss of public trust, there was a meeting that was highly emotional, very lengthy, very difficult. It was a painful experience for all involved. This mistake was a costly one, but it has also been valuable in the lessons that it has taught. I believe that Ms. Davidson is willing and capable to grow because of that misstep, and in fact, has already started doing that. And I will say that the very moment that meeting ended, okay, maybe ten minutes after the meeting ended, Ms. Davidson was already talking to me, telling me she was accountable. And she wanted to take responsibility for what happened and she would work on that. And we have had several conversations between then and now, and I believe that what was a vulnerability will now become a strength because of lessons learned through that really difficult experience. I think it would be foolish of Douglas County to allow that mistake to impact Ms. Davidson's career; therefore, I will be in favor of a very strong evaluation with high marks in all categories. I will also be reluctant to give much of a merit pay, if any, because that was a mistake that was very difficult for the County. And I believe that accountability requires us to, that's how I see accountability working is that there not be a big merit increase, but that her evaluation be given with very high marks.

Commissioner Tarkanian speaks:
Okay, so I believe my position on the County Commission is not to be a rah-rah cheerleader and praise everybody's work. If the work isn't done right, I think it's important that it's acknowledged and corrections are made. But I don't see a lot of that with what we're talking about with our County Manager. So instead of going through the items that Commissioner Hales just did, the integrity all the way through, I agree with almost everything Commissioner Hales has stated, I don't want to repeat it. I will state this; I've had one other County Manager I worked under and he told me I could not respond to residents' problems. I was to turn them over to the County Manager, let him do it and he never did anything. And when Ms. Davidson took over, the first thing she said was she was in favor of me reaching out to people and that she, as a County Manager, would help direct questions to the right people. And because of that, I have been much more successful in being able to help resolve issues, or even not resolve, but at least show

UNAPPROVED

people in the county that we care and that we're trying to resolve issues. And it was a 1,000 percent turnaround from what the previous County Manager had stated. So I listened to some of the comments that were made in the Public Comment before the meeting and some of them surprised me and I'm going to ask questions to try to get the correct answers. Because one of them was, I believe Mr. Maier said that she was the highest paid County Manager in the state. And that surprised me, I didn't think that could possibly be the case. But you get the printout of where the County Manager is, she's the second lowest. Second lowest and almost close to the lowest when you count the car allowance. So if anything, she's under what other County Managers are making here.

And I'm not going to go along with what Commissioner Rice said and say she's much better than any other County Manager in the state, I don't know what these other County Managers do in the state, they may be wonderful also. But we do know that Ms. Davidson has done a great job for us and she shouldn't be at the second lowest of anybody out there. The only person I think who's overpaid on this list is our governor, former Governor Sandoval, $565,000; he needs a pay cut. Actually, I wanted to say my mom thought he was so sharp and so good when she was on the Board of Regents, that she just loved the work he did for the University of Nevada, Reno. So he probably does deserve that. Let me just go through some of the things when they say that there's been all these problems that have happened under her tenure and she should be responsible for that. As has been stated, I think, by Chairman Gardner, most of those occurred beforehand. Muller Parkway, in my opinion, was a horrible agreement that was ripe for a lawsuit if all parties didn't work closely together and that's been the case. The things that she has done is that we had a timeline on Muller Parkway that had started, and we were running behind, and wasn't going to get it done. She somehow came up with her staff, which that's the thing I was going to say, the best thing I think Ms. Davidson does is she hires great people. I really love working with most everybody on this committee here. In fact, I was out the other night and I bumped into somebody who used to work at the County 15 years ago and she worked there for like 20 years, I think. She said she's never seen a better, more high quality staff of people than that is working there now for the County Commission. So that in itself should be the biggest focal point of what a leader does is hire really great people.

So what she's done is she started Title 20, which had been delayed for years, and years, and years, and then 30 percent finished. She got Muller Parkway started along with the County staff and is close to completion, except for a lawsuit that basically was going to happen no matter who was in there. The Strategic Plan was redone and that was delayed for a long period of time. The courthouse, people were fighting, what do you call it? It's not the courthouse, the Justice Center, had been delayed and delayed, costing us all kinds of money because of all the delays. She got that started. When I complain about roads, I have a former County Commissioner, she always tries to bring up to me, where are you going to find the money, where are you going to find the money? Well, the problem is it's our responsibility to repair roads as County staff. You don't just say, hey, I don't have the money, you kick it down the road. Same thing with Stormwater, those items, issues were prevalent within the county for decades and nobody wanted to touch them because it's so controversial. When you say it was mishandled, yeah, it could have been done better, but at least Ms. Davidson had the courage to bring it forward and say something needs to be done. Because after decades of neglect, all we've gotten is worse and worse problem and she's got that started. Hires… Oh, VHR issue. We were talking the other day how money coming into Lake Tahoe for the Parks and Rec and how much more money had come in because of the regulation of VHRs. They found, I think you said 1,100 people that had been doing it now that most of them are having to pay their costs. So that's a big achievement. I can go on, I don't want to spend the rest of the day doing that. I just want to ask you a few questions of what was brought up during the meeting. Let me see where they're at. Okay, Assistant County Manager… We already talked about your salary; they said it was extremely high and based upon the printout that we have here, is the second lowest under Carson City. The Assistant County Manager, they said we created a new position for her, she's getting paid $200,000. Can you discuss that?

UNAPPROVED

Ms. Davidson speaks:
Thank you, Commissioner Tarkanian, for the question. The Assistant County Manager position, I believe was created for Steve Mokrohisky back in, well it wasn't created for him, he ended up being the first Assistant County Manager in the position under T. Michael Brown in 2009, 2008. The point is that I didn't create the position. I did occupy the position before accepting this position, obviously. The position that I created was the Chief Operating Officer in my office and Kathy Lewis currently occupies that. I'm very grateful to have her on my team. But we did that through a reorganization that resulted in salary savings and we were able to eliminate a combination of other positions in order to pay for that. And the net result was $20,000 in savings to the General Fund through that reorganization. And I think a much more successful org structure for this organization, which will set us up for success years into the future because we have been able to focus on financial sustainability for this organization and operational sustainability in my office. Which is a cornerstone of what I asked to accomplish when I became the County Manager.

Commissioner Tarkanian speaks:
The public speaker had also mentioned that there are no other counties with an Assistant County Manager. Do you know if that's true or not?

Ms. Davidson speaks:
That's not true. Lyon County does not have an Assistant County Manager, that piece is correct. It's a mixed bag across the state whether or not there are Assistant County Managers for other organizations.

Commissioner Tarkanian speaks:
Okay. Other ones because we discussed some of the other questions that they brought up in the discussion. I know we talked about this before but can you repeat this, they keep blaming your office for the Stormwater grant being missed; can you just discuss that?

Ms. Davidson speaks:
Thank you again for the question, Commissioner Tarkanian. As I have stated publicly in the past, we ultimately made the decision not to apply for that grant. It would have been a NCRS grant and I'm drawing a blank on the acronym. But in order to qualify for that funding, we would have had to have represented to the agency that we had exhausted all other funding sources. This organization through your direction, the direction of this County Commission, had set aside funding for maintenance on Smelter Creek of around, I believe, $400,000 and we had not exhausted all of that funding. Additionally, it was the direction of this County Commission that we would not take on maintenance responsibility of the creek moving forward. And securing that grant funding would have required us to commit to taking on that responsibility for the foreseeable future, that's why we made the decision not to apply for that grant.

Commissioner Tarkanian speaks:
Last one, (*inaudible comment*).

Ms. Davidson speaks:
Thank you, Commissioner Tarkanian. So because your microphone wasn't on, I'll just restate your question.

Commissioner Tarkanian speaks:
Oh no, it’s on.

UNAPPROVED

Ms. Davidson speaks:
I think you were asking me about China Spring. I previously worked for China Spring Youth Camp from 2009 to 2012. The lawsuit that was recently submitted, which is a public document, anyone who wants to obtain that information can read the complaint itself if you're interested, talks about staffing issues in the early 2000s. As Chairman Gardner alluded to when I did not work out at camp and then also some later on, I think the latest incident described in the complaint is 2021. Yes, I'm looking at our Camp Director who's seated behind us. China Spring Youth Camp did not fall under my jurisdiction or control as County Manager until after 2021 when this Board took action to bring the administration of camp under my office.

Commissioner Tarkanian speaks:
That's all the questions I had. I do want to state we've had difference of opinion on a number of areas and I don't think that's a disqualification of competent or really good work, it's just the way people are. So although we have difference of opinion, I do respect the way that you've handled things. Thank you.

Ms. Davidson speaks:
Thank you.

Chairman Gardner speaks:
Thank you, Commissioner Tarkanian. Vice Chairman Tolbert.

Vice Chairman Tolbert speaks:
All right. So we've struggled to be Ms. Davidson and all this, and I already wrote it as Jenifer, and I, and we, so I'm just going to stick with that. So I think you know, knowing me, that I spent a lot of time on this evaluation because I wanted it to be fair, and not just to you but also to the public and to the employees you lead. So overall, I'm just going to get it out of the way, I believe you had a good year and I would rate your performance overall as exceeding expectations. One of the greatest strengths of yours is that you're action oriented. This County has a lot going on; litigation, major projects, difficult policy issues, challenging budget, infrastructure needs, and the everyday work of the County government to boot. So I don't see you sitting on your hands waiting for those problems to go away, you engage in the difficult issues and you work to move them towards resolution. I also can't think of a significant Board directed deadline that simply fell through the cracks. And that tells me that something about the organization that you're managing because the staff comes through and responds. Even though I don't see what happens behind the scenes every day, I think that's still a testimonial. I believe you deserve particular credit for the work you did on the Lands Bill, for getting us moving on a Stormwater problem that's existed for many years, and for managing a team that works within a budget that has essentially remained flat for three years. I've heard you personally question whether an expenditure is a viable use of County funds and even whether a particular service is properly the role of County government. So I appreciate that fiscal discipline. I also appreciate your relationship with this Board. Five Commissioners with five distinctly different personalities and perspectives, and that's not always easy to navigate, yet you do that very well. I've never felt that you favor one of us over the other and you have been particularly helpful to me in navigating Open Meeting Law, and understanding my role, and what I'm supposed to be doing. So I appreciate that.

I also appreciate that when there's bad news, you pick up the phone and tell me we have an issue you need to be aware of and that's a direct quote. And unfortunately, that happens probably more than any of us would like, but I think that's an important quality. You don't want to deliver it, but you do. But there are areas that I believe we can improve; again, Stormwater is probably the most obvious example. My perspective on that is I think the Board trusted staff to understand the process because of course, I had never been through anything like that before. And then I think staff trusted the consultant and ultimately,

UNAPPROVED

we learned that we had not adequately pressure tested what we were putting forward. And so at the County Manager level, I expect major initiatives with significant financial impacts on our residents to receive that pressure test and additional level of scrutiny before they reach the public in the future. That didn't happen sufficiently in this case, but I give you considerable credit for owning your part and not stopping and changing the process. I don't expect you or anybody to never make a mistake but I do expect us to recognize them, own them, and learn from them so that we don't repeat them. I also would prefer a more proactive communication from the County Manager's Office on complicated issues. For example, when I ask questions, I get very good answers and sometimes those are followed up with I'm going to forward you this to review so that I have additional materials to review. But for me personally, there's times when I don't know what I don't know. I don't have a background in government affairs and so therefore, I may not know the questions to ask when we have our one on ones or what questions I should be asking. And I think that's probably true of all of us at one time or another. And so maybe probing questions to figure out what my capacity is or in that not to tell us how to vote but to make sure that we understand the risks, alternatives, and consequences before we do. And my biggest goal for this coming year is something I've raised before and that's the credibility of Douglas County's government. I've called it an image problem in the past but I don't think that's quite right. An image problem is something you can address through communication and I think credibility has to be earned. And although you didn't create this issue by any means, but after more than three years as the County Manager, I don't think we can continue treating it as simply an inherited problem.

So I've raised this concern before and have not seen specific organizational progress. So going forward, I think rebuilding the County's credibility is part of your responsibility as the leader of this organization. And credibility comes from whether we apply standards consistently, hold ourselves to the standards we expect from the public, we value real world experience alongside our technical analysis. We communicate with people before taking actions that could potentially significantly affect them. We give employees room to identify problems and are willing to say we got this wrong. I also don't want us addressing these concerns one complaint at a time because then it ends up that we investigate each one and we end up explaining why staff technically didn't do anything wrong and concluding that there isn't a problem. But we need to look at these for patterns so that we can find out where these are coming from and address that. And that examination should include the Board too, if we're contributing to these credibility problems through our direction, our actions, I would hope and expect that you would tell us that as well. So those are my three priorities; rebuild our organizational credibility and public trust from the inside out, strengthen our proactive communication with the Board so we understand questions, risks, and alternatives, and then strengthen the internal accountability, and create a culture where employees can identify problems early before they become larger problems. And I believe these goals actually build on your strengths. You're willing to tackle difficult issues, you're a strong communicator, and you have demonstrated an ability to manage competing personalities and perspectives. So I have complete confidence in your ability to lead this work and believe that you, above others, have the leadership ability to make meaningful progress in this. So I truly appreciate the work you do and probably more importantly, the amount of difficult work you're willing to take on. And I look forward to seeing what we can accomplish over the next year.

Chairman Gardner speaks:
Okay, thank you. I think it's my turn. So first of all, I wanted to address a couple of items that were brought up by the public because we've had some Public Comment earlier. First of all, I appreciate what you're saying, Mr. Jackson, in regards to the process and the fact that this has to be in front of the public; however, that's the way it is designed, and it must be a public process. And so it is difficult for us, I think, and difficult for the individual that we are reviewing that this has to be a public process, but that's the way the rules are. And so we live with that observation. Our County Manager is collectively, and I will say collectively, our single employee. This Board's single employee is the County Manager. And then

UNAPPROVED

they have staff that's in this case, over 600. I want to address also the concerns about whether or not our County Manager is over compensated. I have reviewed the spreadsheets that Ms. Vido has given us, and Commissioner Tarkanian pointed out, and then I heard a rumor through social media earlier this week that we had the seventh highest paid County Manager in the United States. And I couldn't believe that comment and I took exception to that comment immediately. I serve on the Board of Directors of the National Association of Counties representing the State of Nevada and our County and I can tell you, I had known even previously, that there were more that would have placed, knowing the compensation of Washoe County and Clark County, that would have given us three of the seven in the United States, out of 3,069 counties. So I knew that was not a correct statement. I'm not saying you're the lowest, but you're certainly not the highest. And as a matter of fact, it's come to our attention that even the City of South Lake Tahoe, the City of South Lake Tahoe, recently hired a new City Manager, $256,000 a year. That's more than our County Manager makes. The City of South Lake Tahoe. Not nearly the task, not nearly the workload, not nearly the amount of employees, is making more. Please don't write that down because I don't want you going to those entities, okay?

So I concur with what Commissioner Rice has said, you've done a remarkable job. And over the last several years that we've been involved, I've had the opportunity to serve with you as Chairman, this is my second year working with you in that regard. County Managers are a high burnout position and we've had ourselves, I believe somewhere since 2000, maybe 2009 or whatever it is, we've had 12 changes in our County Manager's positions. Patrick Cates has served us for four years, was one of the longest standing. But it is a high burnout position and so that concerns me. And that was brought forward by members of our public three years ago when we hired Jenifer Davidson as our County Manager, that can she last for the long run, or is this position going to burn her out? And my comment was that that's not for me to determine, that's not for this Board to determine, that's for the individual to determine. I can tell you it has burned out a number, a lot of our County Managers; not only in this county, but other counties because the workload is enormous and our public just sees a small fraction of that on a daily basis. The other thing I wanted to mention is, I was asked by a member of the public, what is your opinion going into today's meeting regarding a merit increase for our County Manager? Well I was instructed way back when, in 2021, I believe, by Mr. Richie, that there is a purpose for Public Comment and that Public Comment is to listen to the public before you make a decision. So I have tried to follow that rule very, very closely, I want to hear what my fellow Commissioners have to say because their opinions might change my feeling. And we're not allowed to talk in advance of the meeting because of Open Meeting Law and deliberate, so we don't. But I also treasure what the community has to bring forward.

That was witnessed very, very clearly in a proper manner in regards to our Stormwater Utility fee back on May 28th. We listened to nearly 200 members of our public express displeasure with us. And because of that discussion and because of what we looked at in the package, we came to the conclusion that we weren't ready for primetime with that program. And we backed off and we created a Stormwater Task Force. I know that our staff, including Ms. Davidson and our Assistant County Manager, Wendy Lang, we had engaged the public very, very heavily in advance of that Stormwater issue coming before us. And we did not anticipate the kind of pushback we got and I don't think staff did either. So it was the right thing to do. It was great community, and that's the way this community or any government should work, is allowing the forum. The forum comes forward and you listen to your residents, you listen to your constituents and you base your decisions based on that, looking at all the data. So the lawsuits, it was mentioned today, right, we're lawsuit happy. Well I can tell you this, I'm not aware of any lawsuits that we have instigated as a County or our County Manager has instigated. Not a single one that I'm aware of. These lawsuits have been brought upon us and we are spending tremendous public dollars right now defending those lawsuits because we believe that we have been ourselves wronged and we feel like we're in a position where we're strong on those. And so unfortunately, we have to defend those. We don't have a choice when those lawsuits are presented to us, we have to defend them and I appreciate the legal staff

UNAPPROVED

that does that. I said this four years ago, I think three years ago, four years ago, I guess five years ago when Patrick Cates came to us for his review and I made this observation that the public, nor does the Commission really have an opportunity to see all the balls in the air that our County Manager has. And I looked at a few myself that I know that I'm working on; Lands Bill, Park litigation, Painted Rock Mine, Smelter Creek, Stormwater, Vista Grande, Title 20, Master Plan, Warm Springs, attainable housing, Roots and Wings, NDOT findings and now on our radar, getting a lot of public interest is data centers that we're going to have to add to. Those are just the ones that are on my list. I fail to understand how our County Manager keeps all those balls in the air and doesn't let them fall.

But certain things that I have appreciated, and I've said this, probably this will be the third time I've said it. No fault of Patrick Cates, but I can tell you this, when I walked into the County Manager's Office before Jenifer was our County Manager, unfortunately, I felt like I was interrupting our County Manager. I can tell you now, today, I guess I have a very distinctive voice because even if the door is closed and I walk into the County Manager's Office and I say hello to Rachael or to Brooke, apparently my voice carries distinctively and the door opens if it's closed. And here comes Jenifer Davidson, did you need to see me today? I don't know what she's doing, I don't know what phone call she turned off or computer, but she has the most open door policy that I have ever witnessed in my entire career. Always accessible, always accessible. Do we always agree? Absolutely not. First of all, I'll say that I don't always agree with the person I look at in the mirror every morning. And certainly I don't, a conversation I had with my daughter and she said, it seems like you and mom are always arguing. And I said, no, we're discussing. Just because two people are going down the path together doesn't mean they're going down the right path, so we discuss items. And that's the type of thing that has, Jenifer and I have not always agreed on all the issues and I think all of us can say that on the Board. We've had some very robust discussions, including one this morning for a half hour. I had my views, and she offered me suggestions of other ways to look at an issue, and I appreciate that. And I've told her that and I've told all the members of our staff. I do not want to have a conversation with any of our staff members or any of our employees where they feel like they need to tell me what they think I want to hear. I want to know their honest, and open, and straightforward opinion because my opinion is not always correct. More often than not, it is not correct because I still learn things. But she does, at the end of the day, understand that this Board creates the policy and that's a very important aspect. She understands that, not necessarily agrees with it, but she tries to carry it out based on what we try to ask her to do. So I appreciate those aspects.

She holds others accountable. And so yes, I did, by the way, Commissioner Hales, I did write some notes based on the rubric that we got. So integrity, absolutely, accountability, yes, she does. Not only does she accept accountability but she holds her staff and others accountable which is important. Customer service, we've had discussions about that. It's hard to see, we have residents that come in and they're not necessarily happy with our customer service but we really do try. We really do try and I know her and her staff does too. So tremendous leadership skills, I couldn't ask for more in regards to leadership and in trying to instill our other employees with gaining and improving upon their leadership skills. Communication, once again, a very proactive listener and I appreciate that. And she works very, very hard to create teamwork within. And respect is something that I know that we talked about on our Board norms and procedures about installing respect and I believe that we bring that. So I think it's important also to point out, this county is very anti-tax. We are in the process of building a $20 million road called Muller Parkway. We haven't asked the residents of this county for a single more dime out of their pockets to do that, that has been achieved. As soon as we get the go ahead, we're ready to complete that road to the benefit of our county. But we can't do it until we get the go ahead from the judge and that's going to be another six months, nine months, maybe, we have been hopeful of that. We're seeing a brand new $50 million building go up this county, this building and the JLEC center, this building is doing what we need it to. The JLEC center is not ADA compliant and it creates a lot of problems for us. That had a 20 year lifespan and that expired in 2002. So we're building a new $50 million Justice Center under budget, under

UNAPPROVED

time and not a single additional penny is coming out of the taxpayers' pockets. Those are huge accomplishments, huge accomplishments and led by our County Manager.

So as the Commissioners have stated, we underestimated, we grossly underestimated Stormwater and the issue that that would create. And I appreciate that and we will move forward with that. But I think that the individuals in this community that don't understand what she does on a daily basis, I would encourage you to set up an appointment and visit with her about that. I think that's important. And those who still want to distract from what she's trying to accomplish on behalf of our residents, I think those are single issues that are driving those feelings. And it was also asked, I'm sorry, I had my notes, I'm a little scattered here, but I appreciate your indulgence today on this. But this is a very important aspect, one of our responsibilities as a Commission, is regarding the PERS allocations. And to my understanding, in talking with Human Resources, our PERS allocations were a policy of this Board some decades ago, a couple decades ago, regarding fully funding all of our employees, all of our employees with their full PERS. That doesn't just relate to our County Manager, it relates to all of our employees. Now whether or not we want to revisit that, I don't know. And we don't set those PERS allocations, those are set by Carson City, right, what the amounts are. So once again, those are kind of unfunded mandates that we have to live with, but we do that and we balance our budget. So those are my feelings and… Commissioner.

Commissioner Tarkanian speaks:
Yeah, before we go to Public Comment, I had to make a clarification. Okay, so I got a text from a constituent that said, what are you talking about with respect to the salaries of the County Managers? So the print off that we have only has three County Managers on it, it has six City Managers on it. So there are some other rural county managers that are on this. So when I say that she's the second lowest of all of them, it's what was on this printout that we got, which included six City Managers and three County Managers, not all of the counties in Nevada. So that's my clarification and I apologize for the misunderstanding.

Commissioner Hales speaks:
I did not mention the priorities that I have that I would like to see us include, since we're talking about that.

Chairman Gardner speaks:
I didn't include my priorities either.

Commissioner Hales speaks:
Okay.

Chairman Gardner speaks:
I was wondering if we should do that after Public Comment.

Commissioner Hales speaks:
Sure.

Chairman Gardner speaks:
And basically giving direction going forward, that's all my, I don't want to. Okay, very good then. I don't know that anything we've said needs a response, but let's go to Public Comment. Let's listen to what the public has to say.

UNAPPROVED

PUBLIC COMMENT

Amy Burgans, Clerk-Treasurer, speaks:
All right, good afternoon. I just want to take a couple moments to speak about Jenifer, not only as our County Manager, but also as someone…

Vice Chairman Tolbert speaks:
Could you state your name for the record, please?

Laughter was heard.

Ms. Burgans speaks:
Every time. Amy Burgans, Douglas County Clerk-Treasurer. I did write it down, though, so that Tanya gets the spelling right. I just want to take a moment to speak about Jenifer, not only as our County Manager, but as someone that I have had the opportunity to work with alongside and see behind the scenes and for close to a decade, which is just, time flies. I know I'm standing here speaking for myself, but I also know that there are a lot of people in this organization that feel the same way, many of those people are employees. And it is simply not appropriate for them to come to a public meeting and say some of the things that I have the freedom to say. So today, I hope I can be a little bit of their voice, too. I see how hard Jenifer works. I see the long hours, the difficult conversations, the problems that land on her desk and the weight that comes from being responsible for an entire organization. More importantly, I see how much she genuinely cares. She works for the people, the people who live in this community and the people who work for this County. One thing I feel very strongly about is that our employees are our greatest asset. We can have beautiful buildings, good policies, new technology, and ambitious plans but none of it matters without good people showing up every day to make it happen. And good people need good leadership. Leadership isn't just making decisions, it's listening, it's supporting people when things are difficult. It's taking responsibility when something goes wrong and giving others credit when things go right. It's being willing to have the hard conversations, make the difficult decisions and still come back the next morning ready to keep moving this organization forward. This is what I see Jenifer doing. Jenifer and I may not always see every issue exactly the same way and I actually believe that there is value in that. What matters is that there is respect, trust, and a shared commitment to doing what is best for Douglas County. And I have tremendous respect for Jenifer because I know her decisions come from a place of genuine care for this community, this organization, and especially for the people who come to work every day to make it, to serve it. I hope as we evaluate Jenifer, that we remember we aren't simply evaluating a position, we are evaluating a person who gives an incredible amount of herself to this organization and this community. Our employees are worth supporting, they are worth protecting, they are worth investing in and they deserve a leader who believes that too. I believe that we have that in Jenifer.

Chairman Gardner speaks:
Thank you.

Jim Jackson speaks:
I've dealt with two County Managers. Of the two, I prefer the present one, previous one was not trustworthy at all. I don't always agree with everything that Jenifer has done or said, if we did, I would think that would be not so good. When I had a staff that worked for me, I wanted them to tell me exactly what they thought, whether they agreed with me or not because if everybody agrees with you, you're not getting the truth out of the situation. I think Jenifer has done a fairly decent job at communicating with us. There's been several issues up in our neck of the woods that we've been pretty hard on her about, but I think most of the comments that you, as a Board have said, are very true. You've given her very high

UNAPPROVED

marks in all areas, I would agree with all of that. Making mistakes, you name one person in this whole county that has never made a mistake you'd be lying. Mistakes happen and you grow from them. I made several big mistakes in my career and I grew from them, you learned from them. If you don't ever fail at something, you never learn anything. Constant success isn't good, you need to have some failures to learn. If Jenifer is as important to you as you have all stated, she deserves an increase. It's three percent, that's not much, but it is recognition that she is important to you. You've stated that other places are paying more money, are you trying to chase her away? I hope not, I think she's pretty important to the County and everything. So it's real easy for all of us out here in the peanut gallery to take shots at her and to complain, especially on social media, you're doing it almost anonymously so you can say almost anything you want to. I was reading a bunch of them this morning and all I can think is, I don't think any one of them could do the job, but they can sure criticize it and everything. So I just laugh at those things because they're so useless. So my recommendation is that you've given her a very high performance review and that you do give her the merit increase because I want to deal with her over the next four years. So thank you.

Chairman Gardner speaks:
Thank you, Mr. Jackson. Additional Public Comment? Seeing no additional Public Comment, we'll bring it back to the Board. Do you want to now…

Commissioner Hales speaks:
I noted that on the agenda item, page 391, the recommended motion is divided in three and I kind of like taking it like that. The first part is approve the annual performance evaluation of Jenifer Davidson, Douglas County Manager. So I would make a motion that we find that Jenifer Davidson has exceeded expectations as County Manager during the last year.

Commissioner Rice speaks:
I'll second.

Chairman Gardner speaks:
Okay, so we'll do this in a three part process. So there's been a motion to find the County Manager, Jenifer Davidson, as exceeding, you said exceeding, okay, expectations. And that's been seconded by Commissioner Rice. Is there any discussion in that regard? Seeing no discussion, all those in favor signify by saying aye. Okay, the motion passes 5-0. Thank you.

MOTION TO: Approve the annual performance evaluation of Jenifer Davidson, Douglas County Manager as exceeding expectations; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sharla Hales, Commissioner
SECONDER:	Wesley Rice, Commissioner
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Danny Tarkanian, Nathan E Tolbert

Commissioner Hales speaks:
I'd turn to someone else to talk about merit pay. Or we could skip to goals and do those next, I have thoughts on goals.

UNAPPROVED

Chairman Gardner speaks:
I'm trying to get my computer back. We can do it either way; you can do your goals and expectations, and priorities now, and then we can discuss merit, or we can do merit and then do that, whichever the Commissioners prefer. Any feelings?

Commissioner Rice speaks:
I personally would like to go to merit at the moment. Doing this process, I'm reminded of a prior County Manager and one Member of the Board said I give you a zero, you'll get a raise when I get one. And that has stuck with me for a very long time. And I, for one, seeing our rate of inflation is anywhere from six to eight percent, I think that a three precent merit increase would be minimal. So that's my thoughts on the merit increase.

Chairman Gardner speaks:
Okay, I have a motion. Do I have a second?

Vice Chairman Tolbert speaks:
Was that a motion?

Chairman Gardner speaks:
Well first of all, we don't have a second on that. And you're proposing a three percent, I believe that our maximum available is three precent. Is that right, Ms. Vido? Okay, so Commissioner Rice, we can entertain a maximum of zero to, well, a maximum of three percent. So what is your motion so that we can entertain a second?

Commissioner Rice speaks:
I move that we grant her a three percent merit increase.

Chairman Gardner speaks:
Do I have a second? Well we need a second and then we can have discussion.

Commissioner Tarkanian speaks:
I was saying the same…

Chairman Gardner speaks:
Okay, we can ask for a second and if there's an amendment that's offered to... Okay, you're not going to? Okay, for the purposes of discussion, I will second that motion myself. Okay, so we have a motion on the floor and a second in regards to a three percent merit increase. And now we can have discussion on that.

Commissioner Tarkanian speaks:
I was going to (*audio cut out*) but then I was told that there was a cost of living increase already, so that should be made clear. And then you discuss what's over and above the cost of merit increase.

Chairman Gardner speaks:
That is correct, every employee, I believe, got a cost of living increase by contract on the 1st of July, if I'm not mistaken. Ms. Vido, can you…?

Ms. Vido speaks:
Yes, thank you for the question. That is correct, it was either allowed in contract or through a resolution that was approved by this Board in 2023 or '24, I believe, and it was 2.9 percent.

UNAPPROVED

Chairman Gardner speaks:
This year it was 2.9?

Ms. Vido speaks:
Correct.

Chairman Gardner speaks:
Okay, so that answers your question, I think, Commissioner Rice and Commissioner Tarkanian, is that we've given all of our employees, including our County Manager, a 2.9 percent cost of living increase already. So this is a merit increase over and above that cost of living increase…

Commissioner Rice speaks:
That is correct, but…

Chairman Gardner speaks:
…that our employees also are subject to, up to a three percent merit on an annual basis.

Commissioner Rice speaks:
Right, but my point is that even though we gave everybody a cost of living increase, look what we gave them compared to what the cost of living increase really is, everybody's going backwards. And I think that Jenifer has more than earned a three percent merit increase just for the things that the Members of this Board have commended her for. So that's my thought and I'm sticking to it.

Chairman Gardner speaks:
Okay. So with that in mind, I'm going to go back to Christine Vido, our Human Resources because well, I want to ask about the cost of living increase is based on what, Ms. Vido?

Ms. Vido speaks:
I don't have the specific citation in front of me, but it's based on the Western State CPI as of December 31st.

Doug Ritchie, Chief Civil Deputy District Attorney, speaks:
Thank you, Chairman. Just to be clear, under Ms. Davidson's contract, it's paragraph 7B. Her salary adjustments consist of two parts; one is the COLA which is not tied to performance and then her performance adjustment is based on the same methodology that all the other exempt employees receive. In other words, once the Board has determined does she exceed the expectations, meet expectations, the different categories, the three, the two, one or whatever, that actually informs what the increase should be under the terms of our contract. So in other words, I think Commissioner Rice indicated that it's not possible to give someone an exceeds expectation and not give them a raise, that's not according to County policy or her contract. So hopefully, as you're having this discussion, that helps you.

Chairman Gardner speaks:
Commissioners? Discussion of whether or not we want to grant a three percent merit raise.

Commissioner Hales speaks:
So what I read was, let me see, I read that language because I wondered about that. 7, that's COLA, 7C, in addition to the base salary set forth above, County may award employee merit pay increases consistent with the amounts allowed other exempt management employees. Any merit pay shall be based upon employee's specific job performance in meeting mutually agreed upon priorities, goals, and expectations

UNAPPROVED

for the previous year pursuant to section eight below. So I'm basing my statement on the expectation I had that we wouldn't have a glitch like we had.

Chairman Gardner speaks:
Are you…

Commissioner Rice speaks:
There was a glitch but it was corrected. And it takes a very strong person to say, okay, whoops, I messed up, let's go a different direction. Which she did.

Commissioner Hales speaks:
Agreed. I wouldn't say it's corrected, I would say correcting will take some time, it is being corrected.

Vice Chairman Tolbert speaks:
And for me, I think the maximum three percent should be reserved for an exceptional year where performance is above expectations across the board and so I don't think we hit that across the board. We had a very good year and I would be willing to two percent or somewhere there is, I think would be reasonable. Because it is, I agree with what we're saying that my rating of above expectations, average to above meeting expectations so that pushes me up into the above expectations, so I'm fine with a merit increase. But for just my personal opinion is that it's got to be and how kind of I was raised in the employment world is you get that max when you killed it. And it's very hard to actually get to that max and so that's part of why you're working to get to that. So that's where I would fall in this.

Commissioner Tarkanian speaks:
So my two bits are this; I don't have any problem with her getting a three percent merit increase based upon her performance. I don't hold, well first of all, I didn't vote for your advisory board to look into that Stormwater, so I'm washing my hands on that. But it isn't a matter of the job that she's done, I've expressed my opinion on it. My concern is this, we're asking the residents of Douglas County to pay more money for Stormwater management. We've had to cut some things in the budget because our budget is short. When you're looking at this as a job and a manager position, they're only going to give a merit pay raise if they have the money, exceeds expenses. And I think this year our expenses are really tight right now. And I think Patrick Cates said one year he didn't even take a pay increase that he had because of the downturn in the economy. And I just think this is a tough year for everybody, it has nothing to do with, in my vote, of what Ms. Davidson has done as a year, but more the tightness of the financial position of the County.

Chairman Gardner speaks:
Well we have a motion on the table. Are you offering an amendment or is anybody offering an amendment or are we going to take a vote on the three percent?

Commissioner Hales speaks:
Since we're stuck here, I would offer an amendment to 1.5 percent.

Commissioner Tarkanian speaks:
And I'll second that.

Chairman Gardner speaks:
Okay, so we have a motion to amend the motion. We have an amendment offered by Commissioner Hales, seconded by Commissioner Tarkanian to reduce the amount from three percent down to 1.5

UNAPPROVED

percent; is that correct? Okay, so now we need discussion on that. Commissioner Rice, did you want to weigh in on that? Or I will.

Commissioner Rice speaks:
I personally believe that she's earned every dime of that three percent. And nobody is going to go through a year without making some missteps but when you correct those missteps, that's saying something about the employee. And seeing as how we have one whole employee, I think that she's done a commendable job. She has exceeded expectations, she is always available to any of us at any time when we ask to meet with her and I think that that should be rewarded. So I'm sticking with my three percent.

Chairman Gardner speaks:
Okay, other Commissioners? So I personally feel like, and we ran into this issue with Patrick Cates where we gave him a rating that was higher than two percent but then we did not, or we gave him a rating that was at or above expectations and then we denied him a pay increase that year. And Commissioner Rice has indicated that that caused a lot of pain for him and I was part of that and it created a lot of pain for me also. But I certainly would prefer to settle in the middle between one and three percent at two percent, but I guess we could take a vote on it.

Commissioner Hales speaks:
So let's vote on the one and a half and then you can make a different motion if you want.

Chairman Gardner speaks:
Okay. So we have a motion on the floor to amend the original motion from three percent to 1.5 percent. And so without further discussion, we'll vote on that. All those in favor of the amendment of reducing the amount from three percent to 1.5 percent, signify by saying aye.

Wendy Lang, Assistant County Manager, speaks:
Mr. Chairman?

Chairman Gardner speaks:
Those against the reduction from three to 1.5? It fails, okay, that fails.

MOTION TO: Amend the original motion of a three percent merit increase to a 1.5 percent merit increase; denied.

RESULT:	**DENIED**
MOVER:	Sharla Hales, Commissioner
SECONDER:	Danny Tarkanian, Commissioner
AYES:	Sharla Hales
NAYES:	Wesley Rice, Mark Gardner, Danny Tarkanian, Nathan E Tolbert

Chairman Gardner speaks:
So now I will offer a substitute motion.

Ms. Lang speaks:
Mr. Chairman?

Chairman Gardner speaks:
Yes.

UNAPPROVED

Ms. Lang speaks:
I'm sorry if I may? I'm sorry to interrupt the proceedings. I've been with the organization for a significant amount of time and sat through many of these public evaluations. And if you are all willing, I may offer a compromise, which is a common practice of Boards, is to offer your individual ratings and to average that total score.

Chairman Gardner speaks:
I appreciate your input there; however, we do have a motion on the floor and members of the public, which I consider you at this point in time, Ms. Lang. I appreciate the comments but this is a discussion for us. So I'm going to offer a motion to reduce the three percent down to two percent.

Vice Chairman Tolbert speaks:
And I'll second that.

Chairman Gardner speaks:
So we have a motion on the floor to grant a two percent raise versus a three percent. That is an amended motion, an amendment and that's been seconded by Vice Chairman Tolbert. Discussion? Sensing no discussion…

Commissioner Hales speaks:
Yes.

Chairman Gardner speaks:
Oh.

Commissioner Hales speaks:
Yes.

Chairman Gardner speaks:
Okay. All those in favor signify by…

Commissioner Hales speaks:
No, no, discussion.

Chairman Gardner speaks:
Oh, you want discussion? I'm sorry.

Commissioner Hales speaks:
I want the vote to be unanimous, so I'm happy going to two.

Chairman Gardner speaks:
Okay.

Commissioner Rice speaks:
And let me throw my two cents in. I voted my conscience and I will have to relent and vote for the two percent. I think that's not where it ought to be, but I think it's better than 1.5.

UNAPPROVED

Chairman Gardner speaks:
Okay. So we have a motion on the floor, an amendment, to reduce it from three to two. And sensing we've had all discussion, all those in favor of a reduction from three to two signify by saying aye. Okay, so that motion passes 5-0.

MOTION TO: Amend the original motion of a three percent merit increase to a two percent merit increase; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mark Gardner, Chair
SECONDER:	Danny Tarkanian, Commissioner
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Danny Tarkanian, Nathan E Tolbert

Chairman Gardner speaks:
Now we'll go to the original, the motion as amended, which is to grant a two percent merit raise to Ms. Davidson for her performance. Okay, sensing no other discussion, all those in favor of a two percent raise signify by saying aye. Okay, that motion passes 5-0. We had to do that, that's proper procedure to amend the motion and then vote on the motion as presented.

MOTION TO: Approve granting merit pay of two percent; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Wesley Rice, Commissioner
SECONDER:	Mark Gardner, Chair
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Danny Tarkanian, Nathan E Tolbert

Chairman Gardner speaks:
Ms. Davidson.

Ms. Davidson speaks:
Thank you, Mr. Chairman, Members of the Commission. I appreciate and am humbled by the merit increase and I thank you for that. I'm looking forward to hearing some feedback regarding your priorities now, I think that's the only remaining piece.

Chairman Gardner speaks:
That's where we're headed next. And so, Commissioner Rice, did you have any priorities or goals for Ms. Davidson in the next fiscal year? Commissioner Rice.

Commissioner Rice speaks:
All right, I unmuted and muted me.

Chairman Gardner speaks:
Okay.

Commissioner Rice speaks:
I would very much like to see Kahle Complete Streets get complete, that's one of the things that since I got elected the first time it was on my radar. And we went back to Washington, DC and talked to the right people, and we got a beautiful grant. And unfortunately, it's taken so long that things are more expensive

UNAPPROVED

than they were. But I think that this is something that needs to be done because that street was never ever built to get the traffic that it gets now. So I would like to see that done, although I won't be here to see it. Well, I mean I'll be here to see it, but I won't be on this Board. Thank you.

Chairman Gardner speaks:
Thank you, yes, I'm glad you clarified that. We certainly hope that you are able to visually see it when it's done. Commissioner Hales, did you have…?

Commissioner Hales speaks:
Yes. I appreciate Vice Chairman Tolbert's goals and I'm looking at pages three and four of the goals that County Manager Davidson already set out. And I think what you lined out lines up with what County Manager Davidson already had articulated. And I support those goals, I support all the goals provided by Ms. Davidson. But I want to add a couple more because I reread the Strategic Plan and if you bounce to the top for me, the Lands Bill, very, very important. I would like to continue, I believe some of the things are going to complete, like the Justice Center will complete and maybe some other things will complete and allow some bandwidth. To the extent there is bandwidth, I would like to pick up attainable workforce housing in a more robust way. And I was reminded that we have a river park Strategic Plan goal and that is very exciting to me and I would like to work on that as bandwidth from more pressing matters allows.

Commissioner Tarkanian speaks:
I've said this over and over again, I'll just say it again; Stormwater maintenance and infrastructure, and road funding are the two most important things for this County at this point. They've been kicked down the road for far too long.

Vice Chairman Tolbert speaks:
And I'll just reiterate mine because I love this community. I work in and out of the County on both sides of the counter and I really appreciate that we have, I think it was said recently that we have the best staff in all of the nation. I think was that at the Parks and Rec Advisory I think somebody made that statement and I was like, wow, that's high praise. And I don't disagree. So I think it's important that we work to rebuild, or actually just build our County's organizational credibility and that's got to come from the inside out. And to do that, we have to just make sure we're applying standards consistently, holding ourselves to the standards that we expect from the public. We value the real world experience of many of our ranchers alongside the technical, just ideas. And that we empower our employees so that they feel comfortable in their environment so that when they do see things that are like are maybe not right, even of their coworker, that they're free to bring it to their administrators. Because we're all here basically to serve the public and I know the County is an organization of its own and when you work for an organization, you're to protect it. But we're working for the County, it's unique because the County serves the public. It's not like we make widgets and we can protect our processes of building widgets. We have to protect our processes of serving the public. And it pains me that we have to build credibility because I know so many employees personally, and know how good that they are, and how they come to work every day, planning, and working to do a good job, and support the public. And it's really not fair that we have that stigma other than it's happened here and there, once in a while. I say it all the time, one of my very first jobs was one oh crap is worth five attaboys. So you got to build up those attaboys to gain the credibility and so I think that somehow we work to do that. So those are the two big ones for me. And then we can always build communication. And I know that's kind of personal for me to help figure out what do we know, what is our knowledge base in every topic, which will never be perfect. But it's always something to build on.

UNAPPROVED

Chairman Gardner speaks:
Thank you. I appreciate that you gave us a spreadsheet in regards to completion or percent completion of the Strategic Plan. And of course, that directly ties into your job description and so I appreciate this update. And we discussed this last year that there's a key line up on that Strategic Plan and it says that it's a five year Strategic Plan, not a one year Strategic Plan. We have a lot of balls in the air and I don't know all the balls that you have in the air, I just know the ones that are on my radar. And so I'm concerned about burnout and I don't want that to occur. And I feel like there have been times where maybe we've approached subjects on a more aggressive manner than we really need to. I would like us to, as I indicated last year, pump the brakes a little bit and slow the process down a little bit and let some of these issues that we have in front of us come to a conclusion before we take on additional roles in that regard. But there is one in particular and you and I have talked about it, I've watched you in meetings that I've been in, in your office, and you have identified, as I identified, our website is really, really in need of an update. We need to talk more about and illustrate to the public more about the good things we're doing rather than the constant issue that if you have a problem here, go here. If you have a problem here, go here. If you have a problem here, go here. Talking about what we are achieving in the County because we are achieving many great things and many things that we should highlight and be proud of. So to me, getting that website done is very important and I've been talking about this for a long time. And I know that we've hired a person in the IT Department to create that and I hope that we're seeing progress on that. We're tackling Title 20 right now and that is a heavy lift also. And that is, I don't know how far along we are on that. But I know we're looking at the 17th or maybe early October, looking at, at least approving perhaps the formatting process of that. But there's still a lot of red lines that are going to have to come before us. With that being said, that's an important aspect, that's been something that's been lacking for a number of years. And so I look forward to that and the clarification of Title 20.

On the other hand, I think we had identified as an update for the Master Plan to be taking a look at in 2027. I would suggest that maybe this is music to Tom's ears, that we delay taking a look at the Master Plan until we have, and I remember the last time it was updated in 2020. It was rushed, it was hurried. And I know Commissioners were leaving the Board and very interested in getting that Title 20, or a Master Plan updated, but let's not rush that thing, okay? Let's not rush it, let's take our time and make sure we do it right. And make sure that we have enough Public Comments, enough public outreach and enough thought process put into that and let's not rush that. But I know that we have a number of issues that we want to try to resolve, one of those is on the schedule today, Painted Rock Mine. But we need to get through the Park litigation, hopefully the Lands Bill will be passed this year. And I just read a big article from Congressman Amodei that he is hoping that that is signed into law early in January. I believe he said he's bringing it to Congress in September, if I read that correctly. So that's good and so hopefully, we can get that done. And then I spent a couple of hours giving NDOT a tour on Wednesday, or Tuesday, I guess it was, Tuesday and I think that was very fruitful. But there's a number of things that we have pending on there and one of those is obviously the extension of Vista Grande and completing that. So I think we have enough on our plate to do already without entertaining new ideas. Let's get the Justice Center open, let's see if we can get some resolution on Muller. But perhaps take a pause on looking at the Master Plan until maybe '28 instead of '27 after Title 20 is done. That's my thoughts. But the website is very important. Okay, I did notice and we talked about this, I think you put it in your plan also, with all the little disasters that we've had recently, fires especially, we need to once again highlight how an individual in this community goes about signing up for Reverse 911. That needs to be on the top also.

Commissioner Hales speaks:
I move that we direct Ms. Davidson to move forward with the goals, expectations, and priorities articulated in her letter, and in the Strategic Plan, and to the extent possible, as discussed today by the Commissioners.

UNAPPROVED

Commissioner Tarkanian speaks:
Second.

Chairman Gardner speaks:
Okay, we have a motion by Commissioner Hales, seconded by Commissioner Tarkanian to direct the County Manager to go forward with the goals and expectations of priorities set forth in her plan. Any further discussion on that? All those in favor signify by saying aye. Okay, the motion passes 5-0 and I think that completes this item, does it not?

MOTION TO: Direct the County Manager, Jenifer Davidson, to move forward with the goals, expectations, and priorities articulated in her letter, the Strategic Plan, and to the extent possible, as discussed at the September 3, 2026 meeting by the Board of County Commissioners; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sharla Hales, Commissioner
SECONDER:	Danny Tarkanian, Commissioner
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Danny Tarkanian, Nathan E Tolbert

Chairman Gardner speaks:
Okay. So I'm looking at my agenda and it says that we have one other item on today's agenda besides our presentations and Closing Public Comment. I would recommend we delay taking a break for nourishment and take a ten minute break. We'll come back at 2:00 PM and take on the item that we said that we would not hear before 2:00 PM, the notice of termination from Knox because I don't think we can get lunch in ten minutes. Do you guys want to take a lunch? You want lunch? Okay, we're going to recess now. And I said that this item, it says on the agenda it will not be heard before 2:00 PM. So I'm going to give us an hour and ten break and say that we'll be back and return into session at 3:00 PM.

Commissioner Rice speaks:
Okay.

Chairman Gardner speaks:
Okay, we'll take an hour. We'll return at 2:45 PM. Thank you.

Commissioner Rice speaks:
All right, thank you.

A lunch break was held.

Chairman Gardner speaks:
It is 2:46 PM and so we're going to resume our meeting. We have a couple of items left on the agenda today.

UNAPPROVED

COUNTY MANAGER

14.1 THIS ITEM WILL NOT BE HEARD BEFORE 2:00 P.M.

For possible action. Continued discussion regarding a Notice of Termination Knox Excavating, Inc. sent to Douglas County pertaining to the October 4, 2024 *Agreement to Address Public Health and Safety Concerns and to Pay Percentage of Gross Proceeds from the Mining Operation* related to the Painted Rock Mine (Document No. 2024- 1013250). Discussion may include providing direction to the County Manager to prepare a response, inform interested parties, and taking other appropriate action. (Jenifer Davidson, County Manager)

Chairman Gardner read the agenda item into the record.

Jenifer Davidson, County Manager, speaks:
Thank you, Mr. Chairman, Members of the Commission. And if you can't tell, I'm feeling a little bit under the weather and have been coughing quite a bit today, so I am not going to be as thorough as I normally would. This is a repeat, a bring back of an agenda item that you heard at your last Board meeting. If you want me to get into the history of how we got here, I'm happy to do so, I would defer to you on that. Otherwise, I'm planning on cutting to the chase. As part of our previous Board action, this Board directed the County Manager to bring back options for your consideration regarding next steps after meeting with the mine operators. I am pleased to report that I was able to meet with the mine operators and Vice Chairman Tolbert participated in that conversation. Please, Vice Chairman Tolbert, if you feel that I'm missing anything with my cough syrup addled brain today, feel free to jump in. But you are aware we had an agreement that we executed with the operators of the mine in October of 2024. We had an ordinance that we passed that restricted trucks on East Valley, which resulted in them, the mine operators, issuing through their legal counsel a Notice of Default. We met with them, we discussed it, we sent a response to the Notice of Default. They sent a Notice of Termination effective July 29th, which brought us to our last meeting's conversation. We talked about potential next steps at that last meeting; we talked about the consequences of not having this agreement in place. And I went through the agreement language, the terms of the agreement, what we negotiated versus the EA assumptions that were made and where the basis for the findings of no significant impact for the mine. Ultimately, what this means is because there are no similar type of restrictions on the federal or state permits that have been issued to the mine, there would not be any operating restrictions placed on the mine regarding hours of operation, days of the week, number of trucks. Those are not conditions that are currently within the federal or state permits.

Staff recommended to you originally, this is page two of those in case anyone wanted to look at that, I'll let you look really quickly. I see Commissioner Tarkanian is taking a screenshot. Yeah, I thought I gave you, I'm sorry about that, sir. Okay, so where are we at? So I considered the meeting with the mine operators to be a very productive conversation. They are in the audience today and I also encourage you, Mr. Chairman, if you agree, it's appropriate to provide them an opportunity to comment what they're willing to do moving forward and confirm what I'm stating on the record today. I think that would be valuable. But they were reluctant to withdraw their Notice of Termination. In addition to the recommendations or the option that I presented to the County Commission, which would be for you to discuss whether or not we respond or take a formal position regarding the status of our agreement, we stated clearly on the record and have communicated to the mine operators that we do not believe we are in default. We do not believe any action that we have taken to this point places us in default and as of now, unless this Board takes any further action otherwise, we consider this agreement to still be in place. Part of your consideration and discussion today could be to provide me direction regarding any further action you wish me to take on that agreement, legal or otherwise. We hit pause on my recommendation to notify the federal and state agencies. I had provided in the Board packet at our last meeting, a draft letter advising the federal agencies and state agencies of the consequences of the agreement not being in

UNAPPROVED

place and asked them to consider placing restrictions on the operations of the mine consistent with either our agreement or the assumptions made in the EA, whichever they felt were most appropriate. So that's option one.

Option two was brought up as part of our conversation. The mine operators indicated that they may be willing to enter into an amended agreement with two terms remaining only. Those two terms would be that the County would agree to take, and that's the or on this page at the bottom, the County would agree to place no restrictions on trucks on Johnson Lane and then Knox would agree to continue to contribute a portion of the sales from the proceeds of the mine to the County. No other terms or operating conditions from the agreement would remain in place. That is the only options that we discussed in that meeting. Regardless of the option you as a Board choose to pursue today, I also felt it was good, a byproduct of our conversation with the mine operators that we agreed to clarify how complaints would be handled from the mine moving forward. We talked about the need to update the County's website and to direct members of the public to the appropriate entity to address the type of concern that they may have. We talked about continuing to take in complaints and sharing those complaints with the mine operators. If it's a complaint that cannot otherwise be funneled to an entity, we talked about continuing our practice of passing along that information to the mine operator. And if they chose to respond, that we would provide that information on the County's web pages. Vice Chairman Tolbert, I feel like there's something else very important that I'm leaving out and I'm totally drawing a blank at the moment. No, you're looking at me like maybe it might pop up as we're talking. I very much appreciated the willingness of the mine operators to meet with us. They stated at multiple points in the conversation that it is their intent to operate within the parameters that they represented were the basis of the assumptions in the EA. And with your permission, Mr. Chairman, I'm not sure if there's anything else they wish to say, but I think it would be appropriate to invite them up.

Chairman Gardner speaks:
I'm sorry, I didn't have my microphone on. This is an actionable item so we need to have Public Comment. But I want to hear from the rest of the Commission on where, what they feel are questions, I'll entertain questions, observations. Commissioner Rice, are you back with us again?

Commissioner Rice speaks:
Yes, sir, I am, and I was here. I just couldn't click on my unmute button.

Chairman Gardner speaks:
Thank you. Do you have any questions, or concerns, or observations for Ms. Davidson in regards to the Knox agreement?

Commissioner Rice speaks:
No, I want to see what Knox has to say.

Chairman Gardner speaks:
Okay.

Ms. Davidson speaks:
Thank you, Vice Chairman Tolbert, for signaling to me that I did forget one thing. We did, in chatting about the County's agreeing to place no restrictions on trucks on Johnson Lane, I think Vice Chairman Tolbert brought up a good discussion point, which is what if something from a public health or safety standpoint changes. For example, what if we needed to reduce speeds because there became an unsafe condition on Johnson Lane, or what if the Board needed to consider directing staff to place a stop sign? I don't want to put words in their mouth, but I do believe they represented that they would be okay with those types of changes in response to legitimate public health and safety concerns. I think they were more

UNAPPROVED

concerned about placing restrictions regarding hours of operation or just general no truck restrictions on Johnson Lane, which we indicated we are not considering doing, we would not do the no trucks on Johnson Lane. We did chat about if we continue to receive complaints regarding speeding on Johnson Lane that we might want to bring back the placement of traffic control radar solar powered. You've seen them on Riverview, I'm totally drawing a blank on what those are called. But they tell people how fast they're going and they record. And so it would help us capture some data if we see speeds in the area ticking up, it helps the Sheriff's Office also stay on top of that instead of just relying on neighbors to say, I think people are speeding out there, please, Sheriff, come out and enforce it. Is that what you were thinking? Sorry.

Vice Chairman Tolbert speaks:
Yeah, that's exactly because that's one of the contentions is that the public is saying the trucks are speeding. We forward that to the Sheriff, he puts the patrols out there, patrols say when we're there the trucks aren't speeding. And so this would be a way to document that when the cat's away, right? So that was one of the things that we had talked about too because then we could document it. And then the Sheriff could say, look, they are out there, let's go get it, or it's not. And it would help. Plus, if it flashes the sign what the speed is when you're out there and it would help everybody understand what is what out there. And we would have documented data moving forward.

Ms. Davidson speaks:
Thank you, Vice Chairman Tolbert, for…

Vice Chairman Tolbert speaks:
And Knox was 100 percent okay with that because they still believe that their vehicles are compliant. And like I said, to this point, we don't have any evidence that they're not with the speeds.

Ms. Davidson speaks:
It has been the experience of our Public Works Department, just based on the data we've collected on Riverview, that that type of signage and equipment is very effective in changing behavior. And also from an enforcement standpoint it's very incredibly helpful to the Sheriff's Office. I am aware of another area, not Riverview, where we had signage up like that and someone was doing 60 miles an hour in a 25 mile an hour zone. And because of the way that equipment is designed, the Sheriff was able to capture that person. We knew time of day, we knew patterns of behavior, and they were able to end up writing someone a very hefty ticket because they caught him on a different day doing the same thing. So that concludes my report, happy to answer any questions you might have.

Chairman Gardner speaks:
Okay, Commissioner Hales? Commissioner Tarkanian? Okay, I have no questions. So should we bring Knox up to, is that what you were indicating before we go into Public Comment?

Ms. Davidson speaks:
Yes, Mr. Chairman. Only if they have something to add to the conversation.

Chairman Gardner speaks:
Okay.

Ms. Davidson speaks:
I don't want them to feel like they're required to say something.

UNAPPROVED

Chairman Gardner speaks:
They're not required, nope, they're not on a time clock. And Jon, I'm not going to limit you to three minutes either, so if you have more…

Jon Maxwell, Knox Excavating Inc. owner, speaks:
Oh I don't, I just wanted to…

Chairman Gardner speaks:
…you need to go beyond that to…

Mr. Maxwell speaks:
…respond on the record. I appreciate the opportunity to meet and discuss this. The or is, yeah, that's kind of what it is. Just I don't want to get back to where we were before, and now we're suing and going back to court. So those two, if you guys want to do another agreement, that's what we offered, just like we did in our letters that we're still willing to negotiate. That gives the County some money to, if you're going after federal grants for federal lands access, that helps check a box to get grant money for the road. And it gives us peace of mind that we aren't going to sit up here again trying to defend our right to use a public road. But I don't have, outside of that, I don't have anything else to add and I appreciate your time. Thank you.

Vice Chairman Tolbert speaks:
Right, could you elaborate on that? Because you explained it pretty well about if that fee goes away because it's argued that the fee is not worth messing with. But at the same time, that fee checks a box for future grants. Could you…?

Mr. Maxwell speaks:
So the Federal Lands Access Program, it's for reconstructing and maintaining roads that provide direct access into public lands, two of the criteria for getting access to that money. It's one of the lowest match moneys, five percent match. So for $500,000 you can get almost $11 million worth of funds to go do whatever you need to, to Johnson Lane. But two of those is access to recreation, which you have out there with OHV parking we've built and revenue generation, which this fee would accomplish. So whether they're both, they both have to be met, or one or the other, I don't know. But I know that if both are met, it gives you a better chance of collecting that money, yep.

Chairman Gardner speaks:
Commissioner Rice, did you have any questions of Mr. Maxwell?

Commissioner Rice speaks:
No, sir, I do not.

Chairman Gardner speaks:
Okay. Any other Commissioners? No? Okay, thank you. Okay, so at this time then, we can go to Public Comment. So we'll entertain Public Comment on Item 14.1, is there any Public Comment?

PUBLIC COMMENT

Ron Conway speaks:
I think I just have one question. This agreement, which I have not been in favor of from the get go, how has it helped the residents of Johnson Lane, or East Valley, or Fremont who now have a road that's not worth driving on? How does it benefit the residents of Johnson Lane to have 100 to 200 trucks a day going up and down that road? Untethered, no restrictions on trucks, how is that going to benefit the

UNAPPROVED

residents of Johnson Lane? It's going to benefit the owners of the quarry because they're going to put money in their pocket. It's going to benefit developers because they're going to put money in their pocket. The people buying those homes, I don't really believe you understand what the cost of aggregate is into a home. One to three percent is the cost of aggregate. Taking asphalt or concrete out of the equation, it changes the price of a home by one to three percent. And all the folks who've lived on Johnson Lane, I'm new and I'm from California, but without us from California, they wouldn't have a home to build, they wouldn't need a quarry. So I'm sick and tired of hearing people from California go home. I've been in the quarry business or the garbage business all my life, I either dig it out or I put it in. How does this agreement give anything back to the people who have to endure this every day? That's the only question I got I guess, I don't understand it. It's easy to say no restrictions, good Lord, that's the same as it was before, what good is it? No, I'm done. And Protect Johnson Lane is not an LLC, it is a non-profit corporation. Our mission statement is on our website, it is to the benefit of the neighborhood to increase the safety and health of the neighborhood. And we are not going to stop or even slow down until we get some concessions. Simple, easy things.

Jim Jackson speaks:
Further to what Ron was saying, what benefit is it to any of the people that live on Johnson Lane? If you go with the or modifications to it, place no restrictions, and I say again, no restrictions on trucks on Johnson Lane, they could do whatever they darn well please and you can't do a thing about it. You wanted to reduce the speed limit, oh, that's fine until you do it, then it won't be fine. You want to change the number of hours, you can't do that, you can't do anything to it. That ties your hands on absolutely everything and that hurts all the residents up on the Johnson Lane area. We're not asking for the mine to go away, we're just asking for it to be a better neighborhood partner, if you want to call it that, that actually cares about the neighborhood and not running 100, or 200, or who knows how many trucks a day. Just if you do that, it's no restrictions whatsoever. Think about that for a second, what does that really mean? If I told you there are absolutely no restrictions on what you can do on something, it means you're free to do whatever you darn well please. And we've seen how that's worked in the past. So they want to terminate it, let it terminate, hasn't been doing us any good anyway. Thank you.

Charles Heffernan speaks:
Johnson Lane. I agree, putting this or, it's not good because then they can do pretty much anything there and you don't have any control. Right now, the Sheriff's Department does not have the personnel to stop those trucks and give them a ticket for not covering their load, which they are supposed to do under County's code and under State law and they're not doing it. But if you put this on, you can't have your Code Enforcement Officers, for instance, because they're not authorized. But if it was a permanent road, you could have your Code Enforcement Officers give them tickets, okay. So yeah, I'm not, just let the thing die for all I'm concerned. Or is not a good answer. You know, it's rich that that they said, when they met with you that they said that they would, they intend to and will comply with the EA, they haven't been so far. And there's a multitude of things that we've called out, but I'll just tell you two. The covered loads, it says right in the EA many, many times and I've presented you all the data that shows in their operating plan that they would put that dirt into covered containers, covered loads. They would physically cover loads before they went on the roads, not doing it and they fought it tooth and nail. And the other thing is, and this is something I brought up to you last week or last meeting, and that's the importation of soil, rocks, things like that. We've seen California license plate trucks come into the mine, dump their soil and their rocks. What's in that stuff? We have no idea what's in there. That's not allowed in the EA, it was never studied, it was never studied to see what would the effect be on the groundwater of bringing that soil into the mine. They're not going to resell it, now they could grind and resell the asphalt in the concrete. So that kind of makes sense, even though it's not covered in their permit, but at least that would make sense. Why the soil and the rocks? Who knows where that's coming from and who knows what's in it. So that has to be looked at. And I know that's not maybe under your purview because it's not your permit, but that is something that the other agencies should have to deal with. As far as the speeding trucks. I

UNAPPROVED

would, I hate to say it, but I think from what I've seen, most of the, I'd say 95 percent of the trucks are doing the speed limit. Except for their water truck is the one, that guy is going balls out all the time, I mean, he's just going up and down the road. And where's that? You know, they're using city water, I hope you remember that. I have some other things to say about the use of the trucks route on East Valley and things, but I'll wait until after at the end. Okay, thank you.

Chairman Gardner speaks:
Thank you.

Jon Maxwell speaks:
I just wanted to kind of address some of your concerns. So to a previous point, not impacting housing prices; the aggregate benefit to the community isn't solely for foundations of homes, it's all the infrastructure that leads to your home. That's the main cost of any subdivision, not specifically work done on the lot. Johnson Lane was built and designated for the use we are using it for. Your homes wouldn't have access to the highway, your subdivisions wouldn't have been built without Johnson Lane being what it is. That is a major collector, it funnels traffic from your community to the highway. Without that designation, your home would never have been built, so that's important to remember. We're not the only benefactor of this public road, your house wouldn't be there if it wasn't what the County said it is. Tarped loads, tarping the loads, and you keep hammering this point home, and I do respect your position, but it's a mitigating factor to minimize dust from loads being traveled down the road. So just like you wet down a construction site, it mitigates the dust. It's a mitigating factor, it's not an end all, be all. And as far as dirt coming in and you're worried about contaminating the groundwater, I don't know if you really believe that or not. But I do want to address that concern because I don't want people to get emotionally attached to these fears, scary terms. If soil is contaminated on a construction site, it has to go through testing and it has to be disposed of in Lockwood or like any facility like that. It goes through testing on the site, it goes through testing before it loads into a truck. And then when it gets to the disposal site, the fees are astronomical for obvious reasons. But again, it's not a free for all, you don't get just to take contaminated material wherever you want. Because we have a site that receives off hall doesn't mean we aren't licensed, it would be completely illegal and we'd be shut down and Jim and I would probably be in jail, in federal jail if we took contaminated soil and just buried it. So and I think that was all of the concerns that were brought up. If there's more, I'd be happy to address them.

Chairman Gardner speaks:
Thank you, Mr. Maxwell, I appreciate it. Is there any additional Public Comment? Okay, then I'll bring it back to the Board. Commissioner Rice, did you have any additional comments or questions?

Commissioner Rice speaks:
No, I do not. I think that one of the things we need to do is listen to our public. Pardon me, they just brought me a pill. Okay, we've done everything in our power, although some people think not. We've done everything in our power to try to mitigate these impacts on our citizens. And I like the idea of putting number one, license plate readers, as well as radar to give us a photograph of what truck is doing what. And I don't think photo radar is legal in this state, but that's something that we can consider. But I think that we do need to put the radar signs up there that take pictures of the cars as they're going through and the speed limit that they're traveling at. I don't see a resolution to this problem in the near future, I'm not sure that… I don't want to go there. Anyway, that's my comments.

Chairman Gardner speaks:
Thank you so much. Commissioner Hales.

UNAPPROVED

Commissioner Hales speaks:
Yes, thank you. I'm not sure about the license plate readers, but I do agree about the flashing of the speed. I guess I have a question. Did the Board direct two weeks ago, did the Board direct you to respond by saying we, the County does not believe it breached?

Ms. Davidson speaks:
Yes and we did provide a response to advise that we did not agree that we breached and that our initial written response that our legal counsel provided indicated that we needed to hear from them by today, whether or not they were willing to withdraw the agreement. But we were able to chat with them since then and basically, we're awaiting the outcome of your direction today to decide where we stand, what the County's final position on that agreement will be.

Commissioner Hales speaks:
Okay, thanks. So here's how I see it; since we don't believe we breached, assuming we didn't breach, which I think is solid, then there'd be no reason for us to modify the agreement to terms that are less favorable to the County. So to me, the third bullet makes no sense whatsoever. I am really appreciative to hear that the mine operator said they intend to operate within the representations made in the EA. And since that's the case, I don't see how they could object in any way to us doing the second bullet, which is to alert the agencies that the mine operators don't seem to not intend to respect the terms of our agreement and to request that they incorporate the terms of the EA within their permits. And that seems totally fair to me on all fronts because it was Knox or its representatives that made the representations in the EA in the first place. So to me, number two is a no brainer. Number one I would like to see the agreement just as is while we communicate with the agencies because I don't see any benefit to the County in getting rid of it at this point. And when I say getting rid of it, if there hasn't been a breach, Knox doesn't have the right to terminate; therefore, the only way to terminate is for us to agree mutually to terminate it. If we do that, I think we lose out on the only actual requirements regarding days and hours consistent with the terms in the EA, until some other legal mechanism is in place regarding days, hours, and truck trips consistent with the EA. Therefore, what I would like to see us do is direct the County Manager to go ahead and move forward with the letter to the agencies as similar to what was presented two weeks ago and just leave the agreement alone. We don't need to fight about it, but we expect the proceeds to continue coming in, which would dot the I's and cross the T's for any potential grant application. And I don't see any harm in just letting it be there, especially until we figure out what the grant might need in terms of revenue. And until we understand what the agencies might do in terms of incorporating terms from the EA, which were Knox's own representations all along. That's what I would like to see.

Commissioner Tarkanian speaks:
God, this is such a scary day. I'm going to go 1,000 percent with my colleague here and what she just stated for the second one in a row, right after the County Manager's. I, for one, voted against the agreement that started this thing with the primary concern, and I made these comments before, I don't believe legally, and our Assistant District Attorney did state that it was, but I don't see how the County, one County Commission group can lock in future health and safety restrictions of future County Commissioners. And when we say we won't make any modifications to Johnson Lane, if something happens and modifications need to be made, that's wrong. I don't know how we would one, vote as a Board to do so, but secondly, now we're going to sit here and make it explicit for them in this revision. And I don't know what could happen, but what if they're dropping off some school kids, and something happens, and we say, okay, we need to reduce the speed or we need to do something. And we're going to be locked into not being able to change it, which I think our first agreement says that too, if I'm not mistaken, but it certainly does here. So I'm just going to close with this, I don't want to spend a lot more time. We made an ordinance, it wasn't even my idea, this was Commissioner Hales' idea, and she was the one who negotiated the first contract was to make the ordinance for East Valley Road for the safety and welfare of our community. And it had nothing to do with targeting just one company; it does affect

UNAPPROVED

Knox, but it affects a lot of other companies. In fact, our County Manager has told me over and over again that there's at least one other company is being affected, probably more. We do it because we're trying to uphold our responsibilities as a County Commission. And when we do that now, Knox says the agreement is violated and we want a better agreement with you. And that's just, anybody who votes for that is crazy, so I agree with what Commissioner Hales said.

Chairman Gardner speaks:
Okay, so I just want to make sure I'm clear in my head of what you're suggesting. So I've tried to paraphrase it here and correct me if I got it wrong, okay? But as I understand it, what you're suggesting is that we notify the permitting agencies of the Notice of the Termination from Knox Excavating, while also indicating to them that we disagree, that we've defaulted and also ask the agencies to enforce the terms illustrated in the EA, is that okay? So I just want to make sure I'm completely clear.

Commissioner Hales speaks:
Yes and we asked them that because it appears that Knox believes the terms in our agreement are no longer applicable.

Chairman Gardner speaks:
And the only thing we really forfeit is the renumeration from proceeds.

Commissioner Hales speaks:
I don't think we forfeit that.

Chairman Gardner speaks:
Oh, okay. That's why I'm asking for clarification.

Commissioner Rice speaks:
I think a judge would have something to say about that.

Commissioner Hales speaks:
This does not preclude us in the future from taking a different action on the agreement, depending on what plays out.

Vice Chairman Tolbert speaks:
So I hear what everybody's saying and I don't disagree. I'd like to throw out one more piece that we haven't talked about is that if we do say, nope, we don't believe that this is a problem and they believe that we have breached, there is no resolution. So that now pushes to a judge, right, so now we're defending this in court. And quite honestly, and now it's my opinion, I'm just trying to throw that out there that we have spent a lot of time, staff, money, monitoring, checking, testing, whatever we've been doing with the license plate readers and all these things trying to create a bunch of data. And I'm not sure the return on that investment is wise, or that it's worth the investment that we've put into it. So that's kind of the one thing that I keep trying to, I'm always trying to see both sides of any, or what other elements there are to it. And so that is when I think, are we being a good shepherd of the public's money? And that's something that Chairman Gardner references a lot of times. With the amount of investment we're putting into this, when a lot of the things we're trying to control are really controlled in their agreement or their permit to begin with.

Commissioner Hales speaks:
Can I?

UNAPPROVED

Vice Chairman Tolbert speaks:
Yeah, absolutely.

Commissioner Hales speaks:
Yeah. My idea is we don't put any more money in it, we just let it be as it is. We just let it be as it is. If there's a lawsuit, we figure out what to do if there's a lawsuit.

Commissioner Tarkanian speaks:
So Vice Chairman Tolbert, when you voted for the ordinance to restrict trucks on East Valley, did you do that with the intent or belief we were going to violate Knox's agreement?

Vice Chairman Tolbert speaks:
Nope.

Commissioner Tarkanian speaks:
Well that's the whole argument in front of the judge, none of us did. So you're saying don't defend a lawsuit that none of us felt we were committing because we don't want to spend more money on it?

Vice Chairman Tolbert speaks:
Yes and no. I'm not saying that we shouldn't, I'm just saying we have the opportunity to possibly resolve this. And so I just want to make sure we're recognizing that that is a potential of what we're deciding on, is that we are going to continue to push money on this situation where we're at. I just want to make sure we're recognizing that ahead of time.

Commissioner Hales speaks:
We're not out of any way saying we're going to put more money into it.

Vice Chairman Tolbert speaks:
But if we…

Commissioner Hales speaks:
We don't have to...

Vice Chairman Tolbert speaks:
…naturally assume that if we…

Commissioner Hales speaks:
No.

Vice Chairman Tolbert speaks:
…respond back saying we don't believe we're in breach, they say we believe you're in breach. They're just going to say, okay, you're not in breach or they're going to push it to when…

Commissioner Hales speaks:
I don't know, but we…

Vice Chairman Tolbert speaks:
…we're going to have to defend that.

Commissioner Hales speaks:
…wait to see what happens.

UNAPPROVED

Vice Chairman Tolbert speaks:
It just seems like we need to make sure…

Commissioner Hales speaks:
If they bring a lawsuit, then the County needs to come to us, the staff needs to come to us and say, what do you want to do with this lawsuit? And at any point in time, we can walk away from the agreement. Boom, done, we don't have to spend money.

Chairman Gardner speaks:
So my observation would be that the only reason that I could see us pursuing an action in court would be to retrieve the proceeds that are due for us. And it seems to me that the amount of proceeds that we've received so far do not equate to that action. So the only action that I can see is action by Knox Excavating towards the County, not the County towards Knox and we can't control that. So I concur with what you're saying here and I would just hope that the agencies enforce the terms of the EA. And so we lose the proceeds, but we've spent more than those proceeds on fighting this issue ourselves from a staff standpoint. So I think we're all basically pretty much saying the same thing. And to answer your question, Commissioner Tarkanian, is whether or not we felt like we were targeting, so to speak Knox; if you recall, when we addressed this issue previously in response to the letter, we passed the ordinance, I suppose, I made it very clear on the record that this ordinance of no trucks on East Valley would not preclude or prevent our residents out there from receiving goods or services from any and all trucking companies, whether it be Knox or anybody else. And that's the way I am interpreting it. So I feel the same way in regards to the use of (*inaudible comment*) also because we have a lot of construction that's taking place out there right now. And we're going to potentially over the next 30 years with the development of 2,500 homes, potentially have a lot more construction out there. And so even though we've designated it as not a truck route, I still believe that people making local deliveries out there to accomplish those needs are not prevented from doing so. So are you ready?

Commissioner Hales speaks:
Yeah, I have a motion.

Chairman Gardner speaks:
Okay.

Commissioner Hales speaks:
I move that we direct the County Manager to provide a response to Knox, consistent with the discussion at the meeting, including appreciation for their entering into conversation and inviting them to further communicate regarding how to handle complaints moving forward. I move that we also direct the County Manager to provide notice to the agencies as outlined in the letter presented in the Board packet in the last meeting with changes as she sees appropriate.

Commissioner Tarkanian speaks:
Second.

Chairman Gardner speaks:
Okay. So we have a motion by Commissioner Hales, seconded by Commissioner Tarkanian. Any further discussion on that motion? So seeing no further discussion, all those in favor signify by saying aye. Okay, the motion passes 5-0. So thank you very much, that's where we stand.

UNAPPROVED

MOTION TO: Direct the County Manager to provide a response to Knox Excavating Inc., consistent with the discussion at the September 3, 2026 Board of County Commissioners meeting, including appreciation for their entering into conversation and inviting them to further communicate regarding how to handle complaints moving forward, and to provide notice to the agencies outlined in the letter presented in the Board packet at the August 20, 2026 Board of Commissioners meeting with appropriate changes; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sharla Hales, Commissioner
SECONDER:	Danny Tarkanian, Commissioner
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Danny Tarkanian, Nathan E Tolbert

14.2 For presentation only. Announcements/reports/updates from County Commission members, including updates on the various boards and/or commissions that they may be a member of or a liaison to, or any other meetings/functions they have attended, and any request by a Commissioner for discussion of a future agenda item. (Chairman Gardner)

Chairman Gardner read the agenda item into the record.

Chairman Gardner speaks:
Commissioner Rice, anything to report other than how is the hospital food?

Commissioner Rice speaks:
I've had better. Don't laugh, it's not funny.

Chairman Gardner speaks:
You've been through the menu like a dozen times now, right?

Commissioner Rice speaks:
Oh my God. Anyway, I would like to thank my fellow Commissioners for picking up the slack for the meetings that I have not been able to attend. I've only missed a couple of Commission meetings and I was in surgery, and it's hard to get on Zoom when you're under the knife. So at any rate, I am doing everything I can in my power to fulfill my duties as a County Commissioner. But I want you to know how much I appreciate that you have been picking up some of my meetings for me that I just can't do from in here. And I want you to know that it's much appreciated. I thank you and my wife thanks you.

Chairman Gardner speaks:
Well, thank you and good to hear you. And give Eileen our love also and appreciation for watching out for your health, that's paramount. So Commissioner Hales, anything you wanted to…?

Commissioner Hales speaks:
I'll just mention briefly that I've attended the meetings that I'm assigned to. Carson Valley Arts Council has a new concert series announced and scheduled, and it looks very fun so I encourage anyone to consider purchasing a membership and season tickets. TTD has a Strategic Plan retreat long meeting a week from next Wednesday and I will attend that. And I also note that the Carson Valley Arts Council is working on a mural for the Copeland building, we're on a roll here. And they continue to work on preliminary design for the Performing Arts Center using donated money to make those designs. So that's my summarized report.

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Chairman Gardner speaks:
Thank you. I'm not paying attention, I'm writing my report. No, I heard you so thank you. Okay, Vice Chairman Tolbert.

Vice Chairman Tolbert speaks:
Yeah, just the one I feel of importance to the public that they might want to know about is the TRPA meeting last week. There was two items that were, I don't know about disturbing, but enlightening, one of which was the report on the clarity of the lake. All of the work that's been done over the last 20 years to reduce the amount of particles that are going in have had a strong result in the winter and they've capped the decline of the depth. So when I say this, it's the depth is getting higher in the winter, but in the summer it's continuing to decline. And they're finding that there's other reasons for that outside of the particles, it also has to do with phytoplankton and other things. Basically, the lake is reacting as well and so there's more work, more studying needs to be able to do that to verify how we're going to preserve the clarity of the lake. So that was very enlightening to hear about because I know that's a big deal for everybody. And then the other thing was that the Forest Service is beginning to re-plant the Caldor Fire scar. And the part of their toolbox was to be using herbicides to keep some of the undergrowth, the manzanita and the white thorns from overtaking the new plantings and keeping the trees from growing. And that sparked a very lively debate about the use of herbicides and glyphosate in the basin and in all the regions. So that was something that we need to be aware of. And that was it.

Chairman Gardner speaks:
Thank you. So in regards to my activities beyond the Board, as President of NACO, the Nevada Association of Counties, we did have our meeting last Friday in Carson City as normal. And I just wanted to announce also that we have our annual conference coming up September 22nd through the 24th at the Tahoe Blue Event Center. In addition to that, we approved five BDRs; NACO is allowed five BDRs. For those of you who do not understand what a BDR is, it's a bill draft request. So those bill draft requests go to the State Legislative Counsel Bureau, LCB for drafting of those bills to come forward to the State Legislature when it starts in February. Also we have a new Governmental Affairs Rural Representative for NDOT, her name is Patti Antonucci. And we took a two hour tour, a two hour, not a three hour, two hour tour of Douglas County on Tuesday afternoon. We met at the County office and traveled all the way down to TRE where we had a fatal head on collision on July the 3rd. And we traveled all the way up to North County and Jacks Valley Road and then back down on to Genoa Lane. And me taking notes, so she now has a punch list of things that I would like to see happen in Douglas County from NDOT standpoint. I know some of those are highlights for my fellow Commissioners as well and they may have others that they want me to note. So if you do, I should have probably reached out to you in advance of that tour, but if you have items that you feel need to go on the list, please let me know. And then also I just want to re-emphasize that we have the Douglas County Rodeo happening not this weekend, but next weekend on the 11th and 12th. I understand that they're almost out of tickets, I believe they have less than 80 tickets that are still remaining for that event, so should be a very well attended event and I look forward to that activity taking place again. So that's the extent of my report.

RESULT: PRESENTATION HELD.

15. CLOSING PUBLIC COMMENT (No Action)

Chairman Gardner speaks:
So with that, we will go into Closing Public Comment. So at this time, Public Comment will be taken on those items that are within the jurisdiction and control of the Board of Commissioners or those agenda items were Public Comment has not already been taken. Mr. Heffernan.

UNAPPROVED

Charles Heffernan speaks:
Phew, boy, I'm relieved now. We should all feel a sigh of relief.

Tanya Balda, Senior Deputy Clerk, speaks:
Can I get your name, please?

Mr. Heffernan speaks:
Knox… Oh, Charles Heffernan. That Mr. Maxwell assured us that all of those loads that are coming in are being tested. And perhaps you would like to just make us even feel better would be to share those manifests for each one of those loads with the County, all the testing that's been done and everything else. It doesn't still address the matter of the fact that it was not even studied in the environmental assessment, it wasn't part of their operations plan. Their operations plan states Knox Excavating is proposing to mine the property to produce structural fill, decomposed granite, construction aggregate, and any other construction materials that the site mine may reasonably produce. Doesn't say anything about crushing aggregate or accepting soil in or anything like that. It's not studied, it wasn't there. If it was, they probably would have included a section like they have on everything else, even studying, you know, the effects of the dust on the employees. They have to report to the State for that. They would have included reporting all those manifests or keeping them in place, and having an agency come and test them or come and see the records. But it wasn't, it wasn't in the EA. So that's all I have to say about that one. You got to do something about the trucks that are using East Valley still. I mean, it almost seems like maybe they were singled out because there's a lot of other trucks using that road right now. All the Douglas County Disposal trucks, if they're doing any runs up north of Johnson Lane, they got to go down to 395 and then go over to the dump. Because even from Buckeye over to, you know, south, that part is not a truck route. They can't be using that as a normal truck route, including the one that the ordinance just addressed. So somebody's got to do something about Douglas County. There are others out there, there's got to be some more enforcement out there because there's still a lot of trucks using that road. And the signs, it's, we're going on three months. Where are the signs that, there's a sign there after you turn on to Fremont, there's a sign with a circle around a truck, that's it. By that time, it's too late. Put one before you get to Fremont that says trucks no right turn. Things like that, there are other signs that need to be put up out there. I understand they're on order or something like that, but it's been a while.

Chairman Gardner speaks:
Thank you.

Jim Jackson speaks:
Thank you. You should have given her three percent.

Chairman Gardner speaks:
I think we decided that a little while ago.

Mr. Jackson speaks:
Yeah. If making a mistake was going to cut one percent, we need to cut your pay. So anyway, it was brought up on no effect to property values and everything up in Johnson Lane. Yeah, there's an effect, people don't want to buy a house that have trucks going by. Don't care what kind of truck it is and everything. So there is reduction in either property value or the ability to sell a property. You can keep a price on it all you want, but if you can't sell it, then it's not worth it. So those are all things to take into consideration. But the one thing I heard from you is that your responsibility is to the citizens of the county, the health and welfare of everybody. And that includes all the residents of Johnson Lane, of Fremont, of all the developments that are going along on Fremont and East Valley, all the houses that are being built up there now. It's amazing how many there are that are going in and stuff. To Chuck's note, make sure that the laws are being enforced across the board up there for all trucks. The ordinance wasn't put in to

UNAPPROVED

single out any one company, it was because it was a safety issue up there. More houses are being built on there. Their speed limit was reduced because it's safer up there when cars are coming out of these properties now and everything. So yeah, there are trucks going up there, there are trucks making deliveries to the houses up there; those are okay, we have no problem with that. But the ones that are using it as a through route, Douglas Disposal, when they're not picking up trash in that area and they're taking that, they shouldn't be doing that. Now they're a County contractor, you can tell them, hey, you got to go down 395 and up to the dump over there. That's the fair way of doing it and everything. I think if you do that, you'll have less pressure than the people up living up there because they'll see that you're actually doing what you said you were going to do. Thank you.

Chairman Gardner speaks:
Thank you.

Jon Maxwell speaks:
Knox Excavating. I don't expect a response to this, but this is a question and it's been in our letters, both the Notice of Default and the Termination that haven't been responded to. And it's been stated up here that you don't feel that you're in violation of the agreement. And my question that still hasn't been answered, Jim asked it last time and I'm going to ask it again, is if that's the honest truth, then why were we requested to amend the agreement to allow for that ordinance to restrict truck traffic on East Valley if it wasn't in violation and you didn't know it was a violation of our agreement? So those two things, they don't even out what I'm hearing you say up there versus what you asked us to do prior to an election to help get votes. That was the crux of that meeting and that was the reason for the request. And we weren't willing to amend the agreement at that time because we were getting letters accusing us of violating our permits from County staff directed at our reviewing agencies that we weren't being copied with but the Protect Johnson Lane was. There's more than just an ordinance, there's a series of things that happened here dealing in bad faith. And then again, when you say we need to amend this agreement to allow for this ordinance, and then we don't do it, and you pass the ordinance, and then you turn around and say it's not in violation of the ordinance, then why would you request it in the first place? So that those two things aren't congruent. So that's my Public Comment, thank you.

Chairman Gardner speaks:
Thank you, Mr. Maxwell.

Ryan Conway speaks:
No, I'm not going to do it, I'm going to pick on the stop sign. I'm gonna leave the rest of it alone because they spent a lot of money fixing the BLM road. The trucks do not, some trucks come out of there fast for the majority, that first block until they hit Fremont, they're good little boys. You've all seen it. It's the RVs, it's the UTVs, it's the kids going out there to party at night coming out of there at 40, 45 miles an hour. You got to do something to stop that, somebody's going to get hurt. People are already flipping their UTVs on that nice new road because they got dirt tires, and they come out of the dirt and they hit that chip seal and flip them over. We've had three or four helicopters landing out there already. So you got to do something to slow them down on that first block. Stop sign. I'm not going to let it go. Thank you.

Chairman Gardner speaks:
Thank you, Mr. Conway. Is there any additional Public Comment? You can address it once I close Public Comment. Okay, seeing no other Public Comment, then I'll close Public Comment and bring it back to the Board.

Commissioner Hales speaks:
I'll address your question, but not right here.

UNAPPROVED

Chairman Gardner speaks:
Okay with that, according to my agenda, unless somebody puts something on here that I didn't see, this meeting is hereby adjourned; thank you.

15. ADJOURNMENT

There being no further business to come before the Board of County Commissioners, the meeting adjourned at 3:47 PM.

Respectfully submitted:

_____

Mark Gardner, Chairman
Douglas County Board of County Commissioners

ATTEST:

_____

Amy Burgans, Clerk-Treasurer

UNAPPROVED

AGENDA ITEM NO. 7.

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: **DOUGLAS COUNTY LIQUOR BOARD**

TITLE:
For possible action. Discussion to approve the On-Site Retail Unrestricted Liquor License for La Hacienda Del Sazon Gonzalez LLC, dba La Hacienda Del Sazon, represented by owners Jose Gonzalez and Luis Gonzalez. Jose Gonzalez and Luis Gonzalez have signed a Waiver of Notice of Hearing. La Hacienda Del Sazon is located at 1685 US Highway 395, Suite B, Minden, Nevada. (Captain Koontz)

RECOMMENDED MOTION:
Approve the On-Site Retail Unrestricted Liquor License for La Hacienda Del Sazon Gonzalez LLC, dba La Hacienda Del Sazon.

FINANCIAL IMPACT:
$900 collected towards General Fund revenue account 101.000.341.211 applicants license fee.

BACKGROUND:
Jose Gonzalez and Luis Gonzalez have signed a Waiver of Notice of Hearing and have cleared their background checks. La Hacienda Del Sazon Gonzalez LLC, dba La Hacienda Del Sazon, is located at 1685 US Highway 395, Suite B, Minden, Nevada. The mailing address is 838 Bluerock, Gardnerville, Nevada 89460.

ATTACHMENTS:

AGENDA ITEM NO. A.

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: CONSENT ITEMS

TITLE:
For possible action. Discussion on the Outdoor Festival License application submitted by Traci Votel, Co-Director of Carson Valley Community Food Closet, for the Carson Valley Turkey Trot to be held Thursday, November 26, 2026, from 7:00 AM to 11:00 AM, at Minden Park, 1601 Sixth Street, Minden, Nevada. (Amy Burgans, Clerk-Treasurer)

RECOMMENDED MOTION:
Approve the Outdoor Festival License for the Carson Valley Turkey Trot subject to the stated conditions/comments by the reviewing departments.

FINANCIAL IMPACT:
None.

BACKGROUND:
Attached is the Outdoor Festival License application submitted by Traci Votel, Co-Director of Carson Valley Community Food Closet, for the Carson Valley Turkey Trot to be held Thursday, November 26, 2026, from 7:00 AM to 11:00 AM, at Minden Park, 1601 Sixth Street, Minden, Nevada. Department and Town comments and conditions, if any, are attached and incorporated herein.

ATTACHMENTS:
Application Packet.pdf
Approval Packet.pdf

DOUGLAS COUNTY OUTDOOR FESTIVAL LICENSE APPLICATION

1. **APPLICATION AND FEES.** This application is for outdoor events with attendance of 500 or more persons on any one day of the event. There is a $100.00 **nonrefundable** application fee. No application fee is required when the applicant is a Douglas County based charitable or nonprofit organization in good standing or when the applicant is an agency or department of the County. **INFORMATION GIVEN IN THIS APPLICATION WILL BE MADE AVAILABLE TO THE PUBLIC.**

2. **DEADLINE.** All applications must be submitted at least **sixty (60) days** in advance of the event. With good cause shown and approval from the Clerk/Treasurer, in cases of emergency or extenuating circumstances, applications may be submitted not less than twenty-five (25) days in advance of the event. For special approval, email boardclerk@douglasnv.us prior to submitting application.

3. **INSURANCE.** The Outdoor Festival application will not be accepted unless the applicant has furnished proof of insurance coverage that identifies County, it's officers, agendas, employees and volunteers as additional insured in an amount of not less than one million dollars for normal events or two million dollars for high risk events as determined by the County.

4. **CONDITIONS.** All conditions for approval imposed under Douglas County Code § 5.12 must be met before issuance of the Outdoor Festival license.

5. **APPROVAL AND AGENCY SIGN-OFFS.** The application will be reviewed by appropriate county agencies who shall investigate the application and report to the clerk with appropriate concerns. The completed application and agency approvals or concerns must be heard by the Board of County Commissioners for approval or denial. It is the responsibility of the applicant to reach out to county agencies for clarification on any issues identified.

6. **ISSUANCE OF LICENSE.** It is the responsibility of the applicant to ensure that the event was approved by the Board of County Commissioners and to follow up on any conditions set by the various agencies within the county that were submitted to the Board of County Commissioners.

OUTDOOR FESTIVAL EVENT LICENSE CHECKLIST

Materials required for submittal:

☐ $100 non-refundable application fee – check(s) made payable to "Douglas County"

-OR-

☑ Articles of Incorporation if waiver of application fee due to being a Douglas County Nonprofit

-OR-

☐ Applicant is a Douglas County agency or department

AND:

☑ Completed application

☐ Financial statement of the licensee (if applicable)

☑ Proof of Insurance

☑ Permits required by other governmental agencies (if applicable)

☑ Plot plan showing arrangement of facilities and parking, egress and ingress

DOUGLAS COUNTY OUTDOOR FESTIVAL LICENSE APPLICATION

OUTDOOR FESTIVAL LICENSE APPLICATION

Application Date: ~~08/13/2026~~ 8/26/26

Name of Event: Carson Valley ~~Firkey~~ Turkey Trot

Location of Event: Minden Park, 1601 Sixth St., Minden, NV 89423
(Address or Legal Description)

Applicant's name: Carson Valley Community Food Closet, Traci Votel, Co-Director

Mailing address: 1251 Waterloo Lane, Gardnerville, NV 89410
Street or P.O. Box City State Zip Code

Email Address: traci@thefoodcloset.org

Phone #(s): 775-782-3711 (Business) 775-790-0183 (Cell)

Is the applicant a(n): ☐ Corporation ☐ Partnership ☐ Individual ☑ Other

If corporation or partnership, please list corporate officers or partners:

Name	Address	Title

Description of Event: Annual Turkey Trot Fun Run

Date(s) of Event: November 26, 2026 Hours of operation: 7am-11am

Will an admission fee be charged for your event? ☑ Yes; $ Amount: _____ ☐ No

Number of tickets and/or passes available: 550

DOUGLAS COUNTY OUTDOOR FESTIVAL LICENSE APPLICATION

List approximate number of participants: 550

List approximate number of spectators: 75-100

List expected peak number of spectators: 80

Will alcoholic beverages be served? ☐ Yes ☑ No
(all liquor vendors must be individually licensed with Douglas County Sheriff's Office)

Will food and/or beverages be served? ☑ Yes ☐ No
(all concessionaires must be licensed and operate under a valid health department permit pursuant to NRS chapter 446.)

Will there be live music? ☑ Yes ☐ No
- If Yes, Name of Performer(s) DJ Tay Tay Type of Music Warm up music and announcements

INSURANCE:

Name of Insurer: Philadelphia Insurance Company

Limits of liability: 1,000,000-2,000,000

Address of Insurer: Warren Reed Ins., 1521 Hwy 395 N., Gardnerville, NV 89410
Street City State Zip code

Policy number: PHPK2670182-06

I, the undersigned, have answered all questions in this application and to the best of my knowledge all answers are true and correct. I further understand that disclosure of any false, misleading or incorrect answers could result in the denial of the permit. The filing of the application does not authorize the conducting of any business for which a permit is required, and any carrying on of such business before a permit is issued may also be grounds for denial of a permit.

Signature of Applicant

~~8/13/2026~~ 8/26/26
Date

Traci Votel /Carson Valley Community Food Closet
Name of Applicant

traci@thefoodcloset.org
Contact Email Address

Carson Valley Turkey Trot
FESTIVAL PLANS

Detailed explanation of the applicant's plans to provide security and fire protection, water supply and facilities, food supply and facilities, sanitation facilities, medical facilities and services, vehicle, parking space, vehicle access and on-site traffic control. The applicant's plans shall include what provisions shall be made for numbers of spectators in excess of the estimate, provisions for cleanup of the premises and removal of rubbish after the event has concluded. A plot plan showing arrangement of the facilities including those for parking, egress and ingress shall be submitted with the application (§ 5.12.040)

Describe Law Enforcement Protection Plan (§5.12.120(A))
Law enforcement offices are located within half mile of the event location. Staff will contact emergency dispatch for immediate assistance if needed.

Describe Plan for Location and Supply of Water Facilities (§5.12.120(B))
The event location has three water spickets (water outlets) in and around the area of the festival as well as two drinking fountains throughout the park which should meet gallons per hour required. In addition, bottled water and coffee is available to event participants.

Describe Food Concessions Plan (§5.12.120(C))
Granola bars, bananas, bottled water, coffee, and hot chocolate are available to all event participants. These items do not require a temporary food permit per Carson City Health and Human Services.

Describe Toilet Facilities Plan (§5.12.120(D))
The event location of Minden Park has eight indoor toilets and sinks meeting the required number for 501-1000 people for three hours or less.

Describe Trash Cans and Litter Plan (§5.12.120(E))
The event location of Minden Park has more than the required one can per 100 event participants. Garbage cans will be monitored by event volunteers, emptied as needed, and disposed of using the Town of Minden's dumpster.

Describe Medical Facilities Plan (5.12.120(F))
East Fork Fire Station #14 is located within a mile. Staff will contact emergency dispatch for immediate assistance if needed. There is a first aid kit on-site at Minden Park.

Describe Fire Protection Plan (§5.12.120(G))
East Fork Fire Station #14 is located within a mile. Staff will contact emergency dispatch for immediate assistance if needed.

Describe Parking Areas, Access and Parking Control Plan (§5.12.120(H))
Street closures will be from 7:00 am until 11:00 am on Thursday, November 26, 2026 and include the roads surrounding the park: Esmeralda Avenue, Mono Ave, 5th Street, and 6th Street.

4

These areas can be used for Law enforcement, medical and fire protection vehicles. Local streets, COD parking lot, and Minden Inn parking Lot will serve as the primary parking location for the event. See attached map.

Hours of Operation (§5.12.120 (I))
7-7:30 am Set Up
8:00 am Turkey Trot Fun Run (runners are typically done and headed home by 10:30 am)
11:30 am Clean up

Describe Location of On-Site Headquarters or Contact Information (§5.12.120(J))
On-site headquarters will be located at the Food Closet volunteer check in booth in the park. The location will be staffed throughout the duration of the event.

Describe Illumination Plan (§5.12.120(K))
Illumination is not necessary as the event takes place after sunrise and concludes before noon.

Describe Overnight Camping Facilities Plan (§5.12.120(L))
Overnight camping facilities are not needed for the Carson Valley Turkey Trot.

Describe Communication System Plan (§5.12.120(Q))
Communication will be by means of a loud speaker or Public Address (PA) System with volunteers to handle or deliver direct messages to participants.

What provisions will be made for numbers of spectators in excess of the estimate (§5.12.040)?
The peak number of attendees for this event is 650, an overestimate for the event as the pre-registration of participants are capped at 550 and the event has never reached 100 volunteers or spectators above the capped list. Keeping the event at 650 attendees means the additional plans stated in this document meets the 501-1,000 attendee requirements.
If there is a need for assistance from fire, law enforcement, trash, and medical that need to be adjusted those agencies will be contacted directly during the event and request additional support immediately.

Attach a plot plan showing arrangement of the facilities including those for parking, egress and ingress (§5.12.040)
Please see attached maps.

DOUGLAS COUNTY OUTDOOR FESTIVAL LICENSE APPLICATION

CONTRIBUTORS & INVESTORS LIST

Please list anyone who has contributed, invested or who has a financial interest greater than $500.
Use additional sheets if necessary.

Investor's name: NA _____

Mailing address: _____
Street or P.O. Box City State Zip Code

Email Address: _____

Phone #(s): _____ (Business) _____ (Cell)

Investor's name: _____

Mailing address: _____
Street or P.O. Box City State Zip Code

Email Address: _____

Phone #(s): _____ (Business) _____ (Cell)

Investor's name: _____

Mailing address: _____
Street or P.O. Box City State Zip Code

Email Address: _____

Phone #(s): _____ (Business) _____ (Cell)

Investor's name: _____

Mailing address: _____
Street or P.O. Box City State Zip Code

Email Address: _____

Phone #(s): _____ (Business) _____ (Cell)

DOUGLAS COUNTY OUTDOOR FESTIVAL LICENSE APPLICATION

PROPERTY OWNER AFFIDAVIT

STATE OF NEVADA)
) ss:
COUNTY OF DOUGLAS)

I, John D Frisby being duly sworn, depose, and say that I am an owner* of property involved in this application, that the applicant has my full permission to use the property and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief.

Location of Event: 1610 Esmeralda Ave ; Minden Park
Address or Legal Description

Signed _____

Subscribed and sworn to before me this 19th day of August, 2026

*Owner refers to the following. Please mark the appropriate box.

☒ OWNER/JOINT OWNER

☐ CORPORATE OFFICER/PARTNER

☐ POWER OF ATTORNEY (Provide copy of Power of Attorney)

☐ AGENT (Notarized letter from property owner giving legal authority to agent)

☐ LETTER FROM GOVERNMENT AGENCY WITH STEWARDSHIP

_____
Douglas County Clerk's Office

~OR~

Douglas County, Nevada
Notary Public in and for said county and state

March 25, 2030
My commission expires

DANIELLE WHALEN
Notary Public - State of Nevada
Appointment Recorded in Douglas County
No: 09-10313-5 - Expires Mar. 25, 2030

DOUGLAS COUNTY OUTDOOR FESTIVAL LICENSE APPLICATION

INSURANCE, HOLD HARMLESS & INDEMNIFICATION REQUIREMENTS FOR AN OUTDOOR FESTIVAL LICENSE APPLICATION

Pursuant to Douglas County Code §5.12, any applicant for a Douglas County Outdoor Festival license must ensure the following requirements are met to the satisfaction of Douglas County before the Outdoor Festival license may be issued.

INDEMNIFICATION & HOLD HARMLESS

As respects acts, errors or omissions relating to the event, APPLICANT agrees to indemnify and hold harmless COUNTY, its officers, agents, employees, and volunteers from and against any and all claims, demands, defense costs, liability or consequential damages of any kind or nature arising directly or indirectly out of the event or any activity leading up to, during, or following the event, excepting those which arise out of the sole negligence of the COUNTY. APPLICANT further agrees to defend COUNTY and assume all costs, expenses and liabilities of any nature to which COUNTY may be subjected as a result of any claim, demand, action or cause of action arising out of the negligent acts, errors or omissions of APPLICANT or its agents concerning the event.

INSURANCE REQUIREMENTS

COUNTY requires that APPLICANT purchase General Liability Insurance as described below against claims for injuries to persons or damages to property which may arise from or in connection with the event by APPLICANT, its agents, representatives, or employees. The cost of all such insurance shall be borne by APPLICANT. APPLICANT shall maintain coverage and limits of not less than $1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage and not less than $2,000,000 for events determined to be high risk by Douglas County. APPLICANT is required to post an indemnity bond or a performance bond in favor of the county in connection with the operation of outdoor festival for not less than $100,000. Any Douglas County department or agency required to perform an duty during the outdoor festival that results in it incurring extraordinary costs may request the clerk of the board to invoice the licensee or proceed against a bond posted.

Any deductibles or self-insured retentions must be declared to and approved by the COUNTY prior to the event. COUNTY reserves the right to request additional documentation, financial or otherwise prior to giving its approval of the deductibles and self-insured retention and prior to issuing the license. The COUNTY prior to the change taking effect must approve any changes to the deductibles or self-insured retentions.

APPLICANT shall provide COUNTY with a certificate of insurance that identifies COUNTY, its officers, agents, employees and volunteers as additional insured.

I hereby agree to the all of the provisions stated above and have attached a copy of the Certificate of Liability Insurance:

Carson Valley Turkey Trot — Name of Event

11/26/2026 — Date of Event

Traci Votel — Applicant's name (printed)

Applicant's signature

8/13/2026 — Date

FILED
IN THE OFFICE OF THE
SECRETARY OF STATE OF THE
STATE OF NEVADA

DEC 1 1989

FRANKIE SUE DEL PAPA SECRETARY OF STATE
Frankie Sue Del Papa
NO. 10123-89

ARTICLES OF INCORPORATION

OF

CARSON VALLEY COMMUNITY FOOD CLOSET, INC.

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, do hereby associate ourselves into a non-profit corporation under and pursuant to the provisions and by virtue of the laws of the State of Nevada, as provided in N.R.S. 81.290 et seq; and for that purpose do hereby make, subscribe, acknowledge, certify and set forth as follows:

FIRST: That the name of said corporation is:

CARSON VALLEY COMMUNITY FOOD CLOSET, INC.

SECOND: The principal office or place of business of the corporation shall be located at 912 Centerville Lane, Gardnerville, Nevada 89410 but the corporation may maintain offices, agencies and places of business in any other space in the United States and in foreign countries without restriction as to place; and the corporation may keep such books, papers and records of the corporation as are not required by law to be kept within the State of Nevada, and as the Trustees may find convenient, in such offices, agencies and places of business.

THIRD: The nature of the business to be transacted and the objects and purposes to be promoted and carried on by the corporation shall be as follows:

A. To operate a community food closet; to provide food stuffs to needy persons or organizations; to receive and use funds obtained from fees, donations, devises and bequests

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from all lawful sources for the construction, maintenance and operation of the community food closet.

B. To receive, acquire, hold, manage, administer and expend property and funds for educational, religious, scientific, or general charitable and eleemosynary purposes, including the assistance and support of charitable institutions, associations and undertakings.

C. To take property and funds by will, gift or otherwise and with or without specification of any educational, charitable or eleemosynary purpose, but in case no educational, religious, scientific, charitable or eleemosynary purpose is specified, the property or funds so received must, nevertheless, be held upon the trust that the same must be used for educational, religious, scientific, charitable or eleemosynary purposes. The corporation shall not have the power to take or hold property or funds for any purpose other than an educational, religious, scientific, charitable or eleemosynary one.

D. To hold, in its own name and right, real and personal property of every nature and description without limitation as to extent, character or amount and with all the powers of control, management, investment, change and disposal incident to the absolute ownership of property or funds by a private person, subject only to the terms of particular trusts and to the general trust that all its properties and funds must be held for educational, religious, scientific, charitable or eleemosynary purposes.

E. To borrow money, either upon or without security, giving such promissory notes or other evidences of indebtedness

and such pledges, mortgages or other instruments of hypothecation as it may be advised.

F. To appoint and pay officers and agents to conduct and administer the affairs of the corporation, but no member of the board of trustees may receive any compensation.

G. To adopt bylaws prescribing the duties of the officers and agents of the corporation, the detail of the organization, the time and manner of its meetings, and any and all detail incident to its organization and the efficient conduct and management of its affairs.

H. To do any and all things which a natural person might do necessary and desirable for the general purpose for which the corporation is organized.

I. To receive and use funds obtained from private donations, devises and bequests and from all lawful sources to be applied for general charitable and benevolent purposes in assisting the poor, the sick and needy, and various charitable homes, institutions or associate service centers and other charitable organizations operating with or assisted by this corporation.

J. That it is a non-profit corporation, organized solely for educational, religious, scientific or general charitable and eleemosynary purposes or for a combination of educational, religious, scientific and charitable purposes.

K. Upon the winding up and dissolution of this corporation, after paying or adequately providing for the debts and obligations of the corporation, the remaining assets shall be distributed to a non-profit fund, foundation or corporation,

which is organized and operated exclusively for charitable, educational, or religious and/or scientific purposes and which has established its tax-exempt status under Section 501 (c) (3) of the Internal Revenue Code.

L. No part of the net earnings of this corporation shall ever inure to or for the benefit of or be distributable to its members, trustees, officers or other private persons, except that the corporation shall be empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the exempt purposes for which it was formed.

M. Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from federal income tax under Section 501 (c) (3) of the Internal Revenue Code of 1954.

N. The corporation may receive salvage food in bulk quantities and distribute that food without charge, but the corporation does not have the right to distribute out-of-state or sell or offer to sell said food.

O. In general to have and exercise all of the powers conferred by the Nevada Revised Statutes, Section 81.290 to 81.340, inclusive, and to do any and all of the things hereinbefore set forth, to the same extent as natural persons might or could do.

The foregoing clauses shall be construed both as objects and powers and it is hereby expressly provided that the foregoing enumeration of specific powers shall not be held to

limit or restrict in any manner the powers of this corporation otherwise conferred, granted, and not prohibited it by law.

FOURTH: That members of the governing board of the corporation shall be known as Trustees, and the number thereof shall be a minimum of three (3) but not more than fifteen (15) with the exact number being set in the Bylaws.

The corporation may, in its bylaws, confer powers upon its Trustees in addition to the powers and authorities expressly conferred upon them by statute, not in conflict with the purposes of this corporation.

The names and addresses of the first Board of Trustees, consisting of three (3) Trustees, are as follows:

NAME	ADDRESS
JEFFREY K. RAHBECK	PO Box 435 Zephyr Cove, Nevada 89448
KATHLEEN A. RAHBECK	PO Box 435 Zephyr Cove, Nevada 89448
CONNIE ROBERTSON	PO Box 435 Zephyr Cove, Nevada 89448

The corporation may have a membership distinct from the Board of Trustees. If it does, the bylaws shall prescribe the terms and qualification of membership.

FIFTH: This corporation reserves the right to amend, alter, change or repeal any provision contained in the Articles of Incorporation, in the manner now or hereafter prescribed by statute or by these Articles of Incorporation, and all rights conferred herein are granted subject to this reservation.

///

SIXTH: The personal liability of a director, officer or trustee to the corporation for damages for breach of judiciary duty as a director, officer or trustee is eliminated, except under the following circumstance:

A. Acts or admissions which involve intentional misconduct, fraud or annoying violation of law.

WE, THE UNDERSIGNED, being the first Board of Trustees of the aforementioned corporation, for the purpose of forming a non-profit corporation to do business both within and without the State of Nevada, and in pursuance of N.R.S 81.290, et seq., do make and file this certificate, hereby declaring and certifying that the facts herein stated are true.

IN WITNESS WHEREOF, we accordingly have hereunto set our hands and seals this 24th day of October, 1989.

JEFFREY K. RAHBECK

KATHLEEN A. RAHBECK

CONNIE ROBERTSON

ACKNOWLEDGMENT

STATE OF NEVADA)
: ss.
COUNTY OF DOUGLAS)

On this 24th day of October, 1989, personally appeared before me, the undersigned Notary Public in and for said County and State, JEFFREY K. RAHBECK, KATHLEEN A. RAHBECK and CONNIE ROBERTSON, known to me to be the persons described in and who executed the foregoing instrument, who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

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

Jean Bourcier
Notary Public

JEAN BOURCIER
Notary Public - State of Nevada
Appointment Recorded in Douglas County
MY APPOINTMENT EXPIRES AUG. 8, 1992

CARSONVA02 CMITCHELL

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 8/13/2026

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Warren W. Reed Insurance, Inc.
1521 Hwy 395 N
Gardnerville, NV 89410

CONTACT NAME:
PHONE (A/C, No, Ext): (775) 782-2277 FAX (A/C, No): (775) 782-8923
E-MAIL ADDRESS: info@warrenreed.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Philadelphia Insurance Company	18058
INSURER B : Philadelphia Indemnity Inurance Company	18058
INSURER C : Markel Insurance Company	38970
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Carson Valley Community Food
1251 Waterloo Ln
Gardnerville, NV 89410

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY							
	CLAIMS-MADE OCCUR	X		PHPK2670182-017	4/4/2026	4/4/2027	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY	$ 1,000,000
	POLICY PRO-JECT LOC						GENERAL AGGREGATE	$ 2,000,000
	OTHER:						PRODUCTS - COMP/OP AGG	$ 2,000,000
								$
B	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY X SCHEDULED AUTOS			PHPK2670182-017	4/4/2026	4/4/2027	BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N						PER STATUTE OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N / A		MWC0047718-14	5/20/2026	5/20/2027	E.L. EACH ACCIDENT	$ 100,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 100,000
							E.L. DISEASE - POLICY LIMIT	$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: Turkey Trot
Douglas County is an additional insured per the attached forms

CERTIFICATE HOLDER

Douglas County
PO Box 218
Minden, NV 89423

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Carolyn Mitchell

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

GENERAL LIABILITY DELUXE ENDORSEMENT: HUMAN SERVICES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE

It is understood and agreed that the following extensions only apply in the event that no other specific coverage for the indicated loss exposure is provided under this policy. If such specific coverage applies, the terms, conditions and limits of that coverage are the sole and exclusive coverage applicable under this policy, unless otherwise noted on this endorsement. The following is a summary of the Limits of Insurance and additional coverages provided by this endorsement. For complete details on specific coverages, consult the policy contract wording.

Coverage Applicable	Limit of Insurance	Page #
Extended Property Damage	Included	2
Limited Rental Lease Agreement Contractual Liability	$50,000 limit	2
Non-Owned Watercraft	Less than 58 feet	2
Damage to Property You Own, Rent, or Occupy	$30,000 limit	2
Damage to Premises Rented to You	$1,000,000	3
HIPAA	Clarification	4
Medical Payments	$20,000	5
Medical Payments – Extended Reporting Period	3 years	5
Athletic Activities	Amended	5
Supplementary Payments – Bail Bonds	$5,000	5
Supplementary Payment – Loss of Earnings	$1,000 per day	5
Employee Indemnification Defense Coverage	$25,000	5
Key and Lock Replacement – Janitorial Services Client Coverage	$10,000 limit	6
Additional Insured – Newly Acquired Time Period	Amended	6
Additional Insured – Medical Directors and Administrators	Included	7
Additional Insured – Managers and Supervisors (with Fellow Employee Coverage)	Included	7
Additional Insured – Broadened Named Insured	Included	7
Additional Insured – Funding Source	Included	7
Additional Insured – Home Care Providers	Included	7
Additional Insured – Managers, Landlords, or Lessors of Premises	Included	7
Additional Insured – Lessor of Leased Equipment	Included	7
Additional Insured – Grantor of Permits	Included	8
Additional Insured – Vendor	Included	8
Additional Insured – Franchisor	Included	9
Additional Insured – When Required by Contract	Included	9
Additional Insured – Owners, Lessees, or Contractors	Included	9
Additional Insured – State or Political Subdivisions	Included	10

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Duties in the Event of Occurrence, Claim or Suit	Included	10
Unintentional Failure to Disclose Hazards	Included	10
Transfer of Rights of Recovery Against Others To Us	Clarification	10
Liberalization	Included	11
Bodily Injury – includes Mental Anguish	Included	11
Personal and Advertising Injury – includes Abuse of Process, Discrimination	Included	11

A. Extended Property Damage

SECTION I – COVERAGES, COVERAGE A BODILY INJURY AND PROPERTY DAMAGE LIABILITY, Subsection **2. Exclusions**, Paragraph **a.** is deleted in its entirety and replaced by the following:

a. Expected or Intended Injury

"Bodily injury" or property damage" expected or intended from the standpoint of the insured. This exclusion does not apply to "bodily injury" or "property damage" resulting from the use of reasonable force to protect persons or property.

B. Limited Rental Lease Agreement Contractual Liability

SECTION I – COVERAGES, COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY, Subsection **2. Exclusions**, Paragraph **b. Contractual Liability** is amended to include the following:

(3) Based on the named insured's request at the time of claim, we agree to indemnify the named insured for their liability assumed in a contract or agreement regarding the rental or lease of a premises on behalf of their client, up to $50,000. This coverage extension only applies to rental lease agreements. This coverage is excess over any renter's liability insurance of the client.

C. Non-Owned Watercraft

SECTION I – COVERAGES, COVERAGE A BODILY INJURY AND PROPERTY DAMAGE LIABILITY, Subsection **2. Exclusions,** Paragraph **g. (2)** is deleted in its entirety and replaced by the following:

(2) A watercraft you do not own that is:

(a) Less than 58 feet long; and

(b) Not being used to carry persons or property for a charge;

This provision applies to any person, who with your consent, either uses or is responsible for the use of a watercraft. This insurance is excess over any other valid and collectible insurance available to the insured whether primary, excess or contingent.

D. Damage to Property You Own, Rent or Occupy

SECTION I – COVERAGES, COVERAGE A BODILY INJURY AND PROPERTY DAMAGE

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LIABILITY, Subsection **2. Exclusions**, Paragraph **j. Damage to Property**, Item **(1)** is deleted in its entirety and replaced with the following:

(1) Property you own, rent, or occupy, including any costs or expenses incurred by you, or any other person, organization or entity, for repair, replacement, enhancement, restoration or maintenance of such property for any reason, including prevention of injury to a person or damage to another's property, unless the damage to property is caused by your client, up to a $30,000 limit. A client is defined as a person under your direct care and supervision.

E. Damage to Premises Rented to You

1. If damage by fire to premises rented to you is not otherwise excluded from this Coverage Part, the word "fire" is changed to "fire, lightning, explosion, smoke, or leakage from automatic fire protective systems" where it appears in:

   a. The last paragraph of **SECTION I – COVERAGES, COVERAGE A BODILY INJURY AND PROPERTY DAMAGE LIABILITY**, Subsection **2. Exclusions**; is deleted in its entirety and replaced by the following:

      Exclusions **c.** through **n.** do not apply to damage by fire, lightning, explosion, smoke, or leakage from automatic fire protective systems to premises while rented to you or temporarily occupied by you with permission of the owner. A separate limit of insurance applies to this coverage as described in **SECTION III – LIMITS OF INSURANCE**.

   b. **SECTION III – LIMITS OF INSURANCE**, Paragraph 6. is deleted in its entirety and replaced by the following:

      Subject to Paragraph 5. above, the Damage To Premises Rented To You Limit is the most we will pay under Coverage A for damages because of "property damage" to any one premises, while rented to you, or in the case of damage by fire, lightning, explosion, smoke, or leakage from automatic fire protective systems while rented to you or temporarily occupied by you with permission of the owner.

   c. **SECTION V – DEFINITIONS**, Paragraph 9.a., is deleted in its entirety and replaced by the following:

      A contract for a lease of premises. However, that portion of the contract for a lease of premises that indemnifies any person or organization for damage by fire, lightning, explosion, smoke, or leakage from automatic fire protective systems to premises while rented to you or temporarily occupied by you with permission of the owner is not an "insured contract";

2. **SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS**, Subsection **4. Other Insurance**, Paragraph **b. Excess Insurance**, **(1) (a) (ii)** is deleted in its entirety and replaced by the following:

   That is insurance for fire, lightning, explosion, smoke, or leakage from automatic fire protective systems for premises rented to you or temporarily occupied by you with permission of the owner;

3. The Damage To Premises Rented To You Limit section of the Declarations is amended to the greater of:

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a. $1,000,000; or

b. The amount shown in the Declarations as the Damage to Premises Rented to You Limit.

This is the most we will pay for all damage proximately caused by the same event, whether such damage results from fire, lightning, explosion, smoke, or leaks from automatic fire protective systems or any combination thereof.

F. HIPAA

SECTION I – COVERAGES, COVERAGE B PERSONAL AND ADVERTISING INJURY LIABILITY, is amended as follows:

1. Paragraph **1. Insuring Agreement** is amended to include the following:

We will pay those sums that the insured becomes legally obligated to pay as damages because of a "violation(s)" of the Health Insurance Portability and Accountability Act (HIPAA). We have the right and the duty to defend the insured against any "suit," "investigation," or "civil proceeding" seeking these damages. However, we will have no duty to defend the insured against any "suit" seeking damages, "investigation," or "civil proceeding" to which this insurance does not apply.

2. Paragraph **2. Exclusions** is amended to include the following additional exclusions:

This insurance does not apply to:

a. Intentional, Willful, or Deliberate Violations

Any willful, intentional, or deliberate "violation(s)" by any insured.

b. Criminal Acts

Any "violation" which results in any criminal penalties under the HIPAA.

c. Other Remedies

Any remedy other than monetary damages for penalties assessed.

d. Compliance Reviews or Audits

Any compliance reviews by the Department of Health and Human Services.

3. SECTION V – DEFINITIONS is amended to include the following additional definitions:

a. "Civil proceeding" means an action by the Department of Health and Human Services (HHS) arising out of "violations."

b. "Investigation" means an examination of an actual or alleged "violation(s)" by HHS. However, "investigation" does not include a Compliance Review.

c. "Violation" means the actual or alleged failure to comply with the regulations included in the HIPAA.

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G. Medical Payments – Limit Increased to $20,000, Extended Reporting Period

If **COVERAGE C MEDICAL PAYMENTS** is not otherwise excluded from this Coverage Part:

1. The Medical Expense Limit is changed subject to all of the terms of **SECTION III - LIMITS OF INSURANCE** to the greater of:

   a. $20,000; or
   b. The Medical Expense Limit shown in the Declarations of this Coverage Part.

2. **SECTION I – COVERAGE, COVERAGE C MEDICAL PAYMENTS**, Subsection **1. Insuring Agreement**, a. (3) (b) is deleted in its entirety and replaced by the following:

   (b) The expenses are incurred and reported to us within three years of the date of the accident.

H. Athletic Activities

SECTION I – COVERAGES, COVERAGE C MEDICAL PAYMENTS, Subsection **2. Exclusions**, Paragraph **e. Athletic Activities** is deleted in its entirety and replaced with the following:

e. Athletic Activities

To a person injured while taking part in athletics.

I. Supplementary Payments

SECTION I – COVERAGES, SUPPLEMENTARY PAYMENTS - COVERAGE A AND B are amended as follows:

1. b. is deleted in its entirety and replaced by the following:

1. b. Up to $5000 for cost of bail bonds required because of accidents or traffic law violations arising out of the use of any vehicle to which the Bodily Injury Liability Coverage applies. We do not have to furnish these.

1.d. is deleted in its entirety and replaced by the following:

1. d. All reasonable expenses incurred by the insured at our request to assist us in the investigation or defense of the claim or "suit", including actual loss of earnings up to $1,000 a day because of time off from work.

J. Employee Indemnification Defense Coverage

SECTION I – COVERAGES, SUPPLEMENTARY PAYMENTS – COVERAGES A AND B the following is added:

We will pay, on your behalf, defense costs incurred by an "employee" in a criminal proceeding occurring in the course of employment.

The most we will pay for any "employee" who is alleged to be directly involved in a criminal proceeding is $25,000 regardless of the numbers of "employees," claims or "suits" brought or persons or organizations making claims or bringing "suits.

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K. Key and Lock Replacement – Janitorial Services Client Coverage

SECTION I – COVERAGES, SUPPLEMENTARY PAYMENTS – COVERAGES A AND B is amended to include the following:

We will pay for the cost to replace keys and locks at the "clients" premises due to theft or other loss to keys entrusted to you by your "client," up to a $10,000 limit per occurrence and $10,000 policy aggregate.

We will not pay for loss or damage resulting from theft or any other dishonest or criminal act that you or any of your partners, members, officers, "employees", "managers", directors, trustees, authorized representatives or any one to whom you entrust the keys of a "client" for any purpose commit, whether acting alone or in collusion with other persons.

The following, when used on this coverage, are defined as follows:

a. "Client" means an individual, company or organization with whom you have a written contract or work order for your services for a described premises and have billed for your services.

b. "Employee" means:

(1) Any natural person:

(a) While in your service or for 30 days after termination of service;

(b) Who you compensate directly by salary, wages or commissions; and

(c) Who you have the right to direct and control while performing services for you; or

(2) Any natural person who is furnished temporarily to you:

(a) To substitute for a permanent "employee" as defined in Paragraph **(1)** above, who is on leave; or

(b) To meet seasonal or short-term workload conditions;

while that person is subject to your direction and control and performing services for you.

(3) "Employee" does not mean:

(a) Any agent, broker, person leased to you by a labor leasing firm, factor, commission merchant, consignee, independent contractor or representative of the same general character; or

(b) Any "manager," director or trustee except while performing acts coming within the scope of the usual duties of an "employee."

c. "Manager" means a person serving in a directorial capacity for a limited liability company.

L. Additional Insureds

SECTION II – WHO IS AN INSURED is amended as follows:

1. If coverage for newly acquired or formed organizations is not otherwise excluded from this

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Coverage Part, Paragraph **3.a.** is deleted in its entirely and replaced by the following:

a. Coverage under this provision is afforded until the end of the policy period.

2. Each of the following is also an insured:

a. Medical Directors and Administrators – Your medical directors and administrators, but only while acting within the scope of and during the course of their duties as such. Such duties do not include the furnishing or failure to furnish professional services of any physician or psychiatrist in the treatment of a patient.

b. Managers and Supervisors – Your managers and supervisors are also insureds, but only with respect to their duties as your managers and supervisors. Managers and supervisors who are your "employees" are also insureds for "bodily injury" to a co-"employee" while in the course of his or her employment by you or performing duties related to the conduct of your business.

This provision does not change Item 2.a.(1)(a) as it applies to managers of a limited liability company.

c. Broadened Named Insured – Any organization and subsidiary thereof which you control and actively manage on the effective date of this Coverage Part. However, coverage does not apply to any organization or subsidiary not named in the Declarations as Named Insured, if they are also insured under another similar policy, but for its termination or the exhaustion of its limits of insurance.

d. Funding Source – Any person or organization with respect to their liability arising out of:

(1) Their financial control of you; or

(2) Premises they own, maintain or control while you lease or occupy these premises.

This insurance does not apply to structural alterations, new construction and demolition operations performed by or for that person or organization.

e. Home Care Providers – At the first Named Insured's option, any person or organization under your direct supervision and control while providing for you private home respite or foster home care for the developmentally disabled.

f. Managers, Landlords, or Lessors of Premises – Any person or organization with respect to their liability arising out of the ownership, maintenance or use of that part of the premises leased or rented to you subject to the following additional exclusions:

This insurance does not apply to:

(1) Any "occurrence" which takes place after you cease to be a tenant in that premises; or

(2) Structural alterations, new construction or demolition operations performed by or on behalf of that person or organization.

g. Lessor of Leased Equipment – Automatic Status When Required in Lease Agreement With You – Any person or organization from whom you lease equipment when you and such person or organization have agreed in writing in a contract or agreement that such person or organization is to be added as an additional insured on your policy. Such person or

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organization is an insured only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such person or organization.

A person's or organization's status as an additional insured under this endorsement ends when their contract or agreement with you for such leased equipment ends.

With respect to the insurance afforded to these additional insureds, this insurance does not apply to any "occurrence" which takes place after the equipment lease expires.

h. **Grantors of Permits** – Any state or political subdivision granting you a permit in connection with your premises subject to the following additional provision:

(1) This insurance applies only with respect to the following hazards for which the state or political subdivision has issued a permit in connection with the premises you own, rent or control and to which this insurance applies:

(a) The existence, maintenance, repair, construction, erection, or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoist away openings, sidewalk vaults, street banners or decorations and similar exposures;

(b) The construction, erection, or removal of elevators; or

(c) The ownership, maintenance, or use of any elevators covered by this insurance.

i. **Vendors** – Only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business, subject to the following additional exclusions:

(1) The insurance afforded the vendor does not apply to:

(a) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;

(b) Any express warranty unauthorized by you;

(c) Any physical or chemical change in the product made intentionally by the vendor;

(d) Repackaging, except when unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from the manufacturer, and then repackaged in the original container;

(e) Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;

(f) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;

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(g) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor; or

(h) "Bodily injury" or "property damage" arising out of the sole negligence of the vendor for its own acts or omissions or those of its employees or anyone else acting on its behalf. However, this exclusion does not apply to:

(i) The exceptions contained in Sub-paragraphs **(d)** or **(f)**; or

(ii) Such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products.

(2) This insurance does not apply to any insured person or organization, from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing.

j. Franchisor – Any person or organization with respect to their liability as the grantor of a franchise to you.

k. As Required by Contract – Any person or organization where required by a written contract executed prior to the occurrence of a loss. Such person or organization is an additional insured for "bodily injury," "property damage" or "personal and advertising injury" but only for liability arising out of the negligence of the named insured. The limits of insurance applicable to these additional insureds are the lesser of the policy limits or those limits specified in a contract or agreement. These limits are included within and not in addition to the limits of insurance shown in the Declarations

l. Owners, Lessees or Contractors – Any person or organization, but only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by:

(1) Your acts or omissions; or

(2) The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured when required by a contract.

With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

(a) All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or

(b) That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

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m. State or Political Subdivisions – Any state or political subdivision as required, subject to the following provisions:

(1) This insurance applies only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit, and is required by contract.

(2) This insurance does not apply to:

(a) "Bodily injury," "property damage" or "personal and advertising injury" arising out of operations performed for the state or municipality; or

(b) "Bodily injury" or "property damage" included within the "products-completed operations hazard."

M. Duties in the Event of Occurrence, Claim or Suit

SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS, Paragraph **2.** is amended as follows:

a. is amended to include:

This condition applies only when the "occurrence" or offense is known to:

(1) You, if you are an individual;

(2) A partner, if you are a partnership; or

(3) An executive officer or insurance manager, if you are a corporation.

b. is amended to include:

This condition will not be considered breached unless the breach occurs after such claim or "suit" is known to:

(1) You, if you are an individual;

(2) A partner, if you are a partnership; or

(3) An executive officer or insurance manager, if you are a corporation.

N. Unintentional Failure To Disclose Hazards

SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS, 6. Representations is amended to include the following:

It is agreed that, based on our reliance on your representations as to existing hazards, if you should unintentionally fail to disclose all such hazards prior to the beginning of the policy period of this Coverage Part, we shall not deny coverage under this Coverage Part because of such failure.

O. Transfer of Rights of Recovery Against Others To Us

SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS, 8. Transfer of Rights of

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Recovery Against Others To Us is deleted in its entirety and replaced by the following:

If the insured has rights to recover all or part of any payment we have made under this Coverage Part, those rights are transferred to us. The insured must do nothing after loss to impair them. At our request, the insured will bring "suit" or transfer those rights to us and help us enforce them.

Therefore, the insured can waive the insurer's rights of recovery prior to the occurrence of a loss, provided the waiver is made in a written contract.

P. Liberalization

SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS, is amended to include the following:

If we revise this endorsement to provide more coverage without additional premium charge, we will automatically provide the additional coverage to all endorsement holders as of the day the revision is effective in your state.

Q. Bodily Injury – Mental Anguish

SECTION V – DEFINITIONS, Paragraph **3.** Is deleted in its entirety and replaced by the following:

"Bodily injury" means:

a. Bodily injury, sickness or disease sustained by a person, and includes mental anguish resulting from any of these; and

b. Except for mental anguish, includes death resulting from the foregoing (Item **a.** above) at any time.

R. Personal and Advertising Injury – Abuse of Process, Discrimination

If **COVERAGE B PERSONAL AND ADVERTISING INJURY LIABILITY COVERAGE** is not otherwise excluded from this Coverage Part, the definition of "personal and advertising injury" is amended as follows:

1. **SECTION V – DEFINITIONS**, Paragraph 14.b. is deleted in its entirety and replaced by the following:

   b. Malicious prosecution or abuse of process;

2. **SECTION V – DEFINITIONS**, Paragraph 14. is amended by adding the following:

   Discrimination based on race, color, religion, sex, age or national origin, except when:

   a. Done intentionally by or at the direction of, or with the knowledge or consent of:

   (1) Any insured; or

   (2) Any executive officer, director, stockholder, partner or member of the insured;

   b. Directly or indirectly related to the employment, former or prospective employment, termination of employment, or application for employment of any person or persons by an insured;

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c. Directly or indirectly related to the sale, rental, lease or sublease or prospective sales, rental, lease or sub-lease of any room, dwelling or premises by or at the direction of any insured; or

d. Insurance for such discrimination is prohibited by or held in violation of law, public policy, legislation, court decision or administrative ruling.

The above does not apply to fines or penalties imposed because of discrimination.

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START

Esmeralda Ave. to 8th Street

Right on 8th St

Left on Esmeralda Place

Left on 9th St

Right on Esmeralda Avenue

Left on 10th St

Right on Belarra St

Left on Olua St

Right on Mackland Ave

Left Burrukia St

Left Labarantcha Rd

Left on Olua St

Right on Mackland Ave

Left on 10th St

Right on Mono Ave

Right on 7th St

Left on Wildrose Drive

Right on Second St

Left on Deseret Dr

Left on Spruce St

Left on Wildrose Dr

Right on Second St

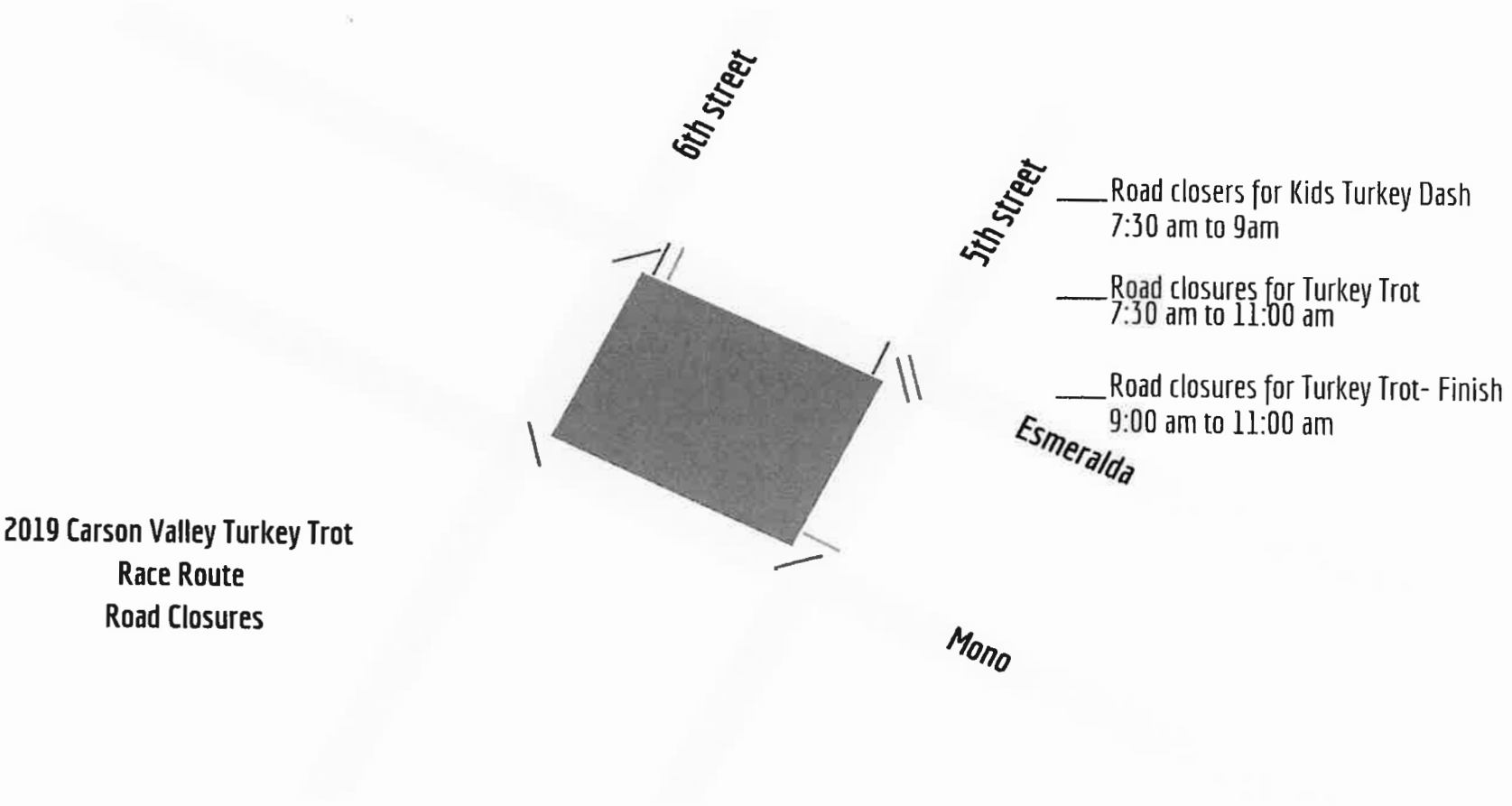
Left on Mono Ave

Right on 5th St

Left on Esmeralda

FINISH

Carson Valley Turkey Trot Race Route



2019 Carson Valley Turkey Trot
Race Route
Road Closures

AMY BURGANS
CLERK-TREASURER
website: cltr.douglasnv.us

Clerk's Office *(775) 782-9014*
Treasurer's Office *(775) 782-9018*
Tahoe General Services *(775) 586-7270*

Public Hearing Within 30 Days Waiver Letter

To Whom It May Concern:

Per NRS 244.3544, I am aware that I have the right to have my outdoor festival license application presented at a regular meeting of the Board of County Commissioners within 30 days of submitting a complete application and fee, if applicable. Per this letter, I authorize the Douglas County Clerk's Office to waive the no more than 30 days requirement to allow all required Douglas County Departments adequate time needed to review the application and provide required conditions, if applicable.

Applicable Nevada Revised Statute:
NRS 244.3544 Hearing: Notice; investigation; grant, denial or conditioning of license; issuance of license.
1. Upon receipt of a complete application and the application fee, the clerk shall:
(a) Set the application for public hearing at a regular meeting of the board, not less than 15 days nor more than 30 days thereafter, and give not less than 10 days' written notice thereof to the applicant.

Name of Event: Carson Valley Turkey Trot

Applicant Signature: [signature]

Date: 8/26/26

AMY BURGANS, CLERK-TREASURER
OUTDOOR FESTIVAL ENTERTAINMENT EVENT
APPROVAL FORM
775 782-9014

SUBJ: Carson Valley Turkey Trot

EVENT DATE: November 26, 2026

APPROVE: YES_☑_ NO_☐_

DEPOSIT RECOMMENDED: YES_☐_ NO_☑_; if yes, amount $_____

COMMENTS/CONDITIONS:_____

_____

_____

_____

_____.

NAME & TITLE OF APPROVER: Kara Easton, Director of Emergency Management

DEPARTMENT: Emergency Management (Emergency Communications Division)

AMY BURGANS, CLERK-TREASURER
OUTDOOR FESTIVAL ENTERTAINMENT EVENT
APPROVAL FORM
775 782-9014

SUBJ: Carson Valley Turkey Trot

EVENT DATE: November 26, 2026

APPROVE: YES_☑_ NO_☐_

DEPOSIT RECOMMENDED: YES_☐_ NO_☑_; if yes, amount $_____

COMMENTS/CONDITIONS: None

NAME & TITLE OF APPROVER: Kate Moroles-O'Neil, Principal Planner/Manager

DEPARTMENT: Community Development

AMY BURGANS, CLERK-TREASURER
OUTDOOR FESTIVAL ENTERTAINMENT EVENT
APPROVAL FORM
775 782-9014

SUBJ: Carson Valley Turkey Trot

EVENT DATE: November 26, 2026

APPROVE: YES_☑_ NO_☐_

DEPOSIT RECOMMENDED: YES_☐_ NO_☑_; if yes, amount $_____

COMMENTS/CONDITIONS: none

NAME & TITLE OF APPROVER: Ryan Stanton, Deputy Director

DEPARTMENT: Community Services

AMY BURGANS, CLERK-TREASURER
OUTDOOR FESTIVAL ENTERTAINMENT EVENT
APPROVAL FORM
775 782-9014

SUBJ: Carson Valley Turkey Trot

EVENT DATE: November 26, 2026

APPROVE: YES_☑_ NO_☐_

DEPOSIT RECOMMENDED: YES_☐_ NO_☑_; if yes, amount $_____

COMMENTS/CONDITIONS: None

NAME & TITLE OF APPROVER: Ron Elges/Undersheriff

DEPARTMENT: Sheriff's Office

AMY BURGANS, CLERK-TREASURER
OUTDOOR FESTIVAL ENTERTAINMENT EVENT
APPROVAL FORM
775 782-9014

SUBJ: Carson Valley Turkey Trot

EVENT DATE: November 26, 2026

APPROVE: YES_☑_ NO_☐_

DEPOSIT RECOMMENDED: YES_☐_ NO_☑_; if yes, amount $_____

COMMENTS/CONDITIONS:_____

There won't be any requirements from EFFPD on this event, due to it just being a run with no event area planned pre- or post-race.

NAME & TITLE OF APPROVER: Patrick Mooneyhan-Captain

DEPARTMENT: EFFPD

AMY BURGANS, CLERK-TREASURER
OUTDOOR FESTIVAL ENTERTAINMENT EVENT
APPROVAL FORM
775 782-9014

SUBJ: Carson Valley Turkey Trot

EVENT DATE: November 26, 2026

APPROVE: YES_☑_ NO_☐_

DEPOSIT RECOMMENDED: YES_☐_ NO_☑_; if yes, amount $_____

COMMENTS/CONDITIONS: The application for a license to conduct an outdoor festival was reviewed by Risk Management. The applicant provided sufficient proof of coverage to satisfy the requirements outlined in section N of Douglas County Code 5.12.120.

NAME & TITLE OF APPROVER: Megan Warren/ Human Resources Analyst

DEPARTMENT: Human Resources/Risk Management

AMY BURGANS, CLERK-TREASURER
OUTDOOR FESTIVAL ENTERTAINMENT EVENT
APPROVAL FORM
775 782-9014

SUBJ: Carson Valley Turkey Trot

EVENT DATE: November 26, 2026

APPROVE: YES ☒ NO ☐

DEPOSIT RECOMMENDED: YES ☐ NO ☐; if yes, amount $_____

COMMENTS/CONDITIONS: Deposit on file with Town of Minden.

NAME & TITLE OF APPROVER: JD Frisby - Town Manager

DEPARTMENT: Town of Minden

AGENDA ITEM NO. B.

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: CONSENT ITEMS

TITLE:
For possible action. Discussion to accept a $10,305.75 Affordable Housing Grant Award from the State of Nevada's Department of Business and Industry, Housing Division, for the period of July 1, 2025, through June 30, 2028, and authorize the County Manager to sign the grant award and any associated grant paperwork. These grant funds will be used to provide temporary housing and rental assistance to qualified Douglas County residents. (Brook Adie, Community Services Director)

RECOMMENDED MOTION:
Accept a $10,305.75 Affordable Housing Grant Award from the State of Nevada's Department of Business and Industry, Housing Division, for the period of July 1, 2025, through June 30, 2028, and authorize the County Manager to sign the grant award and any associated grant paperwork.

FINANCIAL IMPACT:
This grant award will increase the revenue in the "Grant Revenue-State" account of the Social Services Fund (216-000 331.510) by $10,305.75. There is no match requirement. The Community Services Department has completed the Grant Forms packet and routed it to the Grants Administrator. The Grants Administrator has reviewed and approved the grant packet and has assigned a project number to the grant (27F12). The project number will be used to track all revenues and expenses related to the grant.

BACKGROUND:
The Affordable Housing grant is administered by the State of Nevada's Department of Business and Industry, Housing Division, and awarded to the Douglas County Social Services Department. The funds are used to provide temporary housing and rental assistance to qualifying Douglas County residents. The grant period of this award is July 1, 2025, through June 30, 2028. There is no match requirement.

ATTACHMENTS:
Douglas County FY26 AAH Grant Agreement.pdf
Grant Form 26F12.pdf

2026 ACCOUNT FOR AFFORDABLE HOUSING GRANT AGREEMENT

This 2026 Account for Affordable Housing Grant Agreement is made and entered into on this ___day of _____, 2026, ("Effective Date") by and between the State of Nevada, Department of Business and Industry, Nevada Housing Division ("Division"), and Douglas County, a local government, ("Grantee") collectively the "Parties."

WHEREAS, the Division is the administering agency for the Account for Affordable Housing ("Account") created pursuant to Nevada Revised Statutes ("NRS") 319.500; and

WHEREAS, the Division is responsible for the planning, administration, implementation, and evaluation of the Account for Affordable Housing Program ("Program") as set forth in NRS 319.510 and Nevada Administrative Code ("NAC") 319.885 through 319.950, inclusive; and

WHEREAS, Grantee is a political subdivision of the State of Nevada; and

WHEREAS, the Division desires to assist the Grantee by providing funds from the Account ("Funds") to assist Grantee with qualified Program activities.

NOW, THEREFORE, in consideration of the foregoing and the mutual representations, covenants, and agreements herein, the Parties hereto do hereby agree as follows:

I. Scope of Services.

A. The Division will grant SFY 2026 Funds to Grantee in an amount not to exceed $10,305.75 to assist Grantee with qualified Program activities, as more particularly described in Exhibit A, attached hereto and incorporated herein. Money must be made available to individuals and families whose income is at or below 60% of the area median income of the county in which the individual or family resides.

B. All funds must be expended between July 1, 2025, and June 30, 2028, ("Expenditure Period"). Pursuant to NAC 319.948, if Funds have not been expended by June 30, 2028, ("Expenditure Date"), the Funds must be returned to the Division. Upon written request by the Grantee and for good cause, the Division may extend the Expenditure Period for not more than 1 year. Written requests for extension must be submitted within 60 days of the Expenditure Date to be considered by the Division. In the event the Grantee and/or the Division anticipate the total amount of Funds allocated for this Agreement will not be expended by the Expenditure Date, the Division reserves the right to recapture that portion and reallocate funds for other projects/programs operated under the Program.

C. Grantee agrees that any program costs, with regard to the distribution of Funds pursuant to this Agreement unless otherwise specified, exceeding $10,305.75 will be the responsibility of Grantee. An amount not to exceed six percent (6%) of the Funds conveyed pursuant to this Agreement may be used for project delivery costs. Any ongoing activity costs such as maintenance and operations shall be the sole responsibility of Grantee.

D. Before disbursing Funds on behalf of any recipient, Grantee agrees to enter into an agreement by way of a signed application with the recipient.

E. Changes in this Article I, Scope of Services, as outlined herein must be in accordance with NRS 319 and NAC 319, and made by written amendment to this Agreement, and approved by both Parties.

II. Division General Conditions.

A. Grantee has requested the financial support of the Division that is provided for in this Agreement to assist Grantee with qualified Program activities, as more particularly described in Exhibit A. The Division shall have no relationship whatsoever with the services provided, except the provision of financial support, monitoring, and the receipt of such reports as are provided for herein. To the extent, if at all, that any relationship to such services on the part of the Division may be claimed or found to exist, Grantee shall be an independent contractor only.

B. Grantee will provide the Division with client usage records per activity on a quarterly basis during the period of this Agreement. Such report shall include, without limitation, the following data:

1. Total clients served;
2. Racial breakdown of clients served including Black or African American, White, American Indian or Alaskan Native, Asian and Native Hawaiian or other Pacific Islander;
3. If the client is Hispanic or not;
4. Number of percentage of low-income and very low-income clients;
5. Number of clients with disabilities served;
6. Number of senior citizens served;
7. Number of female head of households served;
8. Number of persons in each household served; and
9. Rent charged for each household served.

C. Grantee will not use any portion of the Funds provided by this Agreement for any activities other than qualified Program activities.

D. If the Division determines that Funds have been expended on ineligible costs, Grantee shall repay to the Division, along with any fees, interest, or other funds, the amount of Funds expended on ineligible costs.

E. Grantee may not assign or delegate any of its rights, interests, or duties under this Agreement without the prior written consent of the Division. Any such assignment or delegation made without the required consent shall be voidable by the Division, and may, at the option of the Division, result in the forfeiture of all financial support provided herein.

F. Grantee shall allow duly authorized representatives of the Division to conduct such occasional reviews, audits, and onsite monitoring of activities as the Division deems to be

appropriate in order to determine:

1. Whether the objectives of the Program are being achieved;
2. Whether the Program is being conducted in an efficient and effective manner;
3. Whether management control systems and internal procedures have been established to meet the objectives of the Program;
4. Whether the financial operations of the Program are being conducted properly; and
5. Whether the periodic reports to the Division contain accurate and reliable information.

G. Visits by the Division to Project shall be announced in advance of those visits and shall occur during normal operating hours. The representatives of the Division may request, and, if such a request is made, shall be granted, access to all of the records related to the Program. Records with respect to the Program shall be made available for audit, examination and review by the Division, the Attorney General's Office, contracted independent auditors, or any combination thereof. The representatives of the Division may, from time to time, interview recipients of the Program who volunteer to be interviewed.

H. Grantee will protect, defend, indemnify, and save and hold harmless the Division from and against any and all liability, damages, demands, claims, suits, liens, and judgments of whatever nature including but not limited to claims for contribution or indemnification for injuries to or death of any person or persons, caused by the negligence, gross negligence or intentional act of Grantee or its agents pursuant to this Agreement.

I. Grantee will not use any Funds or other resources which are supplied by the Division in litigation against any person, natural or otherwise, or in its own defense in any such litigation and also to agree to notify the Division of any legal action which is filed by or against it in conjunction with this Program.

J. Grantee agrees that no public officer or public employee of Grantee may seek or accept any gifts, service, favor, employment, engagement, emolument, or economic opportunity which would tend improperly to influence a reasonable person in that position to depart from the faithful and impartial discharge of the public duties of that position.

K. Grantee agrees that no public officer or public employee of Grantee may use his or her position in government to secure or grant any unwarranted privilege, preference, exemption or advantage for himself or herself, any member of his or her household, any business entity in which he or she has a significant pecuniary interest or any other person. As used herein, "unwarranted" means without justification or adequate reason.

L. Grantee agrees that no public officer or public employee of Grantee may participate as an agent of Grantee in the negotiation or execution of a contract between Grantee and any private business in which he or she has a significant pecuniary interest.

M. Grantee agrees that no public officer or public employee of Grantee may suppress any report or other document because it might tend to affect unfavorably his or her pecuniary interests.

N. Grantee, and any subgrantee, shall be bound by all county ordinances, and state and federal

statutes, conditions, regulations, and assurances which are applicable to the entire Program or are required by the Division.

O. Any material breach of this section may, in the discretion of the Division, result in forfeiture of all unexpended Funds received by Grantee pursuant to this Agreement, or any part thereof.

P. No officer, employee or agent of the Division shall have any interest, direct or indirect, financial, or otherwise, in any contract or subcontract or the proceeds thereof, for any of the work to be performed pursuant to the activity during the period of service of such officer, employee or agent, for one year thereafter.

Q. Grantee agrees that it shall not enter into any agreement, written or oral, with any contractor if the contractor or subcontractor is listed on the Federal or State of Nevada Consolidated List of Debarred, Suspended, and Ineligible Contractors.

III. Financial Management.

A. Grantee agrees, and shall require any subgrantee to agree, that all costs of any activity receiving funds pursuant to this Agreement, shall be recorded by budget line items and be supported by checks, payrolls, time records, invoices, contracts, vouchers, orders and other accounting documents evidencing in proper detail the nature and propriety of the respective charges, and that all checks, payrolls, time records, invoices, contracts, vouchers, orders or other accounting documents which pertain, in whole or in part, to the activity shall be thoroughly identified and readily accessible to the Division.

B. Funds provided to the Grantee pursuant to this Agreement are expendable beginning on the Effective Date. This Agreement will commence upon the Effective Date. Funds must be expended by the Expenditure Date. Funds will be disbursed on a drawdown basis. Grantee shall submit draw requests to the Division as needed, with supporting documentation. Division shall have 30 days to process such draw request. Payments will be made by the Division to the Grantee in the form of reimbursement for monies already spent on eligible Project costs.

C. Grantee agrees that excerpts or transcripts of all checks, payrolls, time records, invoices, contracts, vouchers, orders, and other accounting documents related to or arguably related to the activity will be provided upon request to the Division.

D. Grantee shall comply with the Single Audit Act and 2 CFR Part 200, Subpart F, and shall provide the Division with a copy of the complete audit report. When complying with the Single Audit Act and 2 CFR Part 200, Subpart F, the audit must include funds that were disbursed from the Account and require all subgrantees and subrecipients who must comply with the Single Audit Act to include Trust Funds.

IV. Default and Remedies.

A. The following shall constitute an event of default under this Agreement: Any breach of this Agreement, or Declaration after the expiration of any notice and cure periods set forth in

Paragraph B of this Article IV.

B. Upon the occurrence of an event of default listed above, the Division will provide Grantee notice of the default and Grantee shall have 30 days from the date of the notice to cure the default. If the Grantee does not cure the default, the entire outstanding balance, including principal and interest, becomes immediately due and owing. The Division may proceed to protect and enforce its rights by mandamus or other suit, actions, or proceeding at law or in equity. No remedy conferred by this Agreement is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and shall be in addition to any other remedy existing at law or equity or by statute. No delay or omission of the Division to exercise any right or remedy accruing on an event of default shall impair any such right or remedy or constitute a waiver of any such event of default or an acquiescence therein.

V. Miscellaneous.

A. All notices, demands, requests, or other communications required or permitted under this Agreement shall be in writing and sent by first class, regular, registered, or certified mail, commercial delivery service, overnight courier, or facsimile transmission, air or other courier, or hand delivery to the party to be notified addressed as follows:

To the Division: 1830 E. College Parkway
Suite 200
Carson City, Nevada 89706
Attn: Administrator
Telephone: (775) 687-2249
Facsimile: (775) 687-4040
E-mail: nhdinfo@housing.nv.gov

To the Grantee: Douglas County
PO Box 3000
Minden, NV 89423

Any such notice, demand, request, or communication shall be deemed to have been given and received for all purposes under this Agreement:

1. Three business days after the same is deposited in any official depository or receptacle of the United States Postal Service first class, or if applicable, certified mail, return receipt requested, postage prepaid;
2. On the date of transmission when delivered by facsimile transmission, provided any transmission received after 4:00 p.m., local time, as evidenced by the time shown on such transmission, shall be deemed to have been received the following business day;
3. On the next business day after the same is deposited with a nationally recognized overnight delivery service that guarantees overnight delivery; and
4. On the date of actual deliver to such party by any other means; provided, however, if the day such notice, demand, request or communication shall be deemed to have been given and received as aforesaid is not a business day, such

notice, demand, request or communication shall be deemed to have been given and received on the next business day.

B. Each Party has cooperated in the drafting and preparation of this Agreement and, therefore, the Agreement shall not be construed against either Party as its drafter.

C. This Agreement constitutes the legal, valid, and binging obligations of the Parties enforceable against the Parties in accordance with it respective terms.

D. This Agreement shall be governed by and enforceable in accordance with the laws of the State of Nevada.

E. If any provision of this Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portions shall not in any way be affected or impaired.

F. The headings contained in this Agreement are for convenience of reference only and shall not affect the meaning or interpretation of this Agreement.

G. All references to the singular shall include the plural and all references to gender shall include the masculine, feminine, as well as the neuter, and vice versa, as the context requires.

H. In connection with any litigation, including appellate proceedings arising under this Agreement or any related agreement contemplated herein, the prevailing party or parties in such litigation shall be entitled to recover reasonable attorney fees and other legal costs and expenses from the non-prevailing party or parties.

I. This Agreement may be signed by the Parties hereto in counterparts with the same effect as if the signatories to each counterpart signed as a single instrument. All counterparts (when taken together) shall constitute an original of this Agreement.

J. Each Party represents and warrants to the other Party that:

1. It has the full right, power and authority to enter into this Agreement, to grant any rights and licenses hereunder and to perform its obligation hereunder;
2. The execution of this Agreement by its representative whose signatures are set forth at the end hereof has been dully authorized by all methods or corporate action of the Parties; and
3. Execution and delivery by such Party of this Agreement shall constitute the legal, valid and binding obligation of such Party, enforceable against such Party in accordance with its terms.

K. Each Party irrevocably and unconditionally waives any right it may have to a trial by jury and respect any legal action arising out of or relating to this Agreement or the transactions contemplated hereby.

L. The transactions described in this Agreement may be conducted and related documents may be stored by electronic means. Copies, telecopies, facsimiles, electronic files, and other reproductions of original executed documents shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

VI. Modification or Revocation of Agreement.

A. The Division and Grantee will amend or otherwise revise this Agreement should a modification be required under NRS 319 or NAC 319.

B. In the event that any of the Funds for any reason are terminated or withheld from the Division or otherwise not forthcoming, the Division or Grantee may revoke this Agreement.

C. The Division may suspend or terminate this Agreement if Grantee fails to comply with any of this Agreement's terms.

D. This Agreement constitutes the entire Agreement between the Parties and may only be modified by a written amendment signed by the parties, or as otherwise set forth in the terms of the Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and intend to be legally bound thereby
NEVADA HOUSING DIVISION:

By: _____
Steve Aichroth, Administrator
Nevada Housing Division

GRANTEE:

Douglas County

By:_____ Date: _____

EXHIBIT A

Qualified Program Activities

Homelessness Prevention:

Programs and assistance to individuals and families at risk of homelessness in Douglas County below 60% of the area median income:

- Rental Assistance: Assistance with short-term rental assistance and/or utility assistance $5,305.75
- Security Deposit: Assistance with security housing deposits and/or utility deposits $5,000.00

Total award: $10,305.75

Douglas County Finance Department

Grant Information Form

Complete only GREY areas

Today's Date	9/9/2026	**Fund-Department #**	216 551
Project Number	27F12	**Fund-Department Name**	Social Services
Grant Title	FY 26 Affordable Housing Grant		
Grant Purpose	Provide housing and rent assistance to individuals who are deemed eligible.		
Awarding Entity	Nevada Housing Division		
Total Grant Funds	$ 10,305.75		
Grant Start Date	7/1/2025	**End Date**	6/30/2028
Grant Type	☑ Federal- Enter CFDA ☐ State ☐ Other	(description of Other)	
Federal CFDA#	14.275	**Agreement Number**	
Method of Funding	☐ Advance ☑ Reimbursement		
Reporting Frequency	☑ Monthly ☐ Quarterly ☐ Semi-Annually ☐ Annually ☐ Upon Completion		
Reporting Due By	15th	**(EX: 10th, 15th, 30th after the end of the Quarter)**	
County Match Required?	☑ No ☐ Yes - enter $amount or %	**Match Amt**	$ - **or Match %** 0%
Match Type	☐ In-Kind **or** ☐ Cash		

Required Approvals

Approval to apply	*D Swickard*	**Date**	**9.11.26**

Complete only GREY areas

	Fund	Dept		
Fund-Department #	216	551	**Project Number**	**27F12**
Fund-Department Name	Social Services			

Financial Information

Source of Funds

(Name of Awarding entity)

Revenue				
216-000 331.500	Grant Revenue - Federal	$ 7,000.00	$ 3,305.75	$ -
216-000 331.510	Grant Revenue - State	$ -	$ -	$ -
216-000 360.300	Grant Revenue - Non-Govt.	$ -	$ -	$ -
	Total Revenue	$ 7,000.00	$ 3,305.75	$ -
	Match - Non Grant Reimbursement	$ -	$ -	$ -

Expenditures

		First Year	Second Year	Third Year
Various	Salaries & Benefits	$ -	$ -	$ -
216-551 520.166	Housing	$ 7,000.00	$ 3,305.75	$ -
216-551 520.088	Utilities	$ -	$ -	$ -
216-551 521.100	Professional Services	$ -	$ -	$ -
216-551 520.116	Vehicle Maint - Co	$ -	$ -	$ -
216-551 520.156	Insurance	$ -	$ -	$ -
216-551 533.800	Office Supplies	$ -	$ -	$ -
216-551 520.085	Communications	$ -	$ -	$ -
216-551 532.050	Food Commodities	$ -	$ -	$ -
216-551 000.000	Operating Expense	$ -	$ -	$ -
216-551 000.000	Maint Bldg & Grounds	$ -	$ -	$ -
216-551 562.100	Grants-Capital Outlay	$ -	$ -	$ -
		$ -	$ -	$ -
		$ -	$ -	$ -
	Subtotal Expenses	$ 7,000.00	$ 3,305.75	$ -
216-551 562.100	Grant Match - Capital Outlay	$ -	$ -	$ -
216-551 511.150	Grant Match - Salary	$ -	$ -	$ -
216-551 541.501	Grant Match - Serv & Supplies	$ -	$ -	$ -
	Subtotal Match	$ -	$ -	$ -
	Total Expenditure	$ 7,000.00	$ 3,305.75	$ -
	Total Match	$ -	$ -	$ -

Where will match funds come from?

Grant Awarded Funds

Year	Amount
FY26-27	$ 7,000.00
FY27-28	$ 3,305.75
FY28-29	$ -
Total	$ 10,305.75

AGENDA ITEM NO. C.

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: CONSENT ITEMS

TITLE:
For possible action. Discussion to accept the second year of funding for the DART Operating grant, in the amount of $759,689, for the time period of October 1, 2026, through September 30, 2027, and authorize Chairman Gardner to electronically sign the Year 2 Agreement through Docusign. (Brook Adie, Community Services Director)

RECOMMENDED MOTION:
Accept the second year of funding for the DART Operating grant, in the amount of $759,689, for the time period of October 1, 2026, through September 30, 2027, and authorize Chairman Gardner to electronically sign the Year 2 Agreement through Docusign.

FINANCIAL IMPACT:
The DART operating grant will increase the revenue in the "Grant Revenue - Federal" account (260-000 331.500) by $759,689 for Fiscal Year 2026-27. The grant has a match requirement of $375,101. The match is budgeted as a combination of existing payroll expenses, operating expenses, and a transfer from the General Fund to the Senior Services fund. When the first year of the grant was issued, it was assigned Project Number 26F12 to track all expenses and revenues for the grant. The Community Services Department has completed an updated grant forms packet to account for the second year of funding and routed it to the Grants Administrator for review and approval. The same project number will be used for the second year of the grant.

BACKGROUND:
This is a two-year, recurring federal grant that is issued by the Federal Department of Transportation. The grant award is received by the State of Nevada Department of Transportation (NDOT), who then issues funds to Douglas County as a subrecipient. These funds are the primary source of revenue for the DART program, which provides affordable transportation services to Douglas County residents, specifically to elderly and vulnerable populations. The grant period for this award is October 1, 2025, through September 30, 2027.

The first year of funding, which covered the time period of October 1, 2025, through September 30, 2026, was previously accepted by the Board of County Commissioners on October 16, 2025. The funding in this current agreement covers the second year of the grant period, which is October 1, 2026, through September 30, 2027.

ATTACHMENTS:
DART_year_2_Notice_to_Proceed.pdf
DART_year_2_award_letter.pdf
Grant Form Packet Year 2.pdf

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

JOE LOMBARDO
Governor

TRACY LARKIN THOMASON, P.E., *Director*

August 31, 2026

Geoff Bonar
Douglas County Community Services (DART)
1329 Waterloo Lane, Gardnerville, NV 89410

RE: Notice to Proceed for PR407-25-802 (Year2 Funding)

You are hereby authorized to proceed with the **Year 2 funding identified in the attached Funding Authorization Table**, effective **October 1, 2026**.

This Notice to Proceed applies only to the additional Year 2 funding identified in the attached Funding Authorization Table and does not replace or modify authorization previously provided for other active funding or projects. The applicable scope of services remains as established in the respective agreement(s).

All costs submitted for reimbursement must be eligible, allowable, allocable, and adequately documented in accordance with the applicable agreement, Federal Transit Administration (FTA) requirements, and Federal cost principles. Costs exceeding the amounts authorized in the attached Funding Authorization Table may not be incurred without prior written approval from NDOT.

Any anticipated changes to the scope, budget, funding allocation, or other terms of the current agreement(s) must be submitted to NDOT for review and approval. Amendment requests for the current agreement performance period will not be considered after March 31, 2027. Subrecipients should review their projects and funding needs in advance of this deadline to allow sufficient time for amendment processing.

Monthly Requests for Reimbursement (RFRs), including all required supporting documentation, must be submitted to NDOT no later than the **15th of the following month**, unless otherwise arranged with NDOT.

For additional information regarding all current and active awards, funding amounts, and applicable award details, please refer to your **Award Letter posted in BlackCat under Organization – General Documents**.

All other terms, conditions, reporting requirements, and compliance requirements of the applicable agreement(s) remain in effect.

Should you require additional information or clarification, please contact me at lbkline@dot.nv.gov or (775) 888-7215.

Sincerely,
NDOT Rural Transit Team

SUBRECIPIENT YEAR2 (FFY27) FUNDING

FUNDING AUTHORIZATION TABLE - NOTICE TO PROCEED

Funding Authorization Note: The **Year2 funding** shown in this table reflects the amounts authorized for use under this Notice to Proceed (NTP) as of the date listed below. Funding may be used for eligible and allowable costs incurred on or after the effective date of the NTP, in accordance with the applicable agreement and funding requirements.

Reimbursement Requirements: Funding provided under this Agreement is administered by NDOT on a reimbursement basis. Requests for Reimbursement (RFRs) must be for eligible and allowable project costs that have been paid by the subrecipient. Supporting documentation must demonstrate both the expense incurred and verification of payment. RFRs, including all required supporting documentation, must be submitted to NDOT **no later than the 15th day of the following month,** unless otherwise arranged with NDOT. In accordance with **FTA Circular 5010.1F, Award Management Requirements**, financial transactions and reimbursement requests must be supported by appropriate documentation and maintained within the subrecipient's financial management system.

Notice to Proceed: Effective **October 1, 2026**, you are authorized to proceed with the activities and funding identified in this Notice to Proceed. The applicable period of performance is **October 1, 2026 through September 30, 2027**. Eligible costs must be incurred within the applicable period of performance and in accordance with the terms and conditions of the Agreement.

Douglas Area Transportation District (DART)

TOTAL PROJECT FUNDING AUTHORIZED

Sub	Agreement	Funding Year	Total Federal	Total Local	Total Project
DART	PR407-25-802	Total: FFY26-27	$1,519,378	$750,203	$2,269,581
DART	PR407-25-802	Year1 (FFY26)	$759,689	$375,101	$1,134,791
DART	PR407-25-802	Year2 (FFY27)	$759,689	$375,101	$1,134,791

Submitted by L. Brock-Kline, 8/31/2026

Subrecipient

- BlkCat
- CCSS
- DART
- DVST
- ELKO
- GREY
- HCSC
- LINC
- LYON
- NCSN
- PLPT

Section

- [ ] 5310
- [x] 5311
- [ ] 5339

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

JOE LOMBARDO
Governor

TRACY LARKIN THOMASON, P.E.
Director

August 13, 2026

Geoff Bonar
Douglas Area Transportation District
1329 Waterloo Lane
Gardnerville, NV 89410
gbonar@douglasnv.us

Subject: Federal Transit Administration Notice of Grant Award (FFY26-27 Funding)
Agreement: PR407-25-802

This letter serves as the Award Letter for **Douglas Area Transportation District's Year 2 Federal Transit Administration (FTA) §5310, §5311, and/or §5339 funding for the FFY 2026–2027 grant cycle**. The attached award summary identifies the projects and federal funding amounts approved for Year 2 (FFY27) and all other active awards using FTA funding administered by NDOT.

This letter provides notification of **Year 2 funding only and does not authorize expenditure of the additional Year 2 funds**. Year 2 funding remains contingent upon the availability of applicable FTA funding and the agency's continued compliance with all federal, state, agreement, reporting, and program requirements.

Following execution of Agreement **PR407-25-802.** NDOT will establish the additional Year 2 funding in the State's accounting system and allocate the approved amounts in BlackCat. **The appearance of Year 2 funds in BlackCat does not constitute authorization to incur costs against those funds.** NDOT will issue a written **Notice to Proceed (NTP)** specifically authorizing use of the additional Year 2 funding. Costs charged to the Year 2 funding prior to the effective date of that NTP will not be eligible for reimbursement unless otherwise expressly authorized by NDOT.

The Year 2 NTP applies only to the additional funding added under this award and does not modify, replace, or otherwise affect existing authorization under the agency's other active awards or agreements. Those awards remain subject to their existing agreements, NTPs, periods of performance, approved scopes and budgets, and all applicable program and compliance requirements.

Agencies must continue to submit required monthly reporting and maintain complete and accurate financial and program records for all active awards in accordance with applicable FTA requirements, the NDOT State Management Plan, and executed agreements. BlackCat should not be relied upon as the agency's sole financial tracking system.

Any amendments or budget revisions must be submitted to NDOT for review and approval before implementation. Agencies should allow sufficient processing time for changes requiring NDOT and/or FTA approval. **Amendments for FFY27 will not be accepted after March 31, 2027**.

The NDOT Transit Office appreciates your continued commitment to providing public transportation services throughout Nevada and looks forward to working with you during Year 2 of the funding cycle.

Sincerely,

Laurel Brock-Kline

Transit Manager
Transportation Planner/Analyst 3
Multimodal Program Development
Nevada Department of Transportation
o 775-888-7215
e lbkline@dot.nv.gov | w dot.nv.gov

SUBRECIPIENT INFORMATION

Agency Name	UEI	Vendor Number
Douglas County Rural Transit	KE5GF37F6F95	T40174400

FTA RECIPIENT INFORMATION

Nevada Department of Transportation (NDOT)
Recipient ID: 1625
Laurel Brock-Kline, lbkline@dot.nv.gov

Agency
CCSS
DART
DVST
ELKO

Status
Active
Expired

CURRENT AWARD FUNDING BY AGREEMENT

Status	Agency	Section	FAIN	Agreement	Scope	Federal	Local	Total Project	Fed %	Match %
Active	DART	5311	NV-2025-041	407-25-802	OPG	$981,735	$671,574	$1,653,309	59.38%	40.62%
Active	DART	5311	NV-2025-041	407-25-802	PAG	$255,013	$63,753	$318,766	80.00%	20.00%
Active	DART	5311	NV-2025-041	407-25-802	CPG	$282,631	$14,875	$297,506	95.00%	5.00%
Active	DART	5339	NV-2025-013	552-24-802	CPG	$25,038	$6,260	$31,298	80.00%	20.00%
Total						**$1,544,417**	**$756,462**	**$2,300,879**		

REMAINING BALANCES FOR ACTIVE AGREEMENTS

Status	Agency	Section	Agreement	Federal Award	Federal Award Balance	Expires
Active	DART	5311	407-25-802	$1,519,378	$898,689	9/30/2027
Active	DART	5339	552-24-802	$25,038	$22,658	9/30/2027
Total				**$1,544,416**	**$921,346**	

Note: Remaining balances are based on NDOT financial records as of August 14, 2026, and are subject to change as additional reimbursements and adjustments are processed. The amounts shown do not constitute authorization to expend funds and do not indicate that a Notice to Proceed (NTP) has been issued for all awarded amounts. Funds may only be expended in accordance with the applicable agreement and NTP.

FTA AWARDS BY FAIN

Federal Award ID	Executed Date	Performance End Date
NV-2021-039-00	9/7/2021	9/30/2026
NV-2025-013-00	6/30/2025	12/31/2027
NV-2025-041-00	9/3/2025	12/31/2027

FTA PROJECTS

Project Name	Project Number	Project Start Date	Project End Date
Bipartisan Infrastructure Law, Capital Activities	NV-2025-013-01-00	1/31/2025	9/30/2026
FY2026 5339(b) CART Facility Rehabilitation	1625-2026-1-P1	1/12/2026	10/30/2026
5311 - FFY26-27 Operating	NV-2025-041-01-01	10/1/2025	12/31/2027
5311 - FFY26-27 Project Administration	NV-2025-041-02-01	10/1/2025	12/31/2027
5311 - FFY26-27 Capital Maintenance	NV-2025-041-03-01	10/1/2025	12/31/2027

Douglas County Finance Department

Grant Information Form

Complete only GREY areas

Today's Date	9/22/2025	**Fund-Department #**	260 / 680
Project Number	26F12	**Fund-Department Name**	Senior Services
Grant Title	DART Operating Grant - FY26		
Grant Purpose	Provide rural transportation services - This funding is the first year amount of a two year grant		
Awarding Entity	United States Department of Transportation		
Total Grant Funds	$ 759,689.00		
Grant Start Date	10/1/2025	**End Date**	9/30/2027
Grant Type	☑ Federal- Enter CFDA ☐ State ☐ Other	(description of Other)	
Federal CFDA#	20.509	**Agreement Number**	PR407-25-802
Method of Funding	☐ Advance ☑ Reimbursement		
Reporting Frequency	☑ Monthly ☐ Quarterly ☐ Semi-Annually ☐ Annually ☐ Upon Completion		
Reporting Due By	**30th**	**(EX: 10th, 15th, 30th after the end of the Quarter)**	
County Match Required?	☐ No ☑ Yes - enter $amount or %	**Match Amt**	$ 375,101.00 **or Match %** 49%
Match Type	☑ In-Kind **or** ☐ Cash		

Required Approvals

Approval to apply	*D Swickard*	**Date**	**9.25.25**

Complete only GREY areas

	Fund	Dept		
Fund-Department #	260	680	**Project Number**	**26F12**
Fund-Department Name	Senior Services			

Source of Funds

Financial Information

			FTA		
Revenue					
260-000 331.500	Grant Revenue - Federal	$ 759,689.00	$ -	$ -	
260-000 331.510	Grant Revenue - State	$ -	$ -	$ -	
260-000 360.300	Grant Revenue - Non-Govt.	$ -	$ -	$ -	
	Total Revenue	$ 759,689.00	$ -	$ -	
	Match - Non Grant Reimbursement	$ 375,101.00	$ -	$ -	

Expenditures

		First Year	Second Year	Third Year
Various	Salaries & Benefits	$ 555,289.00	$ -	$ -
260-680 532.003	Gas & Oil	$ 43,200.00	$ -	$ -
260-680 520.088	Utilities	$ -	$ -	$ -
260-680 521.100	Professional Services	$ 5,000.00	$ -	$ -
260-680 520.116	Vehicle Maint - Co	$ 90,000.00	$ -	$ -
260-680 520.156	Insurance	$ 38,200.00	$ -	$ -
260-680 533.800	Office Supplies	$ 7,250.00	$ -	$ -
260-680 520.085	Communications	$ 10,000.00	$ -	$ -
260-680 533.802	Small Equipment	$ 10,000.00	$ -	$ -
260-680 000.000	Operating Expense	$ -	$ -	$ -
260-680 000.000	Maint Bldg & Grounds	$ -	$ -	$ -
260-680 562.100	Grants-Capital Outlay	$ -	$ -	$ -
260-680 520.136	Equipment Leases	$ 750.00	$ -	$ -
		$ -	$ -	$ -
	Subtotal Expenses	$ 759,689.00	$ -	$ -
260-680 562.100	Grant Match - Capital Outlay	$ -	$ -	$ -
260-680 511.150	Grant Match - Salary	$ 375,101.00	$ -	$ -
260-680 541.501	Grant Match - Serv & Supplies	$ -	$ -	$ -
	Subtotal Match	$ 375,101.00	$ -	$ -
	Total Expenditure	$ 759,689.00	$ -	$ -
	Total Match	$ 375,101.00	$ -	$ -

Where will match funds come from?

FY26 budgeted expenses

Grant Awarded Funds

Year	**Amount**
FY26-27	$ 759,689.00
Total	$ 759,689.00

AGENDA ITEM NO. D.

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: CONSENT ITEMS

TITLE:
For possible action. Discussion to accept the auditor's report on Douglas County's general ledger cash balances through August 31, 2026, per Nevada Revised Statute 251.030. (Kathy Kaiser, Comptroller)

RECOMMENDED MOTION:
Accept the auditor's report on Douglas County's general ledger cash balances through August 31, 2026, as presented.

FINANCIAL IMPACT:
None.

BACKGROUND:
Pursuant to Nevada Revised Statute 251.030, County Comptrollers are required to report to the Board of County Commissioners, at each regular board meeting, the condition of each fund in the treasury. The attached Cash Report reflects the cash balances currently recorded in the County's general ledger, or official accounting record. Actual general ledger cash balances may differ from reported cash balances due to timing differences of general ledger entries.

ATTACHMENTS:
Cash Report as of August 31, 2026.pdf

Douglas County

Douglas County, Nevada Cash Report

From Date: 8/16/2026 - To Date: 8/31/2026

Summary Listing, Report By Fund - Account

Fund	Description	Beginning Balance	Net Change	Notes	Ending Balance
101	General Fund	$22,451,527.08	$3,460,785.70	1	$25,912,312.78
201	Stabilization Fund	$1,755,276.57	$0.00		$1,755,276.57
202	Nv Cooperative Extension	$675,162.75	$41,407.68		$716,570.43
208	Cash Trust	$836,729.32	($440.00)		$836,289.32
211	Solid Waste Mgmt.	$3,991,340.59	$90,614.48		$4,081,955.07
212	Landscape Maintenance Districts	$14,628.15	$1,119.41		$15,747.56
215	Assistance To Indigents	$1,151,110.74	($259,297.31)		$891,813.43
216	Social Services	$3,159,569.59	$26,655.77		$3,186,225.36
217	One Nevada (Opioid Settlement)	$1,276,929.18	$146,475.01		$1,423,404.19
220	PALS Sales Tax Fund	$245,211.30	($245,211.30)		$0.00
222	Law Library	$79,846.33	$0.00		$79,846.33
224	Library	$1,044,414.49	$167,627.98		$1,212,042.47
232	Road Operating	$1,819,477.89	$46,993.21		$1,866,471.10
234	Room Tax	$3,386,825.38	$668,893.66		$4,055,719.04
235	Library Gift Fund	$148,525.56	$6,788.31		$155,313.87
236	Tahoe-Douglas Trans.Dist.	$5,111,657.07	($1,724.10)		$5,109,932.97
240	Justice Ct. Admin. Assess	$1,719,618.33	$0.00		$1,719,618.33
242	China Spring Youth Camp	$654,566.44	($136,218.44)		$518,348.00
246	Flood Litigation Settlement Fund	$76,208.60	$0.00		$76,208.60
255	911 Emergency Services	$1,715,560.58	$261,077.94		$1,976,638.52
256	911 Surcharge	$556,143.71	($94,175.16)		$461,968.55
260	Senior Services Program	$1,174,051.95	$490,311.36		$1,664,363.31
297	Restricted Accounts Fund	$4,412,814.00	($55,617.36)		$4,357,196.64
309	Risk Management	$6,220,584.17	($1,685,872.01)	2	$4,534,712.16
310	Self Ins.Dental Insurance	$811,668.26	$4,629.33		$816,297.59
313	Motor Pool/Vehicle Maint	$1,897,223.48	($66,981.46)		$1,830,242.02
324	Regional Water Fund	$2,708,658.78	$73,015.73		$2,781,674.51
325	Sewer Utility	$13,075,759.86	$155,631.72		$13,231,391.58
328	Douglas County Water Utility	$21,836,964.04	$415,923.16		$22,252,887.20
360	Airport Enterprise Fund	$2,570,127.41	$28,702.19		$2,598,829.60
361	Stormwater Enterprise Fund	$1,447,716.20	($29,053.90)		$1,418,662.30
401	Extraordinary Maintenance	$3,613,493.16	$0.00		$3,613,493.16
405	Ad Val Capital Projects	$1,262,802.82	$207,902.26		$1,470,705.08
410	County Construction	$7,415,026.85	$46,308.15		$7,461,335.00
420	Park Resident.Const.Tax	$1,055,247.19	$17,426.42		$1,072,673.61
430	Regional Transportation	$12,716,868.89	$471,020.36		$13,187,889.25
440	Capital Projects-Debt Financed	$28,054,687.20	($127.78)		$28,054,559.42
541	Debt Service	$2,238,202.54	($1,099,193.77)	3	$1,139,008.77
600	Dc Redevelopment Area 2-Admin.	$866,309.35	$507,478.50		$1,373,787.85
601	Dc Redevl. Area 2-Cap. Projects	$28,986.57	$0.00		$28,986.57
606	Dc Redevel.-Cap.Projects	$2,800,222.18	$0.00		$2,800,222.18
610	Gardnerville Town	$1,704,905.10	($943,008.52)		$761,896.58
611	Gardnerville Trash	$904,226.63	$19,328.17		$923,554.80
614	Gardnerville Ad Val Cap Proj	$100,870.74	$0.00		$100,870.74

Fund	Description	Beginning Balance	Net Change	Notes	Ending Balance
620	Genoa Town	$748,700.54	$23,028.88		$771,729.42
622	Genoa Ad Val Cap Projects	$63,756.76	$0.00		$63,756.76
624	Genoa Construction Res	($10,267.26)	$68,110.49		$57,843.23
630	Minden Town	$1,149,536.85	$223,923.54		$1,373,460.39
631	Minden Ad Val Cap Project	$133,648.52	$0.00		$133,648.52
635	Minden Trash	$868,819.64	($10,664.64)		$858,155.00
636	Minden Cap.Equip./Constr.	$3,468,542.57	($8,933.00)		$3,459,609.57
639	Minden Wholesale Water Utility	$7,594,227.10	$239,661.70		$7,833,888.80
640	Minden Town Water	$13,301,067.51	($294,849.67)		$13,006,217.84
710	School District	$9,967,438.48	$631,962.27		$10,599,400.75
720	School Dist. Debt	$1,336,424.40	$96,960.98		$1,433,385.38
804	Carson Water Sub	$274,052.13	$9,865.56		$283,917.69
806	Cave Rock	$32,604.46	($7,429.87)		$25,174.59
808	Dcsid M&O	$0.00	$0.00		$0.00
809	EFFPD	$4,321,254.05	$121,718.21		$4,442,972.26
810	Elk Point Sanitation	$1,505.87	$316.52		$1,822.39
811	Gardnerville Main Street	$0.00	$0.00		$0.00
812	Gardnerville Rancho Gid	$410,423.28	($9,123.88)		$401,299.40
813	Genoa Lakes District	$256,221.52	$0.00		$256,221.52
814	Indian Hill	$401,043.83	$4,677.29		$405,721.12
815	G'ville Mainstreet Rev.Ln	$0.00	$0.00		$0.00
818	Kingsbury Gid	$334,720.99	$69,168.10		$403,889.09
822	Lakeridge	$21,841.42	$2,431.04		$24,272.46
823	Legal Services	$9,094.36	$0.00		$9,094.36
824	Logan Creek	$13,979.59	$13,969.49		$27,949.08
826	Mgsd	$193,497.15	$7,349.31		$200,846.46
829	NV Tahoe Conserv.Dist.	$0.00	$0.00		$0.00
830	Oliver Park	$23,114.01	$7,717.32		$30,831.33
832	Round Hill GID	$84,466.34	$9,430.69		$93,897.03
834	Sierra Estates	$9,267.51	($604.66)		$8,662.85
836	Skyland	$32,867.59	$4,918.39		$37,785.98
838	Tahoe Douglas Sanitation	$78,146.61	$10,916.35		$89,062.96
839	Tahoe Douglas Fire	$2,393,506.21	$358,741.88		$2,752,248.09
840	Topaz Estates	$79,369.61	$2,554.76		$81,924.37
842	Zephyr Cove	$11,580.52	($240.68)		$11,339.84
844	Zephyr Heights	$36,868.68	$9,463.09		$46,331.77
846	Zephyr Knolls	$21,131.79	($783.31)		$20,348.48
847	Ef Swim Pool Dist Oper	$1,144,515.71	$32,044.78		$1,176,560.49
848	Ef Swim Pool Debt	$0.00	$0.00		$0.00
850	Employee Benefit Trust	$698,182.24	$380,627.04		$1,078,809.28
852	T-D VISITORS AUTHORITY	$0.00	$0.00		$0.00
853	Western NV Reg.Youth Fac.	$0.00	$0.00		$0.00
855	Inmate Commissary Fund	$83,022.07	$2,537.74		$85,559.81
856	Inmates Trust	$21,080.15	$0.00		$21,080.15
860	Profit From Tax Sale	$0.00	$0.00		$0.00
865	Unclaimed Monies	$127,316.54	($10,071.53)		$117,245.01
866	Public Guardian	$1,641,701.89	$0.00		$1,641,701.89
867	Public Administrator	$2,763,888.73	$0.00		$2,763,888.73
868	Library Gift Fund	$0.00	$0.00		$0.00

Fund	Description	Beginning Balance	Net Change	Notes	Ending Balance
885	Mosquito District	$284,451.75	$8,035.80		$292,487.55
890	State Of Nevada	$4,127,495.04	$1,254,700.75		$5,382,195.79
892	Department Of Wildlife	$5,921.11	$0.00		$5,921.11
894	Range Improvements	$332.99	$0.00		$332.99
895	Sierra Forest Fire	$0.00	$0.00		$0.00
896	Refund Of Taxes	$0.00	$0.00		$0.00
Grand Total: 100 Funds		$229,348,107.87	$5,991,326.12		$235,339,433.99

Notes

1	General Fund	Revenue collections
2	Risk Management	Accounts payable
3	Debt Service	Bond payment

AGENDA ITEM NO. E.

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: CONSENT ITEMS

TITLE:
For possible action. Discussion to accept $22,377 from the Federal Bureau of Investigation (FBI) pursuant to the Safe Streets Task Force Memorandum of Understanding for Fiscal Year 2026-27 to reimburse overtime for the hours worked by the Douglas County Sheriff's Office Investigator assigned to the FBI Safe Streets Task Force. (Undersheriff Elges)

RECOMMENDED MOTION:
Accept $22,377 from the FBI pursuant to the Safe Streets Task Force Memorandum of Understanding for Fiscal Year 2026-27 to reimburse overtime for the hours worked by the Douglas County Sheriff's Office Investigator assigned to the FBI Safe Streets Task Force.

FINANCIAL IMPACT:
The FBI is providing $22,377 to DCSO for the Safe Streets Task Force for Fiscal Year 2026-27. These funds will reimburse overtime expenses incurred by the Douglas County Sheriff's Office investigator assigned to the FBI Safe Streets Task Force, pursuant to the Memorandum of Understanding dated August 8, 2019, a copy of which is attached. No matching funds are required.

BACKGROUND:
The Douglas County Sheriff's Office has maintained a Memorandum of Understanding (MOU) with the Federal Bureau of Investigation (FBI) since August 2019 to provide an investigator to participate in the FBI Safe Streets Task Force. The mission of the task force is to identify and target criminal enterprise groups responsible for drug trafficking, money laundering, alien smuggling, and violent crimes for investigation and prosecution.
The MOU does not have an expiration date and may be terminated by either party with 30 days' written notice. For Fiscal Year 2026-27, the funding cap is $22,377.00, with a monthly reimbursement limit of $1,864.75. These funds reimburse Douglas County for overtime expenses incurred by the assigned investigator in connection with Safe Streets Task Force investigations.

ATTACHMENTS:

Grant Form 27F10.pdf
Safe_Streets_Taskforce_MOU.pdf
Annual Limits - Safe Streets 2027.pdf

Douglas County Finance Department

Grant Information Form

Complete only GREY areas

Today's Date	9/1/2026	**Fund-Department #**	101	217
Project Number	27F10	**Fund-Department Name**	GF	DCSO
Grant Title	Safe Streets Task Force			
Grant Purpose	Memoranda of Understanding between the Federal Bureau of Investigations (FBI) and Douglas County Sheriff's Office to work together to identify and target for prosecution crimal enterprises, groups responsible for drug trafficking, money laundering and crimes of violence.			
Awarding Entity	Federal Bureau of Investigations			
Total Grant Funds	$ 22,377.00			
Grant Start Date	10/1/2026	**End Date**	9/30/2027	
Grant Type	☑ Federal- Enter CFDA ☐ State ☐ Other	(description of Other)		
Federal CFDA#	16.579	**Agreement Number**	281D-LV-C2961986-MOU	
Method of Funding	☐ Advance ☑ Reimbursement			
Reporting Frequency	☑ Monthly ☐ Quarterly ☐ Semi-Annually ☐ Annually ☐ Upon Completion			
Reporting Due By	15th	(EX: 10th, 15th, 30th after the end of the Quarter)		
County Match Required?	☑ No ☐ Yes - enter $amount or %	**Match Amt**	$ -	**or Match %** 0%
Match Type	☐ In-Kind **or** ☐ Cash			

Required Approvals

Approval to apply	*D Swickard*	**Date**	**9..08.26**

Complete only GREY areas

	Fund	Dept		
Fund-Department #	101	217	**Project Number**	**27F10**
Fund-Department Name	GF	DCSO		

Financial Information

Source of Funds

(Name of Awarding entity)

Revenue					
101-000 331.500	Grant Revenue - Federal	$ 16,782.75	$ 5,594.25	$ -	
101-000 331.510	Grant Revenue - State	$ -	$ -	$ -	
101-000 360.300	Grant Revenue - Non-Govt.	$ -	$ -	$ -	
	Total Revenue	$ 16,782.75	$ 5,594.25	$ -	$ 22,377.00
	Match - Non Grant Reimbursement	$ -	$ -	$ -	

Expenditures

		First Year	Second Year	Third Year	
Various	Salaries & Benefits	$ 16,782.75	$ 5,594.25	$ -	$ 22,377.00
101-217 532.003	Gas & Oil	$ -	$ -	$ -	
101-217 520.088	Utilities	$ -	$ -	$ -	
101-217 000.000	Maint Bldg & Grounds	$ -	$ -	$ -	
101-217 562.100	Grants-Capital Outlay	$ -	$ -	$ -	
		$ -	$ -	$ -	
		$ -	$ -	$ -	
	Subtotal Expenses	$ 16,782.75	$ 5,594.25	$ -	
101-217 562.100	Grant Match - Capital Outlay	$ -	$ -	$ -	
101-217 511.150	Grant Match - Salary	$ -	$ -	$ -	
101-217 541.501	Grant Match - Serv & Supplies	$ -	$ -	$ -	
	Subtotal Match	$ -	$ -	$ -	
	Total Expenditure	$ 16,782.75	$ 5,594.25	$ -	$ 22,377.00
	Total Match	$ -	$ -	$ -	$ -

Where will match funds come from?

Grant Awarded Funds

Year	Amount
FY25-26	$ 16,782.75
FY26-27	$ 5,594.25
FY27-28	$ -
Total	$ 22,377.00

FEDERAL BUREAU OF INVESTIGATION
FEDERAL BUREAU OF INVESTIGATIONS SAFE STREETS TASK FORCE
Cost Reimbursement Agreement

SAFE STREETS TASK FORCE File No.: 281D-LV-C2961986-MOU

Pursuant to Congressional appropriations, the Federal Bureau of Investigation (FBI) receives authority to pay overtime for police officers assigned to the formalized SAFE STREETS TASK FORCE as set forth below, for expenses necessary for detection, investigation, and prosecution of crimes against the United States. It is hereby agreed between the FBI and Douglas County Sheriff's Office (DCSO) located at 1038 Buckeye Road, Minden, NV 89423 Taxpayer Identification Number: 88-6000031, and Telephone Number: 775-782-9900, that:

1. This Agreement is entered into pursuant to, and as an annex to, the FBI SAFE STREETS TASK FORCE Memorandum of Understanding (MOU) signed by the Sheriff of DCSO on 8th August 2019, and must be read and interpreted in conformity with all terms of that document.

2. Commencing upon execution of this Agreement, the FBI will, subject to availability of required funding, reimburse DCSO for overtime payments made to officers assigned to and working full time on SAFE STREET TASK FORCE related matters.

3. Requests for reimbursement will be made on a monthly basis and should be forwarded to the FBI Reno RA Field Office as soon as practical after the first of the month which follows the month for which reimbursement is requested. Such requests should be forwarded by a Supervisor at DCSO to the FBI SAFE STREETS TASK FORCE Squad Supervisor and FBI Reno RA Special Agent in Charge for their review, approval, and processing for payment.

4. Overtime reimbursement payments from the FBI will be made via electronic funds transfer (EFT) directly to DCSO using the FBI's Unified Financial Management System (UFMS). To facilitate EFT, DCSO must establish an account online in the System for Award Management (SAM) at www.sam.gov. Each request for reimbursement will include an invoice number, invoice date, and a taxpayer identification number (TIN). Verification of DCSO banking information is required on an annual basis in order to keep payment information current. For additional information regarding the UFMS and SAM, contact the FBI Reno RA Financial Manager.

5. Overtime reimbursements will be calculated at the usual rate for which the individual officer's time would be compensated in the absence of this Agreement. However, said reimbursement, per officer, shall not exceed monthly and/or annual limits established annually by the FBI. The limits, calculated using Federal pay tables, will be in effect for the Federal fiscal year running from October 1st of one year through September 30th of the following year, unless changed during the period. The FBI reserves the right to change the reimbursement limits, upward or downward, for subsequent periods based on fiscal priorities and appropriations limits. The FBI will notify DCSO of the applicable annual limits prior to October 1st of each year.

6. The number of DCSO deputies assigned full-time to the SAFE STREETS TASK FORCE and entitled to overtime reimbursement by the FBI shall be approved by the FBI in advance of each fiscal year. Based on the needs of the SAFE STREETS TASK FORCE this number may change periodically, upward or downward, as approved in advance by the FBI.

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7. Prior to submission of any overtime reimbursement requests, DCSO must prepare an official document setting forth the identity of each officer assigned to the SAFE STREETS TASK FORCE along with the regular and overtime hourly rates for each officer. Should any officers change during the year, a similar statement must be prepared regarding the new officers prior to submitting any overtime reimbursement requests for the officers. The document should be sent to the RRA Field Office for FBI review and approval.

8. Each request for reimbursement will include the name, rank, identification number, overtime compensation rate, number of reimbursable hours claimed, and the dates of those hours for each officer for whom reimbursement is sought. The request must be accompanied by a certification and signed by an appropriate Supervisor at DCSO that the request has been personally reviewed, the information described in this paragraph is accurate, and the personnel for whom reimbursement is claimed were assigned full-time to the SAFE STREETS TASK FORCE.

9. Requests for reimbursement must be received by the FBI no later than December 31st of the next fiscal year for which the reimbursement applies. For example, reimbursements for the fiscal year ending September 30, 2019, must be received by the FBI by December 31, 2019. The FBI is not obligated to reimburse any requests received after that time.

10. This Agreement is effective upon signatures of the parties and will remain in effect for the duration of DCSO's participation on the SAFE STREETS TASK FORCE contingent upon approval of necessary funding, and unless terminated in accordance with the provisions herein. This Agreement may be modified at any time by written consent of the parties. It may be terminated at any time upon mutual consent of the parties, or unilaterally upon written notice from the terminating party to the other party at least 30 days prior to the termination date.

Signatories:

A/SAC
Division Head
Federal Bureau of Investigation

Date: 8/23/19

Daniel J. Coverley, Sheriff

Date: 8-8-19

Financial Manager
Federal Bureau of Investigation

Date: 9/9/19

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Kirsten Scheetz

From: Stephanie Cafiero <SCAFIERO@FBI.GOV>
Sent: Tuesday, September 1, 2026 11:06 AM
To: Kirsten Scheetz
Subject: RE: Safe Streets - Annual limits

CAUTION: This email originated from outside of the organization. If you did not expect to receive something from this sender - we suggest you call the sender to verify (only if you know the sender).

Otherwise - Do not click links or open attachments unless you recognize the sender and know the content is safe. You should almost NEVER be prompted to enter your login credentials as a result of opening or clicking anything.

Good morning,

The monthly will be $1864.75 and the annual will be $22377.00.

Thank you,
Stephanie Cafiero
Financial Liaison Specialist
Cell: (702) 239-6714

From: Kirsten Scheetz <kscheetz@douglasnv.us>
Sent: Tuesday, September 1, 2026 10:48 AM
To: Cafiero, Stephanie (LV) (FBI) <SCAFIERO@FBI.GOV>
Subject: [EXTERNAL EMAIL] - Safe Streets - Annual limits

Hi Stephanie,
Do you know what our annual limit (FY 26/27) will be for the Safe Streets overtime?

Keri (Kirsten) Scheetz
Budget Analyst
Douglas County Sheriff's Office
Email: kscheetz@douglasnv.us
Phone: 775-782-9904

AGENDA ITEM NO. F.

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: CONSENT ITEMS

TITLE:
For possible action. Discussion to accept a $5,200 State Homeland Security Program (SHSP) grant through the Nevada Office of Emergency Management; augment the Emergency Operations budget in the amount of the grant award; and authorize the Director of Emergency Management to sign all related documents. (Kara Easton, Director of Emergency Management)

RECOMMENDED MOTION:
Accept the $5,200 SHSP grant; augment the Emergency Operations budget in the amount of the grant award; and authorize the Director of Emergency Management to sign all related documents.

FINANCIAL IMPACT:
This grant will augment budget 101-281. There is no County match required.

BACKGROUND:
This grant is a pass through and will cover the purchase of two new BK radios and accessories for the Tahoe Douglas Fire Protection District.

ATTACHMENTS:
Sub Grant Award_Not Signed.pdf
Grant Form 27F13.pdf

Powered by ZoomGrants™

Douglas County
Public Safety Radios
$ 5,200.00

Sub Grant Award

STATE OF NEVADA
OFFICE OF THE MILITARY
DIVISION OF EMERGENCY MANAGEMENT (DEM)
2478 Fairview Drive, Carson City, NV 89701
Telephone (775) 687-0300, Fax (775) 687-0322

Subrecipient Grant Award

Subrecipient: Douglas County

Program Name: Federal Fiscal Year 2023 Homeland Security Grant Program (HSGP),

Federal Grant Award Number: EMW-2023-SS-00044

UEI (formally known as DEM DUNS): 607025848

Subrecipient UEI: KE5GF37F6F95

Sub Grantee Award Amount: $5,200.00

Assistance Listing Number (ALT) (formally CFDA) Project #97.067 (DEM Internal # 97067.23)

Project Title: FY23 Public Safety Radios (Reob)

Subrecipient Award Period: September 14, 2026 - February 2, 2027

Federal Award Period to DEM: September 1, 2023 - March 2, 2027

Federal Award Amount to DEM: $ 10,097,500.00

This award in the amount of $5,200.00 is subject to the requirements (federal, state, financial, and program

assurances) established by the Federal Government, the Nevada Office of the Military, Division of Emergency Management (DEM). This award is subject to the availability of federal funding.

Special Conditions: (If Applicable) This project is approved subject to such conditions or limitations as set forth on the attached page(s)

MOU Required: Yes

EHP Required: No

Federal Funding Hold: No

Incorporated (1) Federal & State Assurances (2) Financial and Program Assurances (3) Federal Certifications (4) Scope and Timeline of Work (5) Line-Item Detail Budget Zoom Grants Listed Resource Documents attached to this application.

As the duly authorized representative of the Douglas County(), , hereby certify that the Subrecipient has the legal authority to apply for federal grant assistance and the institutional, managerial, and financial capability (including funds sufficient to pay the non-Federal share of the project cost) to ensure proper planning, management, and completion of the described project ("Project") within the period of performance. I further acknowledge that the Subrecipient is responsible for reviewing and adhering to all of the following requirements:

Applicable Federal Laws, Regulations, and Guidelines (government cost principles, uniform administrative requirements, and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (C.F.R.). Updates are issued by the Office of Management and Budget (OMB) and can be found at http://www.whitehouse.gov/omb/);

- Notice of Funding Opportunity (NOFO);
- FEMA Preparedness Manual & FEMA Environmental Planning and Historical Preservation Policy Guide
- Applicable Nevada Statutes, Regulations, and Policies;
- Nevada Office of the Military, Division of Emergency Management Grant Assurances;
- Nevada Office of the Military, Division of Emergency Management, Grant Management Guide.

In addition to the above-listed requirements, Douglas County hereby agrees to comply with the following Federal and State Articles of this Agreement:

Federal Articles

Article I - Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by Douglas County is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, Douglas County must request instructions from to make proper disposition of the equipment pursuant to 2 C.F.R. Section 200.313.

Article II - DHS Specific Acknowledgements and Assurances

Douglas County must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Douglas County must cooperate with any compliance reviews or compliance investigations conducted by DHS.
2. Douglas County must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.

3. Douglas County must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Article III - Acknowledgement of Federal Funding from DHS
Douglas County must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

Article IV - Activities Conducted Abroad
Douglas County must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article V - Age Discrimination Act of 1975
Douglas County must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, section 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

Article VI - Americans with Disabilities Act of 1990
Douglas County must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. sections 12101-12213), which prohibits Douglas County from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

Article VII - Best Practices for Collection and Use of Personally Identifiable Information (PII)
Douglas County is required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Douglas County may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

Article VIII - Civil Rights Act of 1964 - Title VI
Douglas County must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. section 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

Article IX - Civil Rights Act of 1968

Douglas County must comply with Title VIII of the *Civil Rights Act of 1968*, Pub. L. No. 90-284, as amended through Pub. L. 113-4, which prohibits Subrecipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. section 3601 *et seq*.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units- i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators) - be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D).

Article X - Copyright
Douglas County must affix the applicable copyright notices of 17 U.S.C. sections 401 or 402 and an acknowledgment of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

Article XI - Debarment and Suspension

Douglas County is subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Article XII - Drug-Free Workplace Regulations
Douglas County must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the Subrecipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. sections 8101-8106).

Article XIII - Duplication of Benefits
Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude Douglas Countyfrom shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

Article XIV - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX
Douglas County must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 (1972) (codified as amended at 20 U.S.C. section 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

Article XV – E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety

Douglas County must comply with the requirements of section 12(c) of E.O. 14074. Douglas County is also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.

Article XVI - Energy Policy and Conservation Act
Douglas County must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. No. 94- 163 (1975) (codified as amended at 42 U.S.C. section 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

Article XVII - False Claims Act and Program Fraud Civil Remedies
Douglas County must comply with the requirements of the False Claims Act, 31 U.S.C. sections 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. sections 3801-3812, which details the administrative remedies for false claims and statements made).

Article XVIII - Federal Leadership on Reducing Text Messaging while Driving
Douglas County is encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.

Article XIX - Fly America Act of 1974
Douglas County must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. section 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. section 40118, and the interpretative guidelines issued by the Comptroller General

of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article XX - Hotel and Motel Fire Safety Act of 1990
In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. section 2225a, Douglas County must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, codified as amended at 15 U.S.C. section 2225.

Article XXI –John S. McCain National Defense Authorization Act of Fiscal Year 2019 Douglas County is subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

Article XXII - Limited English Proficiency (Civil Rights Act of 1964, Title VI)
Douglas County must comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. section 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited and additional resources on http://www.lep.gov.

Article XXIII - Lobbying Prohibitions
Douglas County must comply with 31 U.S.C. section 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

Article XXIV - National Environmental Policy Act
Douglas County must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 et seq.) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Article XXV - Nondiscrimination in Matters Pertaining to Faith-Based Organizations
It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Douglas County must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participation of faith-based organizations in individual DHS programs.

Article XXVI - Non-Supplanting Requirement
Douglas County must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

Article XXVII - Notice of Funding Opportunity Requirements
All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions.

Douglas County must comply with any such requirements set forth in the program NOFO.

Article XXVIII - Patents and Intellectual Property Rights
Douglas County is subject to the Bayh-Dole Act, 35 U.S.C. section 200 et seq. Douglas County is subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. section 401.14.

Article XXIX - Procurement of Recovered Materials
States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. section 6962. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article XXX - Rehabilitation Act of 1973
Douglas County must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (1973) (codified as amended at 29 U.S.C. section 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article XXXI – Required Use of American Iron, Steel, Manufactured Products, and Construction

Douglas County will comply with the “Build America, Buy America” provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Subrecipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

Certain FEMA waivers exist for the “Build America, Buy America” provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. For additional information, please refer to the information found in the following link:

https://www.fema.gov/grants/policy-guidance/buy-america#:~:text=FEMA%20Waivers&text=Waives%20the%20BABAA%20requirements%20for,BABAA%2C%20not%20to%20exceed%20%241%2C000%2C000.&text=Waives%20up%20to%20five%20percent,produced%20iron%20or%20steel%20product.

Article XXXII - SAFECOM
Douglas County must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article XXXIII - Terrorist Financing
Douglas County must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

Article XXXIV - Trafficking Victims Protection Act of 2000
Douglas County must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. Section 7104. The award term is located at 2 C.F.R. Section 175.15, the full text of which is incorporated here by reference.

Article XXXV - Universal Identifier and System for Award Management
Douglas County is required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

Article XXXVI - USA Patriot Act of 2001
Douglas County must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. sections 175-175c.

Article XXXVII - Use of DHS Seal, Logo, and Flags Douglas County must obtain permission from their DHS Financial Assistance Office prior to using the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article XXXVIII - Whistleblower Protection Act
Douglas County must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C section 2409, 41 U.S.C. section 4712, and 10 U.S.C. section 2324, 41 U.S.C. sections 4304 and 4310.

Article XXXIV - Environmental Planning and Historic Preservation
DHS/FEMA funded activities that may require an EHP review are subject to FEMAs Environmental Planning and Historic Preservation (EHP) review process. This review does not address all federal, state, and local laws/requirements. Acceptance of federal funding requires the ${Legal Name to comply with all federal, state, and local laws. Failure to obtain all appropriate federal, state, and local environmental permits and clearances may jeopardize federal funding.

DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/ FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders.

Failure to provide requisite information could result in delays in the release of grant funds. If ground-disturbing activities occur during construction, the subgrantee will monitor ground disturbance, and if any potential archeological resources are discovered, the subgrantee will immediately cease work in that area and notify DEM.

State Articles

Article I - Written Authorization
Douglas County shall obtain a written authorization from its governing body in support of the Project, which specifies that the Subrecipient agrees:

1. To designate the authorized representative with the authority to bind the governing body;
   b. To provide all matching funds required for the Project;
   c. That any liability arising out of the performance of the Project and assurances will be the responsibility of the Douglas County; and
   d. Grant funds shall not be used to supplant expenditures controlled by the Douglas Countyor its governing body.

Article II – Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award Douglas Countyis no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, Douglas County must request instructions from DEM to make proper disposition of the equipment pursuant to 2 C.F.R. Section 200..

Article III - Access to records
Douglas County will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

Article IV - Period of Performance
The period of performance for each grant award will be determined by DEM based upon the deadlines imposed on DEM by the terms of the federal grant. All work on the Project must be completed within the period of performance specified in the grant. DEM will periodically review the expenditures of the grant to ensure sufficient progress is made on the Project. If DEM determines that the Project will not be completed within the period of performance, DEM may terminate the grant and re-obligate the funding to other projects.

Article V - Funding Restrictions
Federal funds made available through an award may be used only for the purpose outlined in the award and must be consistent with the statutory authority for the award. Award funds may not be used for matching funds for any other Federal award, lobbying, or intervention in Federal regulatory or adjudicatory proceedings. In addition, Federal funds may not be used to sue the Federal Government or any other government entity.

Article VI - Conflicts of Interest
Douglas County will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

Article VII - Construction Projects
For construction projects, the Douglas County will:

1. Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project;
   b. Comply with the requirements of the awarding agency with regard to the drafting, review, and approval of construction plans and specifications; and
   c. Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

Article VIII - Worker Compensation

Douglas County will comply with provisions that require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this Project, as per the worker's compensation laws set forth in NRS 616A, NRS 616B, NRS 616C, NRS 616D, and NRS 617.

Article IX - Nevada Public Records Act and the Freedom of Information Act
Douglas County acknowledges that all information submitted in the course of applying for funding under this program or provided in the course of an entity's grant management activities that are under Federal control is subject to the Freedom of Information Act (FOIA) contained in 5 U.S.C. § 552, and the Nevada Public Records Law, contained in Chapter 239 of the Nevada Revised Statutes.

Article X – Subrecipient Monitoring
Douglas County agrees to participate in DEM's monitoring visits and to follow up and take corrective action on all identified non-conformances and observations with action, which includes, but is not limited to, the submission and implementation of a corrective action plan to the DEM.

Article XI – Assignment and Delegation
Douglas County shall neither assign, transfer, nor delegate any rights, obligations, or duties under the Notice of Grant Award without prior approval of the DEM.

Article XII – Indemnification and Defense
To the fullest extent permitted by law, the Douglas County shall indemnify, hold harmless and defend, not excluding the State's right to participate, the State from and against all liability, claims, actions, damages, losses, and expenses, including, without limitation, reasonable attorneys' fees and costs, arising out of any breach of the obligations of Douglas Countyunder this Agreement, or any alleged negligent or willful acts or omissions of the Douglas County, its officers, employees, and agents. Douglas County obligation to indemnify the State shall apply in all cases except for claims arising solely from the State's own negligence or willful misconduct. Douglas County waives any rights of subrogation against the State. Douglas County duty to defend begins when the State requests defense of any claim arising from this Agreement.

Article XIII – Termination
The DEM retains the right to terminate a sub-grant, for cause, at any time before completion of the grant period when it has determined that the Douglas County has failed to comply with the conditions of these assurances.

1. The DEM reserves the right to terminate the grant in whole or in part due to the failure of the Douglas County to comply with any term or condition of the signed and agreed upon assurances, failure to implement audit/monitoring recommendations within the prescribed period of time, failure to communicate with or respond to any State Administrative Agency (SAA) request or communication, to acquire and maintain all required insurance policies, bonds, licenses, permits, and certifications or to make satisfactory progress in performing the program, financial and administrative requirements of the grant.
   b. The DEM staff shall provide written notice of the termination and the reasons for such actions to the Subrecipient.
   c. The DEM may, upon the termination of the award, procure, on terms and in the manner that it deems appropriate, materials or services to replace those described in the project description of the grant award. Douglas County shall be liable to the DEM for any excess costs incurred by the DEM in procuring equivalent materials or services in substitution for materials or services described in the project description of the grant award.

As the duly authorized representative I, , hereby certifies that the Douglas County will comply with the above grant award, assurances, and certifications.

MOU Applicable: ${Internal Answer }

If this award is for the State Homeland Security Program (SHSP) and the Memorandum of Understanding (MOU) is required, Douglas County is agreeing to the following terms of the MOU:

MEMORANDUM OF UNDERSTANDING

Between

Douglas County

And

The State of Nevada, Office of the Military, Nevada Division of Emergency Management and Homeland Security, also known as the Nevada State Administrative Agent For Utilizing the Homeland Security Grant Funds

This MOU is entered into by the State of Nevada, Office of the Military, Nevada Division of Emergency Management and Homeland Security, also known as the Nevada State Administrative Agent and NDEM, and Douglas County (hereinafter referred to as "Party" or "Parties") who agree to all provisions of this MOU. Each party further agrees that it assumes all of the duties and responsibilities assigned to that party under this MOU, and that so long as this MOU remains in effect, the party will fully perform all duties and responsibilities contained within this MOU.

DEFINITIONS

Chief means Chief of the Nevada Office of the Military, Division of Emergency Management.

DEM means Nevada Office of the Military, Division of Emergency Management.

DHS means the federal Department of Homeland Security.

Eligible Party/Parties means state and local governments, tribal nations, and non-profit organizations.

FEMA means Federal Emergency Management Agency.

Finance Committee means the Nevada Commission on Homeland Security, Finance Committee.

HSGP means Homeland Security Grant Program.

NCHS means Nevada Commission on Homeland Security.

NDEM means Nevada Division of Emergency Management and Homeland Security.

NOFO means Notice of Funding Opportunity.

NRAC means Nevada Resilience Advisory Committee.

SAA means State Administrative Agency/Agent.

SHSP means State Homeland Security Program.

AUTHORITY

This MOU is authorized under the State of Nevada Chapter 239C, NRS 414, Titles 2 and 44 of the Code of Federal Regulations, and the NOFO.

PURPOSE

This MOU sets forth responsibilities with respect to the pass-through grant funds of the HSGP. In order to be compliant with FEMA and DHS, the Parties, must agree to the grant pass-through requirements set forth in each year's grant guidance and agree to the recommendations of the NRAC, Finance Committee, NCHS, and the SAA.

The NOFO provides that each State may retain more than 20% of the SHSP funding with the written consent of the local unit of government for expenditures made by the State on behalf of the local unit of government.

Consent to this MOU is a condition of receiving HSGP funding.

Incorporated herein contains DHS' Core Capabilities which are a requirement for the purposes of HSGP grant funding. All projects must align with the core capabilities and the target capabilities and must have the necessary relationship deemed compliant by the SAA and/or DHS/FEMA and incorporated herein contains the ranked list of recommended projects for funding, as approved by the Nevada Commission on Homeland Security.

TIME SENSITIVE FUNDING

Federal law mandates that unspent federal funds be returned to the federal government at the end of the grant performance period. In the event that unspent funds exist and there is insufficient time in the grant performance period to reconvene the NCHS and Finance Committee, the SAA in its sole discretion, may reobligate grant funding within the scope of the approved Investment Justification. In the event that the SAA reobligates time-sensitive funding, the reobligation of funds will be placed as an informational item on the agenda of the next regularly scheduled meeting of the NCHS.

RESPONSIBILITIES

1. The State of Nevada, through NDEM, is responsible for the following:
2. The management and administration of the HSGP grant program;
3. The final allocation and grant awards of the HSGP grant program;
4. Reobligation of deobligated funding through the NCHS approved reobligation guidelines;
5. The reimbursements of the HSGP grant program;
6. The federal reporting of the HSGP grant program;
7. Technical Assistance of the HSGP grant program; and
8. Provide facilitation of and administrative support to the NCHS, Finance Committee, and the NRAC.

Douglas County as an eligible party, agrees to the following:

1. The pass-through requirement set forth in each year's grant guidance and/or NOFO and agrees to the recommendation of the NRAC, Finance Committee, the NCHS, and the SAA's recommendations on grant funding allocation, which may permit the State of Nevada to retain more than the allotted 20%;
2. That any and all items purchased for HSGP grant funds become an asset of the HSGP grant program

and each jurisdiction may be required to share grant-funded assets with other city, state, local, tribal, nonprofit, and private sector organizations which include deploying assets to states other than Nevada;
3. Compliance with the Federal and State Assurances;
4. Compliance with each year's grant guidance and/or NOFO;
5. Compliance with the reobligation guidelines;
6. Compliance with all applicable Federal Code of Regulations;
7. Compliance with all applicable Nevada Revised Statutes;
8. Compliance with the Grant Management Guide and all revisions; and
9. Compliance with Grants Service Administration (GSA)**.**

EFFECTIVE DATE

The terms of this MOU will become effective on the date of the final signature by the Eligible Parties to this MOU. The HSGP grant years will include the Federal Fiscal Year 2023 SHSP Funds.

MODIFICATION AND AMENDMENT

1. Any provision of this MOU later found to be in conflict with state law or regulation or invalidated by a court of competent jurisdiction, shall be considered inoperable and/or superseded by that law or regulation. Any provision found inoperable is severable from this MOU, and the remainder of the MOU shall remain in full force.
2. This MOU may be modified or amended only with the prior written agreement of the Parties.
3. This MOU is the full and complete agreement between the undersigned Parties, and supersedes any prior MOU for this same purpose between the Parties, written or oral.
4. This MOU may be executed in several counterparts, each of which is shall be deemed to be original, but all of which, taken together, shall constitute one and the same MOU.

Nevada Commission on Homeland Security Priority List (attached)

FFY 2023 Homeland Security Grant Program Spreadsheet (attached)

IN WITNESS WHEREOF, the Douglas County, (subreciepent of SHSP funds) agrees hereto and have approved this MOU and by accepting this agreement the Douglas County **is agreeing to the terms of the MOU.**

Signatures

Authorized Official Accepting Grant Award, Federal & State Assurances, Certifications & MOU if Applicable

Douglas County	**Nevada Office of Emergency Management / Homeland Security**
Not signed yet.	

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Douglas County Finance Department

Grant Information Form

Complete only GREY areas

Today's Date	9/14/2026	**Fund-Department #**	101 281
Project Number	27F13	**Fund-Department Name**	Emergency Operations
Grant Title	Federal Fiscal Year 23 State Homeland Security Program Grant		
Grant Purpose	We will be using this grant to purchase 2 BK radios and accessories on behalf of Tahoe Douglas Fire Protection District as a pass through.		
Awarding Entity	Nevada Office of Emergency Management		
Total Grant Funds	$5,200.00		
Grant Start Date	9/14/2026	**End Date**	2/7/2027
Grant Type	☑ Federal- Enter CFDA ☐ State ☐ Other	(description of Other)	
Federal CFDA#	97.067	**Agreement Number**	EMW-2023-SS-00044
Method of Funding	☐ Advance ☑ Reimbursement		
Reporting Frequency	☐ Monthly ☑ Quarterly ☐ Semi-Annually ☐ Annually ☐ Upon Completion		
Reporting Due By	30th	**(EX: 10th, 15th, 30th after the end of the Quarter)**	
County Match Required?	☑ No ☐ Yes - enter $amount or %	**Match Amt**	$ - **or Match %** 0%
Match Type	☐ In-Kind **or** ☐ Cash		

Required Approvals

Approval to apply	*D Swickard*	**Date**	**9.14.26**

Complete only GREY areas

	Fund	Dept		
Fund-Department #	101	281	**Project Number**	**27F13**
Fund-Department Name	Emergency Operations			

Financial Information

Source of Funds

				HSGP FEMA
Revenue				
101-000 331.500	Grant Revenue - Federal	$ 5,200.00	$ -	$ -
101-000 331.510	Grant Revenue - State	$ -	$ -	$ -
101-000 360.300	Grant Revenue - Non-Govt.	$ -	$ -	$ -
	Total Revenue	$ 5,200.00	$ -	$ -
	Match - Non Grant Reimbursement	$ -	$ -	$ -

Expenditures

		First Year	Second Year	Third Year
Various	Salaries & Benefits	$ -	$ -	$ -
101-281 532.003	Gas & Oil	$ -	$ -	$ -
101-281 520.088	Utilities	$ -	$ -	$ -
101-281 521.100	Professional Services	$ -	$ -	$ -
101-281 520.116	Vehicle Maint - Co	$ -	$ -	$ -
101-281 520.156	Insurance	$ -	$ -	$ -
101-281 533.800	Office Supplies	$ -	$ -	$ -
101-281 520.085	Communications	$ -	$ -	$ -
101-281 532.050	Food Commodities	$ -	$ -	$ -
101-281 000.000	Operating Expense	$ -	$ -	$ -
101-281 000.000	Maint Bldg & Grounds	$ -	$ -	$ -
101-281 562.100	Grants-Capital Outlay	$ -	$ -	$ -
101-281 533.802	Small Equipment	$ -	$ -	$ -
101-281 565.010	Pass-Through	$ 5,200.00	$ -	$ -
	Subtotal Expenses	$ 5,200.00	$ -	$ -
101-281 562.100	Grant Match - Capital Outlay	$ -	$ -	$ -
101-281 511.150	Grant Match - Salary	$ -	$ -	$ -
101-281 541.501	Grant Match - Serv & Supplies	$ -	$ -	$ -
	Subtotal Match	$ -	$ -	$ -
	Total Expenditure	$ 5,200.00	$ -	$ -
	Total Match	$ -	$ -	$ -

Where will match funds come from?

Grant Awarded Funds

Year	Amount
FY26-27	$ 5,200.00
FY27-28	$ -
FY28-29	$ -
Total	$ 5,200.00

AGENDA ITEM NO. G.

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: CONSENT ITEMS

TITLE:
For possible action. Discussion to approve the purchase of thirty-three (33) XL-200 Portable Handheld Radios and four (4) XL-200 Mobile Radios by the Douglas County Sheriff's Office from L3Harris Technologies, Inc. for a total cost of $99,908.12. (Undersheriff Elges)

RECOMMENDED MOTION:
Approve the Douglas County Sheriff's Office's purchase of thirty-three (33) XL-200 Portable Handheld Radios and four (4) XL-200 Mobile Radios from L3Harris Technologies, Inc. for a total cost of $99,908.12.

FINANCIAL IMPACT:
The total of $99,908.12 for all thirty-three handheld radios and four vehicle radios will be paid out of the Sheriff's Admin Services Small Equipment budget line item (101-212 533.802). A purchase order will be prepared as required per County policy 300.19.

BACKGROUND:
The Douglas County Sheriff’s Office has identified L3Harris as a new vendor for handheld and mobile radios. Purchasing from L3Harris allows the Sheriff’s Office to acquire 33 new handheld radios and 4 new mobile radios, compared to the 13 handheld radios that could have been purchased through the previous vendor. This represents a significant increase in the number of radios that can be purchased within the available budget.
This communications equipment purchase qualifies for an exemption from competitive bidding requirements pursuant to NRS 332.115(1)(d) and (s). All sworn officers will receive training on the operation of the new radios, and County radio technicians will receive training on programming and repairing the equipment.

ATTACHMENTS:
L3 Harris Quote.pdf

L3Harris Technologies, Inc.
Public Safety and Professional Communications
221 Jefferson Ridge Parkway
Lynchburg, Virginia 24501
Phone: 1-800-368-3277
Fax: 321-409-4393

Quote Name: Douglas Co SO_XL200P M_19824_09102026

Ron Elges
Undersheriff
Douglas County Sheriff's Office
1038 Buckeye Road
Minden, NV 89423
775-782-9900
relges@douglasnv.us

Date: *9/10/2026* ***Valid for 30 days***
Sales POC: *Tracy Moore*
Nevada Account Manager
Mobile: +1-775-313-8894
Tracy.Moore@L3Harris.com

L3Harris' Internal Use Only	
Quote by:	*J.Knox/C.Corrigan*
CRM #	
CCC Case #	*INC-000392889/INC-000395932*

Item	Part Number	Description	Qty	NSRS List Price	Discount	Sale Price	Extended Sale Price
		XL-200 Portable					
1	XL-PFM1M-NA	PORTABLE,XL-200P,FKP,BLK,US,NA	33	$ 2,900.00	72.2%	$ 806.20	$ 26,604.60
2	XL-PL8T	FEATURE, LTE	33	$ 985.00	72.2%	$ 273.83	$ 9,036.39
3	XL-PL5K	FEATURE,PROFILE OTAP OVER-THE-AIR PRGM	33	$ 265.00	72.2%	$ 73.67	$ 2,431.11
4	XL-PL8N	FEATURE, IN-BAND GPS	33	$ 250.00	72.2%	$ 69.50	$ 2,293.50
5	XL-FW2X	OPERATION,LOAD NIFOG PERSONALITY	33	$ 0.01	100%	$ -	$ -
6	XL-PL5L	FEATURE,P25 OTAR(OVER-THE-AIR-REKEYING)	33	$ 595.00	72.2%	$ 165.41	$ 5,458.53
7	XL-PL4F	FEATURE,P25 PHASE 2 TDMA	33	$ 250.00	72.2%	$ 69.50	$ 2,293.50
8	XL-PL4E	FEATURE,CONVENTIONAL VOTE SCAN	33	$ 275.00	72.2%	$ 76.45	$ 2,522.85
9	XL-PL8Y	FEATURE, ENCRYPTION LITE	33	$ 0.01	100%	$ -	$ -
10	XL-PKG8F	FEATURE,256-AES,64-DES ENCRYPTION	33	$ 695.00	72.2%	$ 193.21	$ 6,375.93
11	XL-LLA	FEATURE,LINK LAYER AUTHENTICATION	33	$ 100.00	72.2%	$ 27.80	$ 917.40
12	XL-PKGPD	FEATURE PACKAGE,P25 DATA	33	$ 395.00	100%	$ -	$ -
13	XL-P25ED	FEATURE PACKAGE, P25 AND EDACS TRUNKING	33	$ 500.00	72.2%	$ 139.00	$ 4,587.00
14	XL-PKGMR	OPTION,IMMERSIBLE RADIO OPERATION	33	$ 240.00	72.2%	$ 66.72	$ 2,201.76
15	XL-PKGF1	FEATURE PACKAGE,ALL BANDS,V+U+7/800	33	$ 500.00	72.2%	$ 139.00	$ 4,587.00
16	XL-PA4K	BATTERY,LI-ION,HI-CAPACITY,4800MAH	33	$ 175.00	72.2%	$ 48.65	$ 1,605.45
17	XL-NC5Z	ANTENNA,FLEX,HELICAL,136-870 MHZ	33	$ 110.00	72.2%	$ 30.58	$ 1,009.14
18	XL-AE4B	SPEAKER MICROPHONE,EMER BUTTON	33	$ 225.00	72.2%	$ 62.55	$ 2,064.15
19	XL-HC4T	CASE,NYLON,BLACK,MOLLE STRAP	33	$ 75.00	72.2%	$ 20.85	$ 688.05
20	XL-CH6F	CHARGER, SINGLE BAY +	33	$ 245.00	72.2%	$ 68.11	$ 2,247.63
21	SS-PKGCL-XL	PKG,1 XL VIRTUAL / BEON XL RADIO LICENSE	33	$ 335.00	72.2%	$ 93.13	$ 3,073.29
22	XL-HC3L	BELT CLIP,METAL	30	$ 25.00	26%	$ 18.50	$ 555.00
23	XL-AE1S	BLUETOOTH,COVERT,EARPIECE/MIC/PTT	33	$ 179.00	26%	$ 132.46	$ 4,371.18
24	XL-CH6G	CHARGER, 6-BAY, PREMIUM, XL-200P	4	$ 945.00	26%	$ 699.30	$ 2,797.20
25	YSSN1U	Radio Programming (per radio)	33	$ 31.90	0%	$ 31.90	$ 1,052.70
						Subtotal	**$ 88,773.36**
		XL-200 Mobile					
26	XZ-MPM1M-NA	MOBILE, XL-200M, MULTIBAND, LTE, NA	4	$ 3,500.00	72.2%	$ 973.00	$ 3,892.00
27	XZ-PL4J	FEATURE, VHF BAND	4	$ 600.00	100%	$ -	$ -
28	XZ-PL4K	FEATURE, UHF BAND	4	$ 500.00	72.2%	$ 139.00	$ 556.00
29	XZ-PL4L	FEATURE, 700/800 MHZ BAND	4	$ 600.00	100%	$ -	$ -
30	XZ-PL8Y	FEATURE, ENCRYPTION LITE	4	$ 0.01	100%	$ -	$ -
31	XZ-PL4F	FEATURE, PHASE 2 TDMA	4	$ 250.00	72.2%	$ 69.50	$ 278.00
32	XZ-PL4E	FEATURE CONVENTIONAL VOTE SCAN	4	$ 275.00	72.2%	$ 76.45	$ 305.80
33	XZ-PL5K	FEATURE P25 OTAP PROFILE	4	$ 265.00	72.2%	$ 73.67	$ 294.68
34	XZ-PL5L	FEATURE, OTAR	4	$ 595.00	72.2%	$ 165.41	$ 661.64
35	XZ-PL8N	FEATURE, IN-BAND GPS	4	$ 205.50	72.2%	$ 57.13	$ 228.52
36	XZ-LLA	FEATURE, LINK LAYER AUTHENTICATION	4	$ 100.00	72.2%	$ 27.80	$ 111.20
37	XZ-PKG8F	FEATURE, 256-AES, 64-DES ENCRYPTION	4	$ 695.00	72.2%	$ 193.21	$ 772.84
38	XZ-P25ED	FEATURE PACKAGE, P25 & EDACS TRUNKING	4	$ 500.00	72.2%	$ 139.00	$ 556.00
39	XZ-MA4A	KIT, MOUNTING XL-MOBILE UNIVERSAL	4	$ 394.50	72.2%	$ 109.67	$ 438.68
40	XZ-MC6A	MICROPHONE, XL, STANDARD MOBILE	4	$ 105.00	72.2%	$ 29.19	$ 116.76
41	XZ-AN8A	ANTENNA, ELEMENT, FLEXIBLE, V/U/700/800	4	$ 210.00	72.2%	$ 58.38	$ 233.52
42	XZ-AN6U	ANTENNA, BASE, STD ROOF MOUNT LOW LOSS	4	$ 80.00	72.2%	$ 22.24	$ 88.96
43	XZ-LS6A	SPEAKER, EXTERNAL, MOBILE	4	$ 60.00	72.2%	$ 16.68	$ 66.72
44	XZ-CA6F	CABLE, XL-MOBILE, SPEAKER ACCY	4	$ 120.00	72.2%	$ 33.36	$ 133.44
45	XZ-CP6A	CONTROL UNIT, XL-CH	4	$ 1,500.00	72.2%	$ 417.00	$ 1,668.00
46	YSSN1U	Radio Programming (per radio)	4	$ 31.90	0%	$ 31.90	$ 127.60
						Subtotal	**$ 10,530.36**
		Vote Scan Feature					
47	YRXL-PL4E	TAC FEATURE,CONVENTIONAL VOTE SCAN XL-200 Mobile	6	$ 275.00	100%	$ -	$ -
48	YRXL-PL4E	TAC FEATURE,CONVENTIONAL VOTE SCAN XL-200 Portable	35	$ 275.00	100%	$ -	$ -

L3Harris Technologies, Inc.
Public Safety and Professional Communications
221 Jefferson Ridge Parkway
Lynchburg, Virginia 24501
Phone: 1-800-368-3277
Fax: 321-409-4393

Ron Elges
Undersheriff
Douglas County Sheriff's Office
1038 Buckeye Road
Minden, NV 89423
775-782-9900
relges@douglasnv.us

Sales POC: *Tracy Moore*
Nevada Account Manager
Mobile: +1-775-313-8894
Tracy.Moore@L3Harris.com

L3Harris' Internal Use Only	
Quote by:	*J.Knox/C.Corrigan*
CRM #	
CCC Case #	*INC-000392889/INC-000395932*

Item	Part Number	Description	Qty	NSRS List Price	Discount	Sale Price	Extended Sale Price
						Estimated Shipping	**$ 604.40**
	Lead time is subject to material availability at time of order					**Total Sale Price**	**$ 99,908.12**

Terms and Conditions:

The terms and conditions are governed by the agreement between Nevada DOT, Agreement # P697-16-016, and L3Harris Technologies, Inc., dated September 13, 2018, as amended, if applicable.

1. *Internal reference # MBP 19824.*

   Also reference SIT # 1509659 | Douglas County XL-200P SPR w/ Feature Concession (25CS10903)

2. *Storing battery packs is not recommended because the chemicals in the battery degrade over time and this affects the functionality of the battery. Improper storage of batteries may void warranty.*

3. *Pricing does not include installation, programming, taxes or shipping (if applicable), unless otherwise noted. These items may be waived based on the terms and conditions which are applicable to this quote (Item 1) and could be subject to change.*

4. *If applicable, invoice will be provided for equipment and P25 Programming, at time of material delivery. P25 programming may be completed later, during cutover to P25 System.*

Purchase Order requirements:

Purchase Order issued to L3Harris Technologies - PSPC - 221 Jefferson Ridge Parkway - Lynchburg, VA 24501
The Purchase Order should include the following references:

Must include Quote Name and Date. If applicable, include MBP#.

All orders must contain valid model number, quantity, and price for each item.
Frequencies must be supplied with order if applicable.

Requested Delivery Date; If related to **Grant Funding**, important to provide Grant name, Agency, deadline and product receipt deadline, when applicable.

Shipping will default to Best Way ground, unless otherwise specific. Special shipping/delivery instructions (ex. Delivery lift gate required?) must be noted if applicable. Non Standard packing will be billed to the customer.

Bill to and Ship to addresses along with contact information must be included. Provide customer account number if readily available.

L3Harris DUNS#: 101474992; Cage Code: 1PNR4; Tax ID 34-0276860.

AGENDA ITEM NO. H.

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: CONSENT ITEMS

TITLE:
For possible action. Discussion to accept $22,377 from the Drug Enforcement Administration (DEA) pursuant to the Task Force Memorandum of Agreement to reimburse overtime for the hours worked by the Douglas County Sheriff's Office Investigator assigned to the DEA Task Force for Fiscal Year 2026-27. (Undersheriff Elges)

RECOMMENDED MOTION:
Accept $22,377 from the DEA pursuant to the Task Force Memorandum of Agreement to reimburse overtime for the hours worked by the Douglas County Sheriff's Office Investigator assigned to the DEA Task Force for Fiscal Year 2026-27.

FINANCIAL IMPACT:
The Drug Enforcement Administration (DEA) will provide $22,377 to the Douglas County Sheriff's Office (DCSO) for participation in the DEA Task Force during Fiscal Year 2026-27. These funds will reimburse overtime expenses incurred by the DCSO investigator assigned to the DEA Task Force, pursuant to the Memorandum of Agreement dated October 1, 2026, a copy of which is attached. No matching funds are required.

BACKGROUND:
The Douglas County Sheriff's Office has maintained a Memorandum of Agreement (MOA) with the Drug Enforcement Administration (DEA) for several years to provide an investigator to participate in the DEA Task Force. The mission of the task force is to identify and target criminal enterprise groups involved in drug trafficking, money laundering, alien smuggling, and violent crimes for investigation and prosecution.
The term of the MOA is October 1, 2026, through September 30, 2031, and may be terminated by either party with 30 days' advance written notice. For Fiscal Year 2026-27, the overtime funding is capped at $22,377.

ATTACHMENTS:

DEA MOA - 10-1-26 thru 9-30-31.pdf
Grant Form 27F11.pdf

Drug Enforcement Administration

State and Local Law Enforcement Agency

Memorandum of Agreement

This agreement is made this 1 day of October, 20 26, between the United States Department of Justice, Drug Enforcement Administration (hereinafter "DEA"), and the Douglas County Sheriff's Office (hereinafter "parent agency"), ORI# NV0030000; Unique Entity Identifier (UEI#) KE5GF37F6F95. The DEA is authorized to enter into this cooperative agreement concerning the use and abuse of controlled substances under the provisions of 21 U.S.C. § 873.

WHEREAS there is evidence that trafficking in narcotics, dangerous drugs, controlled-substance pharmaceuticals, and/or listed chemicals exists in the Reno area and that such illegal activity has a substantial and detrimental effect on the health and general welfare of the people of Reno, the parties hereto agree to the following:

1. The Reno Resident Office (DEA Office) will perform the activities and duties described below:
   a. Disrupt the illicit drug traffic in the Reno area by immobilizing targeted violators and trafficking organizations;
   b. Investigate, gather and report intelligence data relating to trafficking in narcotics and dangerous drugs, trafficking of controlled pharmaceuticals and/or listed chemicals; and
   c. Conduct undercover operations where appropriate and engage in other traditional methods of investigation in order that the DEA Office 's activities will result in effective prosecution before the courts of the United States and the State, Commonwealth, or Territory of _____.
   d. Investigate, disrupt and dismantle individuals and/or organizations involved in diversion schemes (e.g., "doctor shopping," prescription forgery, and prevalent retail-level violators) of controlled pharmaceuticals and/or listed chemicals in the Reno area; if applicable.
2. To accomplish the objectives of the DEA Office, the parent agency agrees to detail experienced officer(s) to the DEA Office for a period of not less than

two years.[1] During this period of assignment, the parent agency officer(s) will be under the direct supervision of DEA supervisory personnel assigned to the DEA Office.

3. The parent agency officer(s) assigned to the DEA Office shall adhere to all DEA policies and procedures. Failure to adhere to DEA policies and procedures shall be grounds for dismissal from the DEA Office. Failure to complete mandatory DEA training within the required timeframe shall be grounds for dismissal from the DEA Office.

4. In instances where parent agency policy or state/local law imposes a requirement that is not addressed in DEA policy, the parent agency will promptly notify DEA and provide DEA with written copies of the applicable law and/or policy. Whether the parent agency officer will comply with parent agency policy in such instances will be at the discretion of DEA.

5. The parent agency officers assigned to the DEA Office shall be deputized as Task Force Officers pursuant to 21 U.S.C. § 878.

6. To accomplish the objectives of the DEA Office, DEA will assign Special Agent(s) and/or Diversion Investigator(s), if applicable, to the DEA Office. Other support to DEA office(s), including any overtime reimbursement, is funded on the basis of whether the group is DEA Program Funded, Fee Funded (SPEAR), or HIDTA Funded.

   a) **DEA Program Funded** - To accomplish the objectives of the DEA Office, DEA will assign DEA Special Agent(s) to the DEA Office and up to One (1) Task Force Officer(s). The parent agency agrees to provide and maintain a vehicle for use for each of its assigned Task Force Officers. DEA will also, subject to the availability of annually appropriated funds or any continuing resolution thereof, provide necessary funds and equipment to support the activities of the DEA Special Agent(s) and parent agency officer(s) assigned to the DEA Office. This support will include: office space; office supplies; travel funds; funds for the purchase of evidence and information; investigative equipment; training; and other investigative support items.

   b) **Synthetics Precursors Enforcement and Regulations (SPEAR) (Fee Funded)** - DEA will, subject to the availability of annual Diversion Control Fee Account (DCFA) funds, provide necessary funds, vehicles, and equipment to support the activities of the DEA Special Agent(s) and up to One (1) Task Force Officer(s) assigned to the DEA Office. This support will include: vehicles; office space; office supplies; travel funds; funds

[1] The number of officers assigned cannot exceed the number of positions allocated by the Division's Table of Organization.

for the purchase of evidence and information; investigative equipment; training; and other investigative support items, as available DCFA funds permit. While on duty and acting on DEA's business, the parent agency officer(s) assigned shall be subject to all DEA and federal government rules, regulations and procedures governing the use of Official Government Vehicles (OGVs) and home to work transportation when authorized. Accidents involving vehicles while in use for DEA Office purposes shall be reported and investigated in accordance with the procedures of DEA and the parent agency.

c) **High Intensity Drug Trafficking Areas (HIDTA) (HIDTA Funded) -** Subject to the availability of funding, and HIDTA planning and budgeting guidance, HIDTA will provide funding to support the activities of Federal Special Agents, and up to Zero (0) Task Force Officer(s), and other specified employees (if any). This support will include: office space; office supplies; travel funds; funds for the purchase of evidence and information; investigative equipment; training; and other investigative support items. The parties to this agreement understand that financial reimbursement to participating organizations is subject to the budgeting, administrative and managerial decisions of the HIDTA Executive Board, as well as the availability of HIDTA funding (from whatever source).

Vehicles may be provided by the parent agency or furnished by DEA subject to the availability and approval of HIDTA funding for vehicle leases. DEA may request that HIDTA fund installation and removal of mobile radios in DEA Office vehicles and reimburse the parent agency for fuel, maintenance, and repair attributable to use of the vehicles for DEA Office purposes. Accidents involving vehicles while in use for DEA Office purposes shall be reported and investigated in accordance with the procedures of DEA and the parent agency.

While on duty and acting on DEA's business, the parent agency officer(s) assigned to the HIDTA group shall be subject to all DEA and federal government rules, regulations and procedures governing the use of OGV and home to work transportation when authorized.

d) **DEA Provisional -** DEA will also, subject to the availability of annually appropriated funds or any continuing resolution thereof, provide necessary funds and equipment to support the activities of the DEA Special Agent(s) and up to Zero (0) Task Force Officer(s) assigned to the DEA Office. This support will include: office space; office supplies; travel funds; funds for the purchase of evidence and information; investigative equipment; training; and other investigative support items. DEA does not reimburse for Provisional TFO overtime, and vehicles must be provided by the parent agency. Although DEA does not normally reimburse for Provisional

TFO overtime, TFOs may be eligible to receive overtime from eligible funding sources, subject to the availability of funds.

7. During the period of assignment to the DEA Office, the parent agency will remain responsible for establishing the salary and benefits, including overtime, of the officer(s) assigned to the DEA Office, and for making all payments due to them. DEA will, subject to availability of funds, reimburse the parent agency for overtime payments. Annual overtime for each state and local law enforcement officer is capped at the equivalent to 25% of the salary of a GS-12, step 1, of the general pay scale for the rest of the United States. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and submission of a proper request for reimbursement, which shall be submitted monthly on a fiscal year basis, and which provides the name of each officer(s) who incurred overtime in support of DEA investigations during invoiced period to include the number of overtime hours incurred, the hourly regular and overtime rates in effect for each officer, and the total cost for the invoiced period. If HIDTA funded, HIDTA will, subject to availability of annually appropriated funds, reimburse the parent agency for overtime payments incurred by its Task Force Officers. Each invoice submitted must include an **invoice number** and **invoice date**. The parent agency will bill overtime as it is performed, and no later than **30 days** after the end of each month in which the overtime is performed. The parent agency will submit invoices to Los Angeles (DEA Division) process coordinator email box (Invoice.LosAngeles@dea.gov). ***Note: Task Force Officer's overtime "shall not include any costs for benefits, such as retirement, FICA, and other expenses including taxes."***

8. In no event will the parent agency charge any indirect cost rate to DEA for the administration or implementation of this agreement.

9. The parent agency shall maintain on a current basis complete and accurate records and accounts of all obligations and expenditures of funds under this agreement in accordance with generally accepted accounting principles and instructions provided by DEA to facilitate on-site inspection and auditing of such records and accounts.

10. The parent agency shall permit and have readily available for examination and auditing by DEA, the United States Department of Justice, the Comptroller General of the United States and any of their duly authorized agents and representatives, any and all records, documents, accounts, invoices, receipts, or expenditures relating to this agreement. The parent agency shall maintain all such reports and records until all audits and examinations are completed and resolved, or for a period of six (6) years after termination of this agreement, whichever is later.

11. The parties acknowledge and understand that the United States of America is liable for the wrongful actions or inactions of Federal employees, including those Federal employees deputized as Task Force Officers, who are acting within the scope of their employment under the Federal Torts Claim Act (2 8 U.S.C §§ 2671 – 2680). This may extend to representation of the covered employee if in the best interests of the United States (28 C.F.R. § 50.15(a)(2)). A state or local employee participating in the DEA group may concurrently or separately be covered for the purposes of liability by their employer.

12. The parent agency shall comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, as amended, and all requirements imposed by or pursuant to the regulations of the United States Department of Justice implementing those laws, 28 C.F.R. Part 42, Subparts C, F, G, H and I.

13. The Parent Agency's signature to this agreement certifies the Parent Agency's compliance with the certifications required under 2 C.F.R. Part 2867 (Nonprocurement Debarment and Suspension); 28 C.F.R. Part 69 (New Restrictions on Lobbying); and 28 C.F.R. Part 83 (Government-Wide Requirements for Drug-Free Workplace). DEA awards Federal funds under this cooperative agreement in reliance upon the Parent Agency's certification of compliance with these requirements. The Parent Agency has accordingly reviewed these regulations.

14. When issuing statements, press releases requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or part with federal money, the parent agency shall clearly state: (1) percentage of the total cost of the program or project which will be financed with federal money; and (2) the dollar amount of federal funds for the program or project.

15. The term of this agreement shall be effective from the date in paragraph number one until September 30, 2031. This agreement may be terminated by either party on thirty (30) days' advance written notice. DEA's support to the DEA Office _____, including reimbursement of overtime, is subject to the availability of funds on a fiscal year basis (October 1 through September 30 of the next year). Billing for all outstanding obligations must be received by DEA within 30 days of the end of the fiscal year or within 30 days of the date of termination of this agreement. DEA will be responsible only for obligations incurred by parent agency during the term of this agreement on a fiscal year basis, subject to the availability of funds.

For the Drug Enforcement Administration:

DAVID OLESKY

Digitally signed by DAVID OLESKY
Date: 2026.09.08 18:16:12 -07'00'

Special Agent in Charge

Los Angeles
Division

David S Olesky
Printed Name

Date

For the Parent Agency:

Agency Head

9-1-26
Date

Daniel J. Coverley, Sheriff
Printed Name and Title

[END OF DOCUMENT]

Douglas County Finance Department

Grant Information Form

Complete only GREY areas

Today's Date	9/10/2026	**Fund-Department #**	101	217
Project Number	27F11	**Fund-Department Name**	GF	Sheriff
Grant Title	DEA and Local Law Enforcement Agency Memorandum of Agreement			
Grant Purpose	To work with the DEA taskforce to investigate, disrupt and dismantle illegal drug activities			
Awarding Entity	US Department of Justice Drug Enforcement Administration			
Total Grant Funds	$ 22,377.00			
Grant Start Date	10/1/2026	**End Date**	9/30/2031	
Grant Type	☑ Federal- Enter CFDA ☐ State ☐ Other	(description of Other)		
Federal CFDA#	95.001	**Agreement Number**	NV0030000	
Method of Funding	☐ Advance ☑ Reimbursement			
Reporting Frequency	☑ Monthly ☐ Quarterly ☐ Semi-Annually ☑ Annually ☐ Upon Completion			
Reporting Due By	15th	(EX: 10th, 15th, 30th after the end of the Quarter)		
County Match Required?	☑ No ☐ Yes - enter $amount or %	**Match Amt**	$ -	**or Match %** 0%
Match Type	☐ In-Kind **or** ☐ Cash			

Required Approvals

Approval to apply	*D Swickard*	**Date**	**9.10.26**

Complete only GREY areas

	Fund	Dept		
Fund-Department #	101	217	**Project Number**	**27F11**
Fund-Department Name	GF	Sheriff		

Financial Information

		Source of Funds (Name of Awarding entity)			
Revenue					
101-000 331.500	Grant Revenue - Federal	$ 16,782.75	$ 5,594.25	$ -	
101-000 331.510	Grant Revenue - State	$ -	$ -	$ -	
101-000 360.300	Grant Revenue - Non-Govt.	$ -	$ -	$ -	
	Total Revenue	$ 16,782.75	$ 5,594.25	$ -	$ 22,377.00
	Match - Non Grant Reimbursement	$ -	$ -	$ -	

Expenditures

		First Year	Second Year	Third Year	
101-217 511.170	Overtime	$ 16,782.75	$ 5,594.25	$ -	$ 22,377.00
101-217 532.003	Gas & Oil	$ -	$ -	$ -	
101-217 520.088	Utilities	$ -	$ -	$ -	
101-217 000.000	Maint Bldg & Grounds	$ -	$ -	$ -	
101-217 562.100	Grants-Capital Outlay	$ -	$ -	$ -	
		$ -	$ -	$ -	
		$ -	$ -	$ -	
	Subtotal Expenses	$ 16,782.75	$ 5,594.25	$ -	
101-217 562.100	Grant Match - Capital Outlay	$ -	$ -	$ -	
101-217 511.150	Grant Match - Salary	$ -	$ -	$ -	
101-217 541.501	Grant Match - Serv & Supplies	$ -	$ -	$ -	
	Subtotal Match	$ -	$ -	$ -	
	Total Expenditure	$ 16,782.75	$ 5,594.25	$ -	$ 22,377.00
	Total Match	$ -	$ -	$ -	$ -

Where will match funds come from?

Grant Awarded Funds

Year	Amount
FY26-27	$ 16,782.75
FY27-28	$ 5,594.25
FY28-29	$ -
Total	$ 22,377.00

AGENDA ITEM NO. 11.1

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: **PRESENTATIONS**

TITLE:
For presentation only. Ceremonial presentation of **Proclamation 2026P-055** recognizing October 2026 as Breast Cancer Awareness Month in Douglas County. (Commissioner Gardner)

RECOMMENDED MOTION:
Presentation only.

FINANCIAL IMPACT:
None.

BACKGROUND:
The Douglas County Board of Commissioners, on behalf of the citizens and employees of Douglas County, express their sincere continued support to fight breast cancer by declaring October as Breast Cancer Awareness Month.

ATTACHMENTS:
Breast Cancer Awareness Proclamation.pdf

DOUGLAS COUNTY, NEVADA
BOARD OF COUNTY COMMISSIONERS

PROCLAMATION

BREAST CANCER AWARENESS

OCTOBER 2026

WHEREAS, Breast Cancer is the most commonly diagnosed cancer among women in the United States, excluding skin cancers, and remains the second leading cause of cancer death among women; although less common, breast cancer also affects men; and

WHEREAS, mammograms can detect breast cancer before signs or symptoms appear, when it may be easier to treat, and access to screening and timely follow-up care remains an important part of improving outcomes; and

WHEREAS, advances in early detection and treatment have helped reduce breast cancer death rates, and more than 4 million people in the United States are living with a history of breast cancer, representing the largest group of cancer survivors by cancer type; and

WHEREAS, during Breast Cancer Awareness Month, we honor those who have faced breast cancer, remember those who have died from the disease, and recognize the advocates, medical professionals, researchers, and caregivers whose dedication advances screening, treatment, and support.

NOW, THEREFORE, BE IT PROCLAIMED by the Douglas County Board of Commissioners, on behalf of Douglas County, that October 2026 is hereby declared Breast Cancer Awareness Month in Douglas County, and we encourage awareness, appropriate screening, and support for all those affected by breast cancer.

IN WITNESS WHEREOF, this proclamation has been adopted this 1st day of October, 2026.

Mark Gardner, Chairman

Amy Burgans, Clerk-Treasurer

AGENDA ITEM NO. 11.2

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: **PRESENTATIONS**

TITLE:
For presentation only. Ceremonial presentation of **Proclamation 2026P-056** recognizing October 2026 as National Domestic Violence Awareness Month in Douglas County. (Melissa Elges, Vice Chair, Family Support Council and Brandy Thomson Interim Executive Director, Family Support Council)

RECOMMENDED MOTION:
Presentation only.

FINANCIAL IMPACT:
None.

BACKGROUND:
Domestic Violence Awareness Month (DVAM) is observed every October to raise public awareness and increase support for survivors of domestic violence and abuse. During DVAM, communities, advocates, and individuals unite to uplift the voices and experiences of survivors and to promote efforts to end domestic violence. The color purple is the official color for DVAM, symbolizing peace, courage, and dedication.

ATTACHMENTS:
Domestic Violence Awareness Month Proclamation.pdf

DOUGLAS COUNTY, NEVADA
BOARD OF COUNTY COMMISSIONERS

PROCLAMATION

DOMESTIC VIOLENCE AWARENESS

OCTOBER 2026

WHEREAS, domestic violence violates an individual's dignity, safety, and independence through physical, emotional, sexual, psychological, or economic abuse and control; and

WHEREAS, domestic violence affects people across all economic, racial, gender, and social backgrounds, and its effects reach beyond survivors to families and the entire community; and

WHEREAS, survivors demonstrate strength and resilience, yet may face fear, isolation, financial barriers, and stigma when seeking safety and support; and

WHEREAS, education, early intervention, and accessible support services are essential to preventing abuse and helping survivors heal; and

WHEREAS, the Family Support Council of Douglas County supports survivors and families through advocacy and education, while Abbey's Crossing provides confidential shelter and supportive services for women and children fleeing domestic violence; and

WHEREAS, Domestic Violence Awareness Month is a time to honor victims and survivors, raise awareness, and recognize the advocates and community organizations working to prevent domestic violence throughout Douglas County and Nevada.

NOW, THEREFORE, BE IT PROCLAIMED by the Douglas County Board of Commissioners, on behalf of Douglas County, that October 2026 is hereby declared Domestic Violence Awareness Month and encourage all citizens to support survivors, engage in prevention efforts, and recognize the importance of community partnerships in creating a safer and more compassionate society for all.

IN WITNESS WHEREOF, this proclamation has been adopted this 1st day of October, 2026.

Mark Gardner, Chairman

Amy Burgans, Clerk-Treasurer

Proclamation 2026P-056

AGENDA ITEM NO. 11.3

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: **PRESENTATIONS**

TITLE:
For presentation only. Ceremonial presentation of an employee service award to Kevin Karosich for 20 continuous years of service to Douglas County. (Sheriff Coverley)

RECOMMENDED MOTION:
For presentation only.

FINANCIAL IMPACT:
None.

BACKGROUND:
Kevin Karosich will be presented with an employee service award for his 20 years of continuous service to Douglas County.

ATTACHMENTS:

AGENDA ITEM NO. 12.

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: **COMMUNITY DEVELOPMENT**

TITLE:
For possible action. Discussion to hear or continue Verizon Wireless' appeal of the Planning Commission's decision to deny Development Application DP24-0169, a Design Review to install a new 80-foot monopole cell tower and associated network equipment at 1699 County Road, within the Town of Minden (APN: 1320-30-802-004). The appellant is Verizon Wireless (Alan Bar) and the appellant's representative is Epic Wireless (Melissa Ofina). The appeal was assigned development application number DP24-0204. The appellants are requesting a continuance to allow Verizon to continue its efforts to find alternative tower locations. In the alternative, a hearing on Verizon's appeal will occur. (Linda Doherty, Assistant Planner)

RECOMMENDED MOTION:
On December 5, 2024, the Board of County Commissioners found that the applicant, Verizon Wireless, has standing to appeal the decision of the Planning Commission. The Board of County Commissioners can therefore either grant the Appellants' request to continue an appeal under DP24-0204 or deny the request and conduct a hearing on the appeal.

Staff recommend granting the request for a continuance, and continuing the item to the January 21, 2027, meeting.

FINANCIAL IMPACT:
There is no known fiscal impact to Douglas County. Douglas County does receive a utility tax from each user of the cellular network system.

BACKGROUND:
On July 19, 2024, Chris Hatch of Epic Wireless submitted a Design Review application to Douglas County on behalf of Verizon Wireless. Verizon Wireless proposed to install a new 80-foot monopole cell tower at the subject parcel, including network cabinets and a standby diesel generator. The equipment would be located within a 15-foot by 25-foot area, surrounded by an eight-foot chain link fence, towards the rear of the parcel. There would be space on the proposed tower for the co-location of

antennas for two additional wireless carriers. The proposed tower would also include reserved space for the future installation of EFFPD emergency service communications equipment.

Per exhibits presented by Mr. Hatch, there is a large existing gap in coverage in the Town of Minden, especially inside the buildings of Douglas High School. The proposed location would allow Verizon to provide the missing wireless coverage (both in-building and outdoor).

The proposed project was presented before the Minden Town Board at its meeting on August 7, 2024. After much discussion, the Town of Minden recommended that the application for design review be denied based largely on the location of the proposed tower and its perceived incompatibility with surrounding businesses. Subsequently, the Douglas County Planning Commission considered the Design Review application on September 10, 2024. After reviewing the information presented, including significant public comment, and after deliberation between the members, the Planning Commission voted 6-1 to deny the Design Review application. As justification for its decision, the Planning Commission found that the design failed to meet the finding required by DCC 20.614.040(B).

On September 23, 2024, Verizon Wireless and Epic Wireless (collectively "Verizon") filed a timely appeal of the Planning Commission's decision. On December 5, 2024, Verizon asked the Board of County Commissioners for a continuance of the appeal hearing to allow time to seek and investigate potential alternative sites for the cell tower. The Board voted 5-0 to approve the requested continuance on condition that Verizon would extend the FCC's timing requirements for County decisions (commonly referred to as the FCC's "shot clock"). Verizon agreed, extending the "shot clock" deadline to April 3, 2025.

On April 3, 2025, Verizon again requested a continuance to allow additional time to evaluate alternative sites for the proposed cell tower. The Commissioners approved the request by a 4–1 vote, granting a one-year continuance to April 2, 2026.

On April 2, 2026, Verizon requested another continuance, explaining that they were actively examining three alternative locations: one at Douglas High School, a second on the roof of the Douglas County Community Arts Center, and a third off of Highway 88 south of the Swim Center. The Board granted the continuance to October 1, 2026.

Recently, Verizon completed a new Design Review application to install a cell tower in the location south of the Swim Center, on Assessor Parcel Number 1320-31-000-016. That application is scheduled to go before the Planning Commission on October 13, 2026. If that Design Review is approved, Verizon will withdraw this appeal. Verizon is also still considering the location above the Community Art Center, though that process has been slowed by the County's desire to re-design and remodel the building.

Based on the foregoing, and pending Design Review application, Verizon requests another continuance to January 22, 2027.

DCC 20.24.050(B) allows for an additional continuance of this matter if, upon good cause shown, the Board finds that an additional continuance is warranted. Staff believe the completion of and scheduled hearing on Verizon's new application to install a cell tower at the alternative location off Highway 88 provides good cause for an additional continuance. Verizon's continued interest in the location on the roof of the Community Arts Center also provides good cause for a continuance.

ATTACHMENTS:

Updated_BOCC_Staff_Report_9-18-26_KMO.doc.docx
Continuance req to 1-21-2027.pdf
Ext of shot clock to 1-22-2027.pdf
Verizon Presentation-BOCC 12524-Town of Minden.pdf
CORRECTED Denial Letter for County Road Tower.pdf
Verizon Appeal Justification Letter.pdf
County Appeal Response DP24-0204- 3.18.25.pdf
Resident Appeal Response.pdf
Snell-Wilmer response to appeal 3-26-2025.pdf
Verizon Letter Legal-Project Support.pdf
Full Plan Set - Minden.pdf
Structural.pdf
Radio_Frequency_Report_High_School-Minden.pdf
ETC EME Health Safety Report DHS.pdf
PC 9-10-24 minutes.pdf
Corrected continuance letter.pdf
BOCC 12-5-24 minutes.pdf

COMMUNITY DEVELOPMENT
1594 Esmeralda Avenue, Post Office Box 218,
Minden, Nevada 89423

Tom Dallaire, P.E., CFM
Director

TEL 775-782-6201 / FAX 775-782-6297
website: www.douglascountynv.gov

Building Division
Engineering Division
Planning Division
Code Enforcement Division
Vacation Home Rental Division
Stormwater Division
Economic Vitality Division

MEMORANDUM

Date: October 1, 2026

To: Douglas County Board of County Commissioners

From: Linda Doherty, Assistant Planner

Subject: Appeal of Design Review denial for a new Verizon cell tower

I. REQUEST

For possible action. Discussion to hear or continue Verizon Wireless' appeal of the Planning Commission's decision to deny Development Application DP24-0169, a Design Review to install a new 80-foot monopole cell tower and associated network equipment at 1699 County Road, within the Town of Minden (APN: 1320-30-802-004). The appellant is Verizon Wireless (Alan Bar) and the appellant's representative is Epic Wireless (Melissa Ofina). The appeal was assigned development application number DP24-0204. The appellants are requesting a continuance to continue Verizon's efforts to pursue alternative locations. In the alternative, a hearing on Verizon's appeal will occur. APN: 1320-30-802-004

II. RECOMMENDATION

Verizon Wireless has standing to appeal (as approved at the December 5, 2024 Board of County Commissioners meeting), therefore the Board of County Commissioners can:

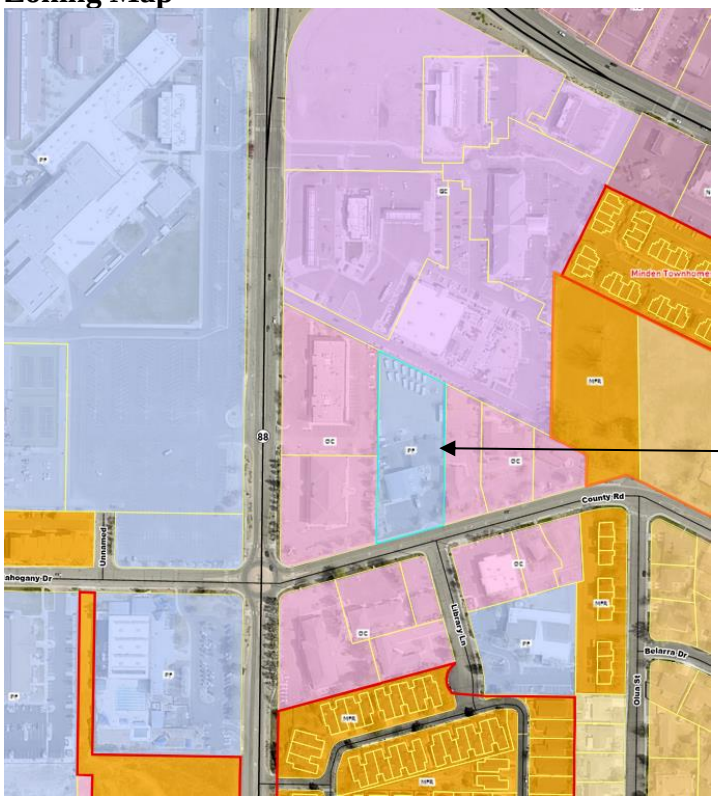
1. Affirm the decision, upholding the denial of the Design Review, because the findings listed in DCC 20.614.040 are not met; or
2. Modify the decision, consistent with the provisions of Douglas County Code; or
3. Reverse the decision, approving the Design Review, subject to any applicable conditions, because the findings listed in DCC 20.614.040 are met.

III. SUMMARY

Appellant:	Alan Bar, Verizon Wireless
Appellant Representative:	Melissa Ofina, Epic Wireless
APN:	1320-30-802-004

Zoning Designation: PF (Public Facilities)
Master Plan Designation: Community Facilities
Surrounding Zoning: General Commercial (GC) and Office Commercial (OC)

Zoning Map



Land Use Table

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.668)

20.658.020 Use (see section in chapter 20.660 for use descriptions)	PR	NC	OC	GC	MUC	TC	LI	GI	SI	PF	AP
.130 Utility and public service											
(A) Central office of telecommunication company	X	D	D	D	D	X	D	D	D	D	X
(B) Fire station	X	X	X	X	X	X	X	X	X	D	X
(C) Major facility of a public or private utility[9]	X	X	X	X	X	X	X	X	X	S	X
(D) Public or quasi-public facility other than listed	X	X	X	X	X	X	X	X	X	S	X
(E) Public safety telecommunications site	D	D	D	D	D	D	D	D	D	D	D
(F) Sewer or water transmission lines	P	P	P	P	P	P	P	P	P	P	P
(G) Sewage treatment facility	X	X	X	X	X	X	X	X	X	S	X
(H) *Telecommunications site*	D	D	D	D	D	D	D	D	D	D	D
(I) *Telecommunication facility*[6]	S	S	S	S	S	S	S	S	S	S	S
(J) Utility service facility	P	P	P	P	P	P	P	P	P	P	P

[6] Special use permit required for facilities that exceed the maximum height requirement of the applicable zoning district.

IV. BACKGROUND AND DISCUSSION

On July 19, 2024, Chris Hatch of Epic Wireless submitted a Design Review application to Douglas County on behalf of Verizon Wireless. Verizon Wireless proposed to install a new 80-foot monopole cell tower at the subject parcel, including network cabinets and a standby diesel generator. The equipment would be located within a 15-foot by 25-foot area, surrounded by an eight-foot chain link fence, towards the rear of the parcel. There would be space on the proposed tower for the co-location of antennas for two additional wireless carriers. The proposed tower would also include reserved space for the future installation of EFFPD emergency service communications equipment.

Per exhibits presented by Mr. Hatch, there is a large existing gap in coverage in the Town of Minden, especially inside the buildings of Douglas High School. The proposed location would allow Verizon to provide the missing wireless coverage (both in-building and outdoor).

The proposed project was presented before the Minden Town Board at its meeting on August 7, 2024. After much discussion, the Town of Minden recommended that the application for design review be denied based largely on the location of the proposed tower (i.e., compatibility). Subsequently, the Douglas County Planning Commission considered the Design Review application on September 10, 2024. After reviewing the information presented, including significant public comment, and after deliberation between the members, the Planning Commission voted 6-1 to deny the Design Review application. As justification for its decision, the Planning Commission found that the design failed to meet the finding required by DCC 20.614.040(B).

On September 23, 2024, Verizon Wireless and Epic Wireless (collectively "Verizon") filed a timely appeal of the Planning Commission's decision. On December 5, 2024, Verizon asked the Board of County Commissioners for a continuance of the appeal hearing to allow them time to seek and investigate potential alternative sites for the cell tower. The Board voted 5-0 to approve the requested continuance on condition that Verizon would extend the FCC's timing requirements for County decisions (commonly referred to as the FCC's "shot clock"). Verizon agreed, extending the "shot clock" deadline to April 3, 2025.

On April 3, 2025, Verizon again requested a continuance to allow additional time to evaluate alternative sites for the proposed cell tower. The Commissioners approved the request by a 4–1 vote, granting a one-year continuance to April 2, 2026.

On November 21, 2025, staff contacted Melissa Ofina, Director of Site Development for Epic Wireless, via email to provide a summary of the project and to remind her of the January 15, 2026, deadline for submission of new materials related to the appeal. A follow-up email was sent on December 8, 2025, reiterating this information, outlining available options moving forward, and confirming Ms. Ofina’s role as a representative of Verizon. Ms. Ofina responded that the team was actively working on next steps and would provide additional feedback.

Since then, Verizon has provided the County with three potential alternative locations for the cell tower that Verizon has considered or is still considering.

In or around January of 2026, Verizon met with Community Services regarding a potential lease to install cellular equipment at the County's Cultural and Performing Arts Community Center, formerly

known as Carson Valley Cinemas. Due to the lack of suitable ground space at this location, a rooftop stealth structure was proposed. This approach would change the applicable land use classification from "Telecommunications facility" to "Telecommunications site," pursuant to Section 20.660.130.H (Utility and Public Service Uses). It is unclear at this time whether such a project would be feasible.

On February 26, 2026, Community Development staff contacted the Douglas County School District and was referred to the Information Technology Department. Staff spoke with former IT Director Jesse Bates and left a message for current IT Director Jared Rex to assess the school district's interest in a facility on high school property, either as a ground-mounted installation or attached to an existing structure such as a light pole. This concept has been utilized by other providers to offer cell service in the area. It is unclear whether such a proposal would receive approval from the school district.

On March 10, 2026, Douglas County Community Development received a Design Review application for a new proposed location of the tower and ground equipment on Assessor Parcel Number 1320-31-000-016, located along Highway 88 south of the Swim Center and owned by the Rand 2003 Trust. This submission has not yet been finalized.

On April 2, 2026 another continuance was requested to no later than October 1, 2026, to allow Verizon to continue to explore alternate locations to determine the feasibility of each. The Commissioners voted unanimously to allow the Appeal to be continued to no later than October 1, 2026.
Since April 2026 three alternate locations have been investigated by Verizon.

1. A site on Douglas High School grounds, which has been eliminated as the School District does not desire attached or detached telecommunications equipment on the property.
2. The Cultural Arts Center (formerly Carson Valley Cinemas) has just been eliminated as well. After Verizon performed inspections and consulted with a structural engineer, it has been determined that this building wouldn't be structurally sound to accommodate a new rooftop tower. Additionally, extensive and invasive retrofitting would be required to accomplish the structural capacity required.
3. A 32-acre parcel with A-19 zoning (Agricultural) off of Hwy 88 and Mackland Avenue in Minden. This is an agriculturally zoned parcel. It has taken some time for Verizon to perform various required reports and remains the best option for location of a leased area to accommodate a Telecommunications Facility. A Design Review has been submitted for this location and will be heard by the Planning Commission at their October 13, 2026 meeting.

Because Verizon continues to evaluate the feasibility of alternative locations and determination of Design Review approval for the parcel on Highway 88 is unknown until the Planning Commission meeting on October 13, 2026, Verizon is requesting another continuance to January 22, 2027. DCC 20.24.050(B) allows for an additional continuance of this matter if, upon good cause shown, the additional continuance is warranted. Staff believe that there is good cause to show that the continuance is warranted to allow time to process Verizon's Design Review via the public hearing process. In case of denial, the continuance will allow Verizon's continued efforts to find a suitable alternative location.

Douglas County Code Sections:

20.660.130.H:

"Telecommunications facility" means a wireless communications facility used for the transmission or reception of electromagnetic or electro-optic information that does not meet the definition of a telecommunications site and which may include accessory equipment and equipment shelters. This use does not include any other use listed in this code, devices not used for communication, or radio frequency machines which have an effective radiated power of 100 watts or less.

1. Design review is required for facilities that do not exceed the height requirement of the zoning district in which it is located; a special use permit is required for facilities exceeding the height requirement of the zoning district in which it is located.
2. See section 20.664.180 for specific standards

20.664.180:

Telecommunications facilities. The following standards apply to all telecommunications facilities as defined in this title:

A. Maximum heights. The height of telecommunications facilities includes all antenna array structures. The following are the maximum facility heights permitted within the applicable zoning districts:

1. NC, MUC, OC, GC, TC, PR and AP: 60 feet.
2. PF, LI, and SI: 80 feet.
3. GI and A-19: 100 feet.
4. FR-19 and FR-40: 120 feet. 5. Residential zoning districts: Prohibited.

B. Setbacks.

1. Telecommunications facilities and accessory structures that do not exceed the maximum required height of the applicable zoning district must meet the required building setbacks for the zoning district in which the facility is located.
2. Facilities exceeding the height requirement of the zoning district in which the facility is located shall have the following minimum setbacks:
   a. A minimum of 20% of the structure height or the minimum required setback of the applicable zoning district, whichever is greater, from all property lines.
   b. A minimum of five-times the structure height from any residentially zoned property, master plan designated receiving area, and any existing residence on surrounding properties located within the A-19 or FR-19 zoning districts.
   c. A minimum of 2,500 feet from major highway and road corridor rights-of-way, including US 395, SR 88, SR 208, SR 207, US 50, Foothill Road and Jacks Valley Road, excluding facilities to be located within the town boundaries of Minden or Gardnerville.
   d. A minimum separation of one mile between all telecommunications facilities, measured from the nearest point of each structure, including facilities with a valid approval that have not yet been constructed.
3. Telecommunications facilities shall not be located within the front-yard area when there is an existing building on the parcel.

C. Design criteria.

1. Support structures for wireless communications antennas shall be monopole type. The use of lattice tower structures or guyed-wire towers is prohibited.

2. Monopole support structures may not exceed four feet in diameter unless technical evidence is provided showing that a larger diameter is necessary to attain the proposed tower height and that the proposed tower height is necessary.
3. Wireless communications facility support structures and antennas must be painted a non-glossy color so as to minimize visual impacts from surrounding properties. Specific color is subject to county review based on a visual analysis of the particular site.
4. Accessory structures must be designed and screened according to the provisions of the adopted Douglas County design manual.
5. Support structures for wireless communications antennas shall be designed to allow at least one additional wireless service provider to co-locate antennas on the structure.
6. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. Security lighting must be in conformance with this title and the adopted design manual.

D. Access.

1. Unmanned telecommunications facilities must have a minimum 12-foot access easement to the facility.
2. When access is from a paved public street or alley, a paved driveway approach shall be constructed a minimum ten feet in length and 12 feet in width at the point of access.

E. Signage. A permanent, weather-proof identification sign, approximately 16 inches by 32 inches in size, must be placed on the gate of the fence around the facility or, if there is no fence, on the facility itself. The sign must identify the facility operator(s), provide the operator's address, and specify a 24-hour telephone number at which the operator can be reached so as to facilitate emergency services.

F. Landscaping.

1. Landscaping is to be provided in accordance with section 20.694 (Landscaping) for the purposes of screening the facility from surrounding properties or rights-of-way.
2. Landscaping must include re-vegetation of any cut or fill slopes. Where native vegetation exists, re-vegetation should include native plant species that can exist without irrigation.
3. Where possible, existing plants and trees should be used to the full extent possible for screening the facility.

G. Noise and traffic.

1. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 7 a.m. and 7 p.m.
2. Traffic shall be limited to no more than one round-trip per day on an average annual basis once construction is complete, except for emergency maintenance purposes.

H. Submittal requirements. In addition to the submittal materials required by the special use permit application, the following must be submitted with an application for a telecommunications facility:

1. A vicinity map showing the proposed telecommunications facility's distances from existing residential areas, existing residences, major roads and highways, and other telecommunications facilities pursuant to paragraph B, above.
2. A visual simulation showing the proposed structure as it would be seen from surrounding properties that may be visually impacted by the structure, including but not limited to surrounding residential

properties and rights-of-way. The visual simulation may include a photo montage, field mock-up or other techniques.

3. A written statement to Douglas County indicating the technical reasons why there is no alternative site for co-location of the facility or written proof of refusal of the owner of the tower(s) in the vicinity to provide space at a fair rate of compensation.
4. A written statement to Douglas County indicating that the proposed tower structure is designed to accommodate at least one additional service provider in the future, and that the facility owner will make a good-faith effort to work with other service providers to co-locate antennas on the proposed structure in the future.
5. A copy of the property lease agreement including provisions for removal of the facility within six months of its abandonment, and provisions for county access to the facility for removal where the provider fails to remove the facility within six months of its abandonment.

I. Conditions of approval. The following conditions must be met prior to the service provider obtaining a building permit for the telecommunications facility:

1. The applicant shall provide proof of notification of an offer of co-location opportunities on the new facility to other service providers.
2. The applicant shall sign and record with the Douglas County recorder a legally binding agreement limiting any co-location costs assessed to other service providers to a pro rata share of the ground lease, site acquisition cost, design, capital costs for construction of the tower including associated permitting costs, and reasonable maintenance, repair and replacement costs.

J. Reduction in required facility separation. A reduction in the required separation between telecommunication facilities may be granted as part of the special use permit approval where technical evidence has been provided to substantiate the following findings:

1. The granting of the variance will not substantially impair the intent and purpose of this title or the goals, policies and objectives in the adopted master plan;
2. The variance is not requested exclusively on the basis of economic hardship to the applicant; 3. The variance is necessary and essential to providing the applicant's wireless service, based on the technical constraints of locating the facility in accordance with the required separation;
4. Evidence has been submitted to the satisfaction of the county showing that co-location on existing tower structures is not available or is not technically feasible. Evidence may include a written statement from the service provider with the existing facility that co-location is not feasible.

K. Variances. Notwithstanding paragraph J above, all variance requests relating to telecommunications facilities are to be considered under the variance provisions of section 20.606. In addition to the required findings pursuant to section 20.606, the following findings must be made:

1. The granting of the variance will not substantially impair the intent and purpose of this title or the goals, policies and objectives in the adopted master plan;
2. The variance is not requested exclusively on the basis of economic hardship to the applicant; 3. The variance is necessary and essential to providing the applicant's wireless service, based on the technical constraints of locating the facility in accordance with the required separation;
4. For highway or road corridor setbacks, the proposed facility is not visible from the subject right-of-way or the facility includes features that minimize the visual impacts from the subject rights-of-way.

L. Minor modifications. Modifications may be approved by the director under the provisions of a minor design review where the modifications meet the following criteria:

1. The height of the facility does not increase by more than 10 feet above the height of the original facility as approved by a special use permit and the facility meets the height provisions and required setbacks.
2. The existing facility complies with all other applicable standards in this section.

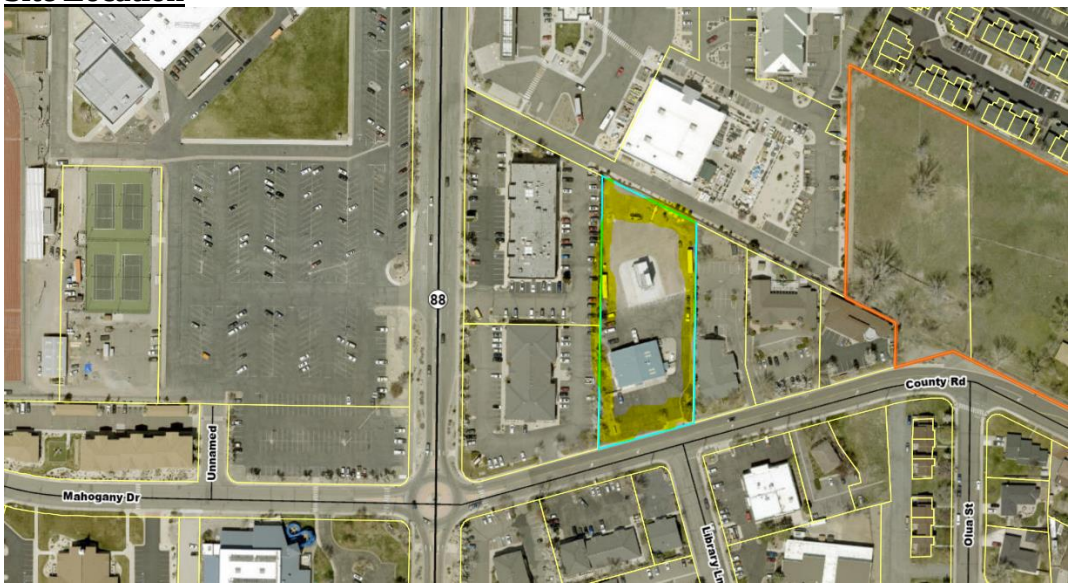
M. Abandoned towers.

1. Any telecommunications facility that is not operated for a continuous period of six months or falls into disrepair shall be considered abandoned.
2. The owner of any abandoned telecommunications facility shall remove the facility within six months of its abandonment.
3. If an abandoned facility is not removed within six months, the county may remove the facility at the property owner's expense.
4. Where two or more users share a single facility, the facility shall not be deemed abandoned until all users cease operation of the facility.

N. Inventory and tracking. The department shall compile and maintain a list of telecommunications facilities based on information provided by wireless service providers. The list shall include existing facility locations, structure heights, number of service providers using the facility, and availability of space for additional users based on prior approvals.

O. Existing, nonconforming facilities. Telecommunications facilities approved prior to the adoption of this ordinance that do not meet the required setbacks or height limitations shall be considered legal conforming structures provided that the height of the structure is not increased.

Site Location



The parcel, outlined in blue, is 1.50 acres and is approximately 235 feet from the intersection of County Road and State Route 88. This parcel contains a 4,960 square foot fully staffed fire station with training apparatus and storage behind it.

V. REVIEW AND FINDINGS

Pursuant to Code 20.614.050 Decision on Design Review and Appeal, section (B), "the director in his sole discretion may refer the design review for review and decision by the planning commission in lieu of rendering a decision on the application. In such event, the planning commission shall consider the design review at a public hearing and render its decision in accordance with section 20.28.020. Appeal shall be to the board in accordance with section 20.28.020. The planning commission and the board shall apply the standards set forth in this chapter in acting on the design review".

20.10.020 Decision by planning commission. Whenever the planning commission has been delegated as the final decision-making authority for a development permit pursuant to this title, it shall decide whether to approve, conditionally approve, deny or continue the application at a public meeting, following receipt of the report and recommendation of the director. For an approval, a majority of the commissioners present must vote to approve the item. A vote of less than a majority of the commissioners present to approve or a tie vote is considered a denial.

The Design Review was denied by a 6-1 vote by the Planning Commission on September 10, 2024.

Design Review Findings

Pursuant to Douglas County Code Section 20.614.040, evaluation of the impact of the design review on and its compatibility with surrounding properties and neighborhoods to ensure the appropriateness of the development and make the following findings:

A. The proposed development is consistent with the goals and policies embodied in the adopted master plan and the general purpose and intent of the applicable district regulations;

Planning Commission Response: This finding can be made. Verizon and Epic Wireless have designed this facility to fully comply with the Douglas County Master Plan and the applicable district regulations, including height, tower design, and setback restrictions as detailed in Section 20.664.180 of the Douglas County Code.

B. The proposed development is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include but shall not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both;

Planning Commission Response: This finding cannot be made. Even though the proposed development will be located at the rear of the 1.50-acre parcel, it is very visible and within the gateway to the Town of Minden. The monopole will be the tallest structure in Minden and even though it is designed to meet County Code, it is very unsightly to visitors and neighboring businesses and nearby

residential areas. It is highly recommended to search for a more favorable location, possibly at the Minden-Gardnerville Sanitation District property.

C. The proposed development will not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

Planning Commission Response: This finding can be met. The proposed development is an unmanned facility and will not generate pedestrian or vehicular traffic. There will be no impact on the adjacent street network and no changes to the roadway network is required.

D. The proposed development incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to reduce or eliminate development impacts on surrounding neighborhood streets;

Planning Commission Response: This finding can be made. The proposed development incorporates existing right of way access and driveways and will have no impact on surrounding neighborhood streets.

E. The proposed development incorporates features to minimize adverse effects, including visual impacts, of the proposed development on adjacent properties;

Planning Commission Response: This finding cannot be met. Similar to the response to Finding B, the proposed development is very unsightly and extremely visible to everyone in the Minden gateway area of the Town.

F. The project is not located within an identified archeological/cultural study area, as recognized by the county. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the findings in the report;

Planning Commission Response: This finding can be met. Based on the applicant's review of available county records, the proposed development is not located within an identified archeological or cultural study area.

G. The proposed development complies with all additional standards imposed on it by the particular provisions of this chapter, the Douglas County design criteria and improvement standards and all other requirements of this title applicable to the proposed development and uses within the applicable base zoning district, including but not limited to, the adequate public facility policies of chapter 20.100; and

Planning Commission Response: This finding can be met. As presented, the proposed development has been designed to comply with all applicable regulations, including specific provisions of this chapter of the Douglas County Code, Douglas County Design Criteria and Improvement Standards, Chapter 20.100 of this title, particularly the adequate public facility policies.

H. The proposed development will not be materially detrimental to the public health, safety, convenience and welfare, or result in material damage or prejudice to other property in the vicinity.

Planning Commission Response: This finding can be met. As presented, the proposed development is designed to benefit the community by expanding access to emergency services and improving data coverage. The proposed development will be constructed to meet or exceed all applicable safety standards established by the Federal Communications Commission (FCC) regarding radio emissions (details in the attached EME addendum). A complete building permit application will be submitted to the Building Department for thorough review and approval.

VI. The following conditions were proposed by staff if the Design Review application was deemed to be approved. If the Board of Commissioners agree with the Planning Commission decision of approval and denies the appeal the following conditions should be considered:

The following conditions must be met at the time of the submittal of a Site Improvement Permit (submit electronically to Engineering@douglasnv.us as spelled out on the Engineering Division webpage) or Building Permit:

Engineering:

1. Comply with the requirements of DCC, Chapter 20.50 *Floodplain Management*, and provide the following:
   a) Floodplain Development Permit.

2. Submit plans and supporting documents for review and approval. Plans and documentation must be in conformance with the DCDCIS including the following project specific items:
   a) Plans and reports shall comply with all local, state, and federal standards, including but not limited to the standards set forth in Chapters 20.04, and 20.800 to 20.840 of the Douglas County Code.
   b) Civil improvement plans must be submitted in conformance with Division 2.
   c) Construct Improved Maintenance Access, at-grade, from end of pavement as shown on Project Area Enlargement on Sheet C-1. This access shall be constructed to a minimum width of 12 feet, be provided with adequate drainage, and structurally designed to support a tandem axle loading of 40 tons. The pavement section shall be no less than 3 inches of Type 2 or Type 3 asphalt concrete pavement on 6 inches of aggregate base. (Division 3.9.14 from DCDCIS).

3. Provide an owner executed legal description and accompanying graphic exhibit (with bearings, distances, and coordinates) required for non-exclusive Verizon utility and access easements that follow the driveway from the existing pavement to and including the area around the monopole tower. The documents shall be 8.5” by 11” format wet sealed by a Nevada registered land surveyor.

Planning:

4. The applicant shall provide proof of notification of an offer of co-location opportunities on the new facility to other service providers.

5. The applicant shall sig and record with the Douglas County Recorder a legally binding agreement limiting any co-location cost assessed to other service providers to a pro rata share of the ground lease, site acquisition cost, design, capital costs for construction of the tower including associated permitting costs, and reasonable maintenance, repair and replacement costs.

6. Submit revised site plans and architectural drawings for review and approval. The plans must be in conformance with the (DCC), Title 20, and the (DCDCIS) including the following project specific items:
   a) Final landscape and irrigation plans stamped by a licensed architect, landscape architect, landscape contractor, or civil engineer. Landscape and irrigation plans must be consistent with both the DCDCIS and DCC, Title 20, Chapter 20.694 and Section 20.692.080 (D).
   b) Identify the location and dimensions of all exterior utility meters, transformers, satellite dishes, radio equipment, solar panels, and other utility or mechanical equipment.
   c) All equipment installed on the ground must be screened with dense landscaping and/or approved solid fencing.

7. Submit a receipt from the applicable fire district indicating that plans have been submitted for review and approval.

Building:

8. Plans submitted shall be designed to the following Codes:
   - 2024 Northern Nevada Code Amendments *Northern Nevada Chapter International Code Council (nnicc.org)*
   - 2024 International Building Code (IBC)
   - 2024 International Residential Code (IRC)
   - 2024 Uniform Plumbing Code (UPC)
   - 2024 Uniform Mechanical Code (UMC)
   - 2023 National Electrical Code (NEC)
   - 2024 International Existing Building Code (IEBC)
   - 2024 International Energy Conservation Code (IECC)
   - 2024 International Fuel Gas Code (IFGC)
   - 2024 International Mechanical Code (IMC)
   - 2024 International Swimming Pool and Spa Code (ISPSC)
   - 2024 International Fire Code (IFC)
   - 2024 International Urban Wildfire Interface Fire Code (WUI)
   - International Code Counsil A117.1-2017 Standards for Accessible and Usable Building and Facilities
   - Hazard Map Link: https://ascehazardtool.org/

The following conditions must be completed prior to the issuance of a Site Improvement Permit or Building Permit:

Building:

9. The applicant must submit plans to the respective Fire District for review and obtain approval.

The following conditions must be completed prior to the issuance of a Notice of Completion or Certificate of Occupancy:

Planning:

10. If approved, submit any modifications to the approved Design Review to the Community Development Department for review. All modifications must be clouded or otherwise identified on the plans and within the revision block. All revisions are subject to applicable review requirements and fees.

11. Any request for changes or modifications to the approved landscape and irrigation plans must be submitted in writing, the modified plans sealed and signed by their preparer, to the Planning Division prior to installation and final inspection.

12. If any damage to existing roads is caused by the transporting of construction equipment or materials by the applicant or any contractor of the applicant, the applicant must repair the roads to their prior condition upon notification in writing by the Community Development Department.

The following conditions are General Conditions applicable throughout the life of the project:

Engineering:

13. Maintain all on-site storm drainage facilities. Obstructing the flow or altering the course of a drainage channel is prohibited unless permitted by an authorizing agency.

Planning:

14. Comply with all conditions of an approved Design Review letter.

15. No use authorized by an approved Design Review shall be enlarged, extended, increased in intensity, or relocated unless an application is made to modify the Design Review in accordance with the procedures required by Douglas County Code.

16. The applicant must perpetually maintain all landscaping. Plants must be removed and replaced if dead or diseased and planter borders and concrete curbing must be promptly removed and replaced if

damaged. All landscaped areas abutting driveways, drive aisles, parking stalls, etc. must be protected by a standard Type 1 concrete curb.

17. Maintain the site free of weeds, trash, and other debris.

VII. Conclusions

The Planning Commission did not believe all findings could be made (specifically Finding B) for the Design Review for the proposed cell tower and associated ground equipment, and therefore voted 6-1 to deny the Design Review.

Attachments:

1. Continuance Request to 1-21-2027
2. Extension of Shot Clock Agreement
3. Verizon Presentation-BOCC 12524-Town of Minden
4. CORRECTED Denial Letter for County Road Tower
5. Verizon Appeal Justification Letter
6. County Appeal Response DP24-0204- 3.18.25
7. Resident Appeal Response
8. Snell-Willmer Response to Appeal
9. Verizon Letter Legal-Project Support
10. Full Plan Set – Minden
11. Structural
12. Radio Frequency Report High School-Minden
13. ETC EME Health & Safety Report DHS
14. PC 9/10/2024 Minutes
15. Corrected Continuance Letter
16. BOCC 12-5-24 Minutes

SNELL
& WILMER

William E. Peterson
Partner
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September 2, 2026

VIA EMAIL ONLY

Chairman Mark Gardner
Vice Chair Nathan Tolbert
Commissioners Sharla Hales,
Danny Tarkanian, and Wesley Rice
Douglas County Board of Commissioners
1594 Esmeralda Avenue
Minden, Nevada 89423

Re: Verizon Wireless Continuance of Appeal in Application DP24-0169
Telecommunications Facility, 1699 County Road, Minden
Board of Supervisors Agenda October 1, 2026

Dear Chairman Gardner, Vice Chair Tolbert, and Commissioners:

At your April 2, 2026, meeting, you unanimously approved continuance of the appeal hearing for this Verizon Wireless application to October 1, 2026, to allow additional time for review of alternatives to the proposed 80-foot monopole facility behind Fire Station 14 in Minden (Application DP24-0169). Verizon Wireless is considering two alternatives.

Verizon Wireless submitted an application for a 100-foot monopole facility on the Rand Trust property west of Highway 88, south of Minden (APN 1320-31-000-016, Application DP26-0042). The Planning Commission will consider that application on October 13, 2026.

Additionally, Verizon Wireless has been communicating with County staff to evaluate a rooftop facility at the County's newly acquired Ironwood Center property at 1760 Highway 395. This alternative could result in considerable delay as the County develops its own proposal for the building, which may impact rooftop structural feasibility.

To allow for Planning Commission review of the Rand Trust alternative and continued evaluation of the Ironwood Center alternative, Verizon Wireless requests that the Board continue the appeal hearing for Application DP24-0169 to January 21, 2027. The need for careful review of the two alternative locations is good cause to warrant continuance of the Appeal consistent with Development Code 20.24.050(A)(2).

/ / /

Thank you for your consideration of this request. We are available to discuss the matter further at the Board's convenience.

Sincerely,

Snell & Wilmer

William E. Peterson

WEP/mwc

cc: Linda Doherty, Assistant Planner, Community Development (via email)
AJ Hames, Deputy District Attorney (via email)

SNELL
& WILMER

Michael W. Cabrera
O 775.785.5440 | F 775.785.5441
mcabrera@swlaw.com

September 17, 2026

Sent Via Certified Mail and Email

Chairman Mark Gardner
Vice Chair Nathan Tolbert
Commissioners Sharla Hales,
Danny Tarkanian, and Wesley Rice
Douglas County Board of Commissioners
1594 Esmeralda Avenue
Minden, Nevada 89423

Re: Verizon Wireless Response to Appeal, Application DP 24-0169
Telecommunications Facility, 1699 County Road, Minden
Board of Supervisors Agenda October 1, 2026
FCC Shot Clock Tolling Agreement: January 22, 2027

Dear Chairman Gardner, Vice Chair Tolbert, and Commissioners:

Verizon Wireless and Douglas County are scheduled to have the above-referenced application heard by the County Commission on October 1, 2026. As noted in Verizon Wireless's letter dated September 2, 2026, Verizon Wireless has requested that the County Commission continue the agenda item.

Contingent upon the Board's approval of the requested continuance, Verizon Wireless agrees to extend the time period for the County to act on the application under the federal Telecommunications Act to January 22, 2027. Upon such approval and countersignature, this letter will confirm the parties' agreement that the time period for the County to act on the application pursuant to the Telecommunications Act is extended to January 22, 2027.

/ / /

/ / /

This amendment to the tolling agreement may be executed in counterparts and by facsimile or electronic signature, each of which shall be deemed an original.

Sincerely,

Snell & Wilmer

/s/ Michael W. Cabrera

Michael W. Cabrera

cc: A.J. Hames, Esq.
Tom Dallaire
Linda Doherty

ACCEPTED AND AGREED TO:

Douglas County

By: _____

Printed name: _____

Title:_____

verizon

Douglas HS
Fire Station 14

Douglas County Board of Commissioners
December 5, 2024

- **Chris Hatch, Epic Wireless Group, LLC**
- **Yvonne Pinto, Verizon Wireless, Municipal Engagement**
- **Maher Zayouna, Verizon Wireless, RF Design Engineer**
- **Paul Albritton, Mackenzie & Albritton LLP**

verizon

Application Timeline

April–August 2022	Douglas County Economic Development department, School District, and FCC contacted Verizon Wireless regarding network deficiencies in County and at Douglas High School
April 2022	Verizon Wireless RF engineers confirmed service gap in west Minden area
September 2022–March 2023	Verizon Wireless investigated multiple locations and designs for new facility
March 2023–January 2024	Verizon Wireless and East Fork Fire Protection District collaborated on communication services, including leases at multiple fire stations
January 16, 2024	Fire Protection District Board approved locations and designs
January 2024	Verizon Wireless filed pre-application materials with County
March 2024	Attended pre-application meeting with County staff to determine permit requirements
March–July 2024	Outreach to Town of Minden officials to answer questions and address concerns
April 2024	Verizon Wireless and Fire Protection District completed lease negotiations
April 2024	Verizon Wireless filed zoning application with Douglas County and was referred to Town of Minden for initial submittal
June 2024	Verizon Wireless filed zoning application with Town of Minden
July 3, 2024	Verizon Wireless presented project to the Town of Minden Board
July 19, 2024	Verizon Wireless filed zoning application with Douglas County and Town of Minden
July 29, 2024	County staff determined that zoning application is complete
August 7, 2024	Town of Minden Board Meeting, recommends denial
September 10, 2024	Planning Commission denied application
September 24, 2024	Verizon Wireless filed appeal

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Project Design

- 80-foot monopole facility
- 900-square foot network equipment area surrounded by chain link fence with tan slats
- Equipment cabinets under snow cover
- Generator for emergencies
- Room for collocation by additional wireless carrier
- Fire Protection District has reserved space on the monopole

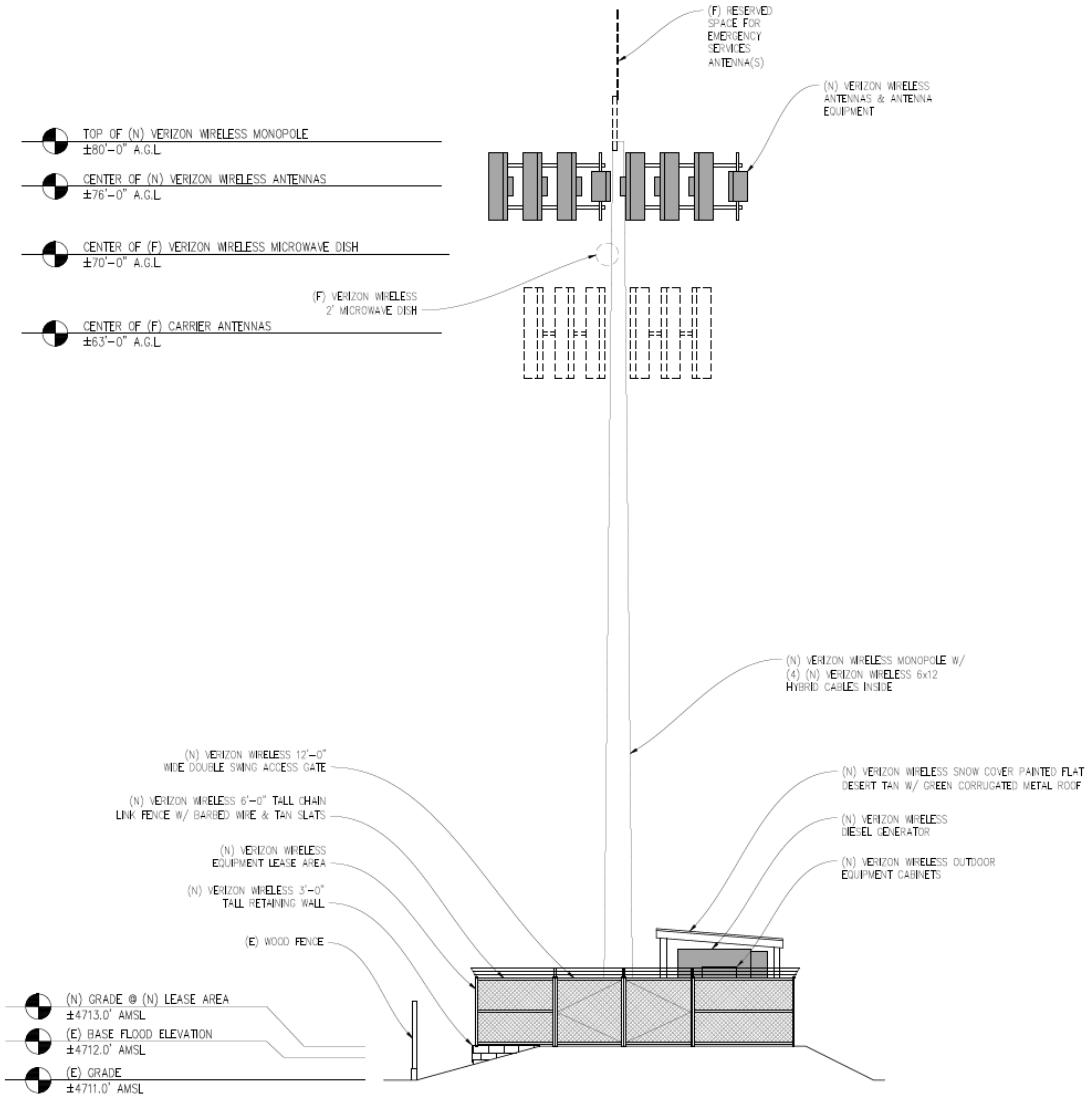

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Photo Simulations

Looking south from Maverik gas station

verizon

This simulation relies upon an artist's depiction of the information provided by the applicant.
Verizon confidential and proprietary. Unauthorized disclosure, reproduction or other use prohibited.

Photo Simulations

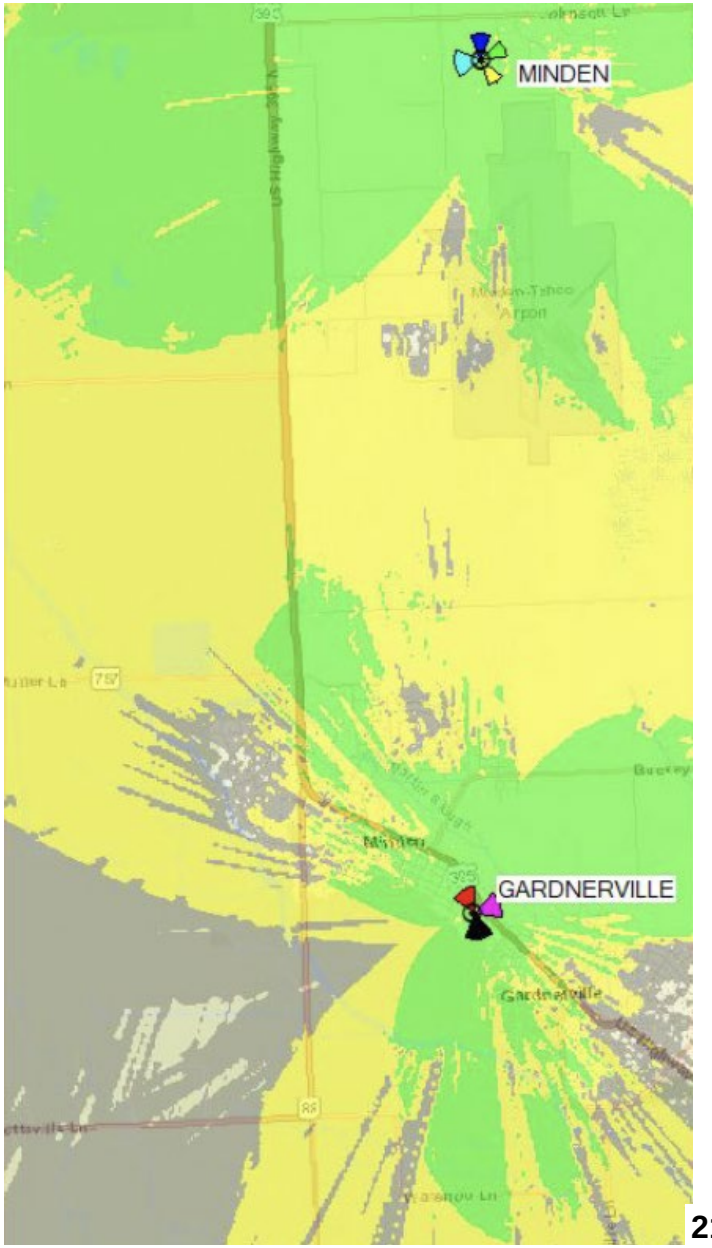
Looking north from County Road

verizon

This simulation relies upon an artist's depiction of the information provided by the applicant.
Verizon confidential and proprietary. Unauthorized disclosure, reproduction or other use prohibited.

Service Gap

- Gap in in-building coverage in west Minden area
- Lack of reliable in-building coverage in commercial and residential areas, including Douglas High School campus
- Gap in in-vehicle coverage along Highway 395 & 88 and local roads



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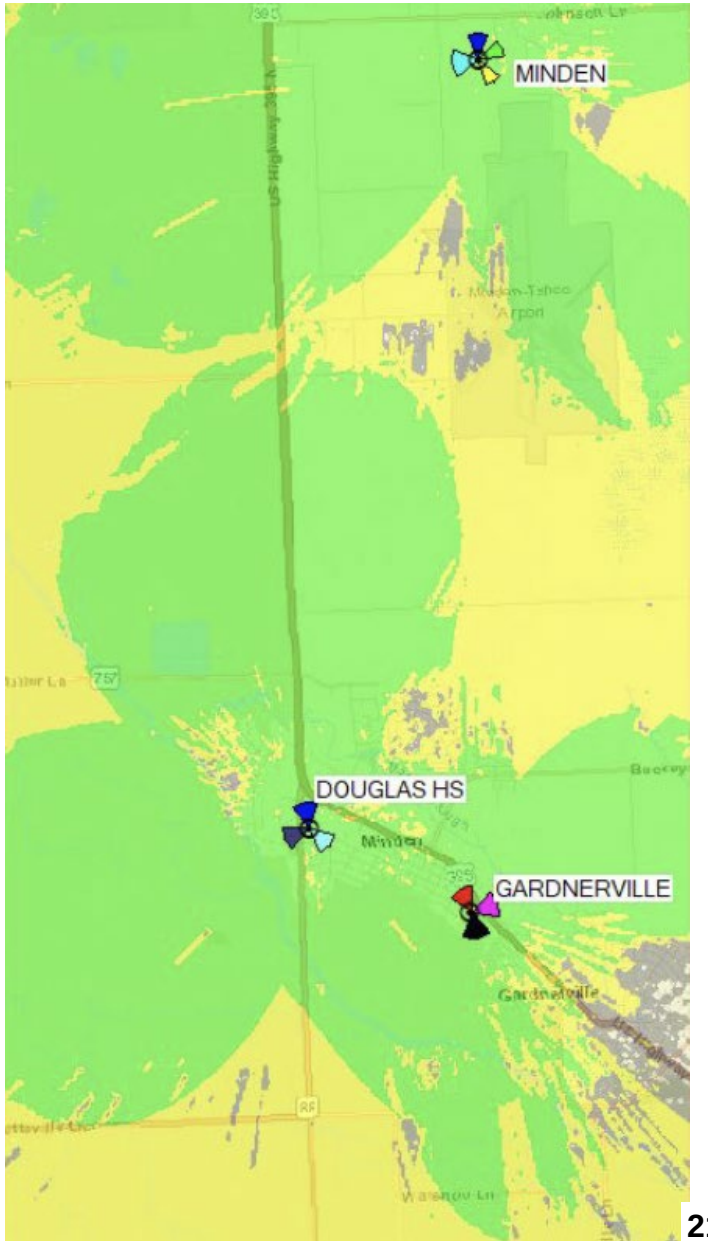
Improved Service

- New reliable in-building coverage for west Minden residents, visitors, workers, and emergency personnel
- New reliable in-building coverage at High School, local hotels, offices, and other businesses
- Total new mid-band in-building coverage to 8.4 square miles with population of 1,370
- New reliable in-vehicle coverage along 3.7 miles of Highways 88 and 395, with 24,000 vehicle trips per day



RSRP Coverage

In-building	>= -85 dBm
In-vehicle	>= -95 dBm
Outdoor	>= -105 dBm

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Network Exhaustion

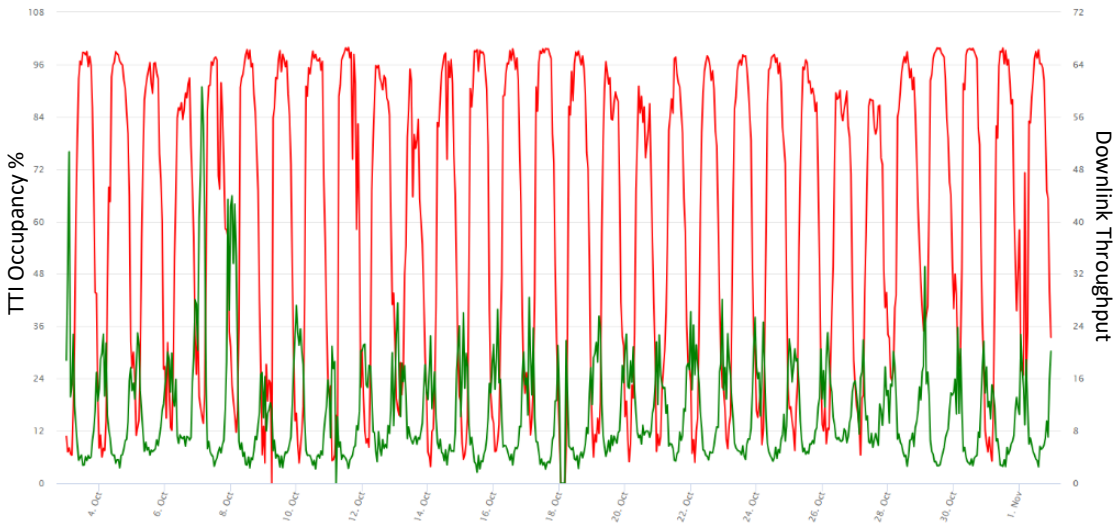
- **Increasing demand on distant Verizon Wireless Gardnerville facility 1.1 miles southeast, which must serve faraway users in west Minden**
- **As TTI occupancy increases, data throughput drops below 4 megabits/second many days**

TTI Occupancy
Percent of data resources used

Downlink Throughput
Data speed in megabits/second

Gardnerville Facility

Northwest-Facing Antenna Sector
Low-Band 700 MHz Frequency
October 3–November 1, 2024



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Local Support for Improved Service

- **On October 8, 2024, Verizon Wireless sent below text message to customers in local ZIP codes 89410 and 89423**

  Verizon Msg: Reply YES to this text to show your support for improved Verizon Wireless service in the Minden and Gardnerville area. Add a message to tell Douglas County officials that you support wireless facilities at Fire Stations 6 and 14 and on an existing tower on Waterloo Lane. Add your email address for more info and updates.

- **167 customers responded indicating support for proposed facilities, for example:**

  YES The service is really bad in Minden so adding additional towers would be great!

  Yes! Please add the tower. It is unsafe to have the kids at the high school unable to call parents. Thinking of switching service because of how bad the version service is

  Yes Very poor connection in Minden Village West

- **13 respondents opposed**

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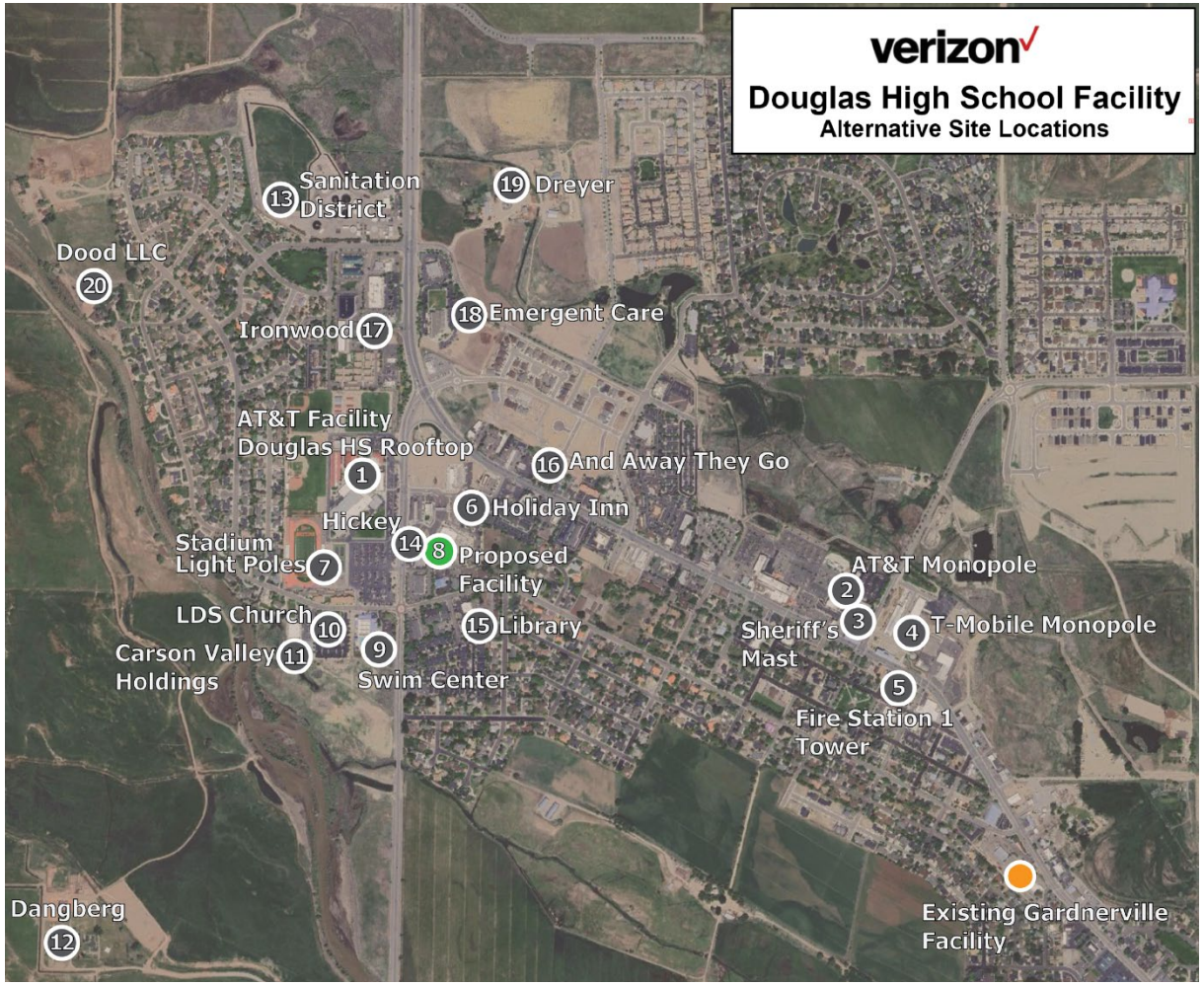
Best of 20 Alternatives

- **Other locations discounted due to:**
  - **Inability to fill gap in service**
  - **Required setbacks**
  - **Lack of ground space or access**
  - **Unwilling landlord**



Proposed Facility
Alternatives
Existing Facility

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Principal Factors to Discount Alternatives

	Location	Cannot fill service gap	Restrictive setbacks	Lack of ground space or access	Unwilling landlord
1	AT&T Facility, Douglas High School	X			
2	AT&T Monopole	X			
3	Sheriff's Antenna Mast	X			
4	T-Mobile Monopole	X			
5	Fire Station 1 Tower	X		X	
6	Holiday Inn	X			
7	Field Light Poles at High School	X	X		
8	Proposed Facility				
9	Swim Center			X	
10	LDS Church				X
11	Carson Valley Holdings	X	X		
12	Dangberg Home	X			
13	Sanitation District	X	X		X
14	Hickey Building	X			
15	Library			X	
16	And Away We Go	X			
17	Ironwood Center	X			
18	Emergent Care	X			
19	Dreyer Ranch	X			
20	Dood LLC Ranch	X			

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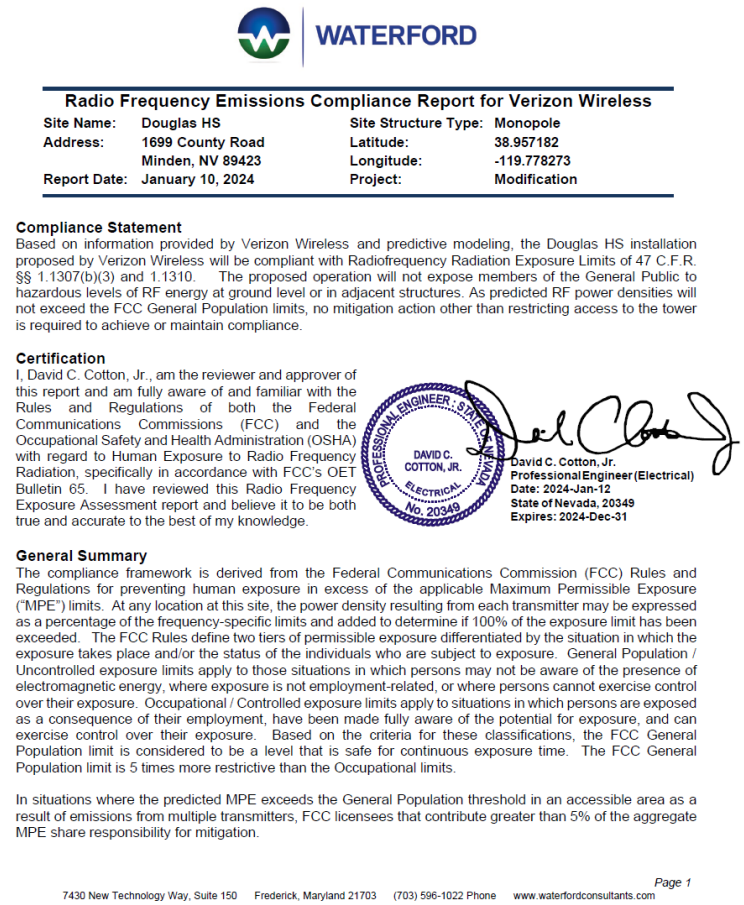
Complies with FCC Guidelines

- **Engineer with Waterford Consultants confirmed that radio frequency exposure will be substantially less than FCC public limit**
  - 13.9% at ground level
- **Denial based on RF exposure preempted by federal law**



WATERFORD

Radio Frequency Emissions Compliance Report for Verizon Wireless

Site Name:	Douglas HS	Site Structure Type:	Monopole
Address:	1699 County Road	Latitude:	38.957182
	Minden, NV 89423	Longitude:	-119.778273
Report Date:	January 10, 2024	Project:	Modification

Compliance Statement

Based on information provided by Verizon Wireless and predictive modeling, the Douglas HS installation proposed by Verizon Wireless will be compliant with Radiofrequency Radiation Exposure Limits of 47 C.F.R. §§ 1.1307(b)(3) and 1.1310. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent structures. As predicted RF power densities will not exceed the FCC General Population limits, no mitigation action other than restricting access to the tower is required to achieve or maintain compliance.

Certification

I, David C. Cotton, Jr., am the reviewer and approver of this report and am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation, specifically in accordance with FCC's OET Bulletin 65. I have reviewed this Radio Frequency Exposure Assessment report and believe it to be both true and accurate to the best of my knowledge.

PROFESSIONAL ENGINEER · STATE OF NEVADA · DAVID C. COTTON, JR. · ELECTRICAL · No. 20349

David C. Cotton, Jr.
Professional Engineer (Electrical)
Date: 2024-Jan-12
State of Nevada, 20349
Expires: 2024-Dec-31

General Summary

The compliance framework is derived from the Federal Communications Commission (FCC) Rules and Regulations for preventing human exposure in excess of the applicable Maximum Permissible Exposure ("MPE") limits. At any location at this site, the power density resulting from each transmitter may be expressed as a percentage of the frequency-specific limits and added to determine if 100% of the exposure limit has been exceeded. The FCC Rules define two tiers of permissible exposure differentiated by the situation in which the exposure takes place and/or the status of the individuals who are subject to exposure. General Population / Uncontrolled exposure limits apply to those situations in which persons may not be aware of the presence of electromagnetic energy, where exposure is not employment-related, or where persons cannot exercise control over their exposure. Occupational / Controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment, have been made fully aware of the potential for exposure, and can exercise control over their exposure. Based on the criteria for these classifications, the FCC General Population limit is considered to be a level that is safe for continuous exposure time. The FCC General Population limit is 5 times more restrictive than the Occupational limits.

In situations where the predicted MPE exceeds the General Population threshold in an accessible area as a result of emissions from multiple transmitters, FCC licensees that contribute greater than 5% of the aggregate MPE share responsibility for mitigation.

Page 1

7430 New Technology Way, Suite 150 Frederick, Maryland 21703 (703) 596-1022 Phone www.waterfordconsultants.com

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Complies with County Requirements

- County wireless ordinance requires monopole design (§ 20.664.180)
- 80-foot monopole allowed in PF–Public Facilities zone
- Complies with height limit, so not subject to special setbacks
- Room on monopole for collocation of antennas by another carrier, and allows for collaboration with Fire Protection District
- Monopole satisfies findings for approval of major design review (§ 20.614.040)

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Approved by East Fork Fire Protection District

- **District Board unanimously approved lease on January 16, 2024**
- **Deputy Fire Chief described benefits including:**
  - **Increased access to 911**
  - **Wireless emergency alerts**
  - **District has reserved space for on the tower**
- **Director Barbara Griffin provided statement received from Sheriff Dan Coverly stating: "The Sheriff's office is 100% in support of this."**
- **Meeting minutes described District Board's support:**

Landlines are becoming non-existent. If there is a hole in service and a landline is not an option, people could face major issues. This is a good project for everyone involved.

—President John Bellona

The people saving lives are in favor of this. The Board would be negligent if they didn't support the first responders with the tools that can be provided. Cell communication is a large tool. The better the coverage, the better for everyone."

–Director Jacques Etchegoyhen

If there is a major incident within the District and the support of multi-agencies is needed, many of those agencies may be Verizon users.

—Secretary Mike Sommers

It serves the people who respond first, and enhances communications.

—Director Bernie Curtis

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Verizon Wireless's Appeal

- **Planning Commission denial based on only one Code design review finding, 20.614.040(B): "compatible with and preserves the character and integrity of adjacent development and neighborhoods..."**
- **Commission provided no analysis or evidence of noncompliance with finding**
- **Proposed Facility satisfies this finding because of location behind commercial buildings and ample setbacks from streets:**
  - 400 feet from County Road to south
  - 250 feet from Highway 88 to west
  - 820 feet from Highway 395 to north
- **Over 500 feet from closest residence, the townhomes 500 feet northeast**
- **Communication tower behind fire station in PF–Public Facilities zone is compatible with character of adjacent development**

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Federal Telecommunications Act Compels Approval

- **RF Compliance.** Denial cannot be based on concern over RF emissions because Proposed Facility complies with FCC exposure guidelines. (47 U.S.C. § 332(c)(7)(B)(iv))

- **Prohibition of Service.** Denial would be an unlawful prohibition of service because Proposed Facility is least intrusive alternative to fill a significant gap in service. (47 U.S.C. § 332(c)(7)(B)(i)(II)

- To avoid unlawful prohibition, County must raise a feasible less intrusive alternative, then allow Verizon Wireless to review it before a final decision

- Verizon Wireless willing to continue hearing for review of County-proposed alternatives

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Conclusion

Verizon Wireless's proposed facility provides:

- Solution to County, School District, and FCC coverage concerns
- Much-needed wireless communication infrastructure for existing and future residents, businesses, and visitors in west Minden
- Reliable communications for emergency services first responders in the community
- Enhanced infrastructure for local schools and improved economic development opportunities for local businesses
- Collaboration with Fire Protection District on improved communication needs

Request: Grant appeal, or in the alternative continue the appeal to allow Verizon Wireless to evaluate alternatives proposed by the County

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COMMUNITY DEVELOPMENT
1594 Esmeralda Avenue, Minden, Nevada 89423

Thomas Dallaire
DIRECTOR

775-782-6201
FAX: 775-782-6297
website: www.douglascountynv.gov

Building Division
Engineering Division
Planning Division
Code Enforcement

~~September 12, 2024~~ September 18, 2024 **CORRECTED**

FILED
Date:_____
Douglas County
Community Development
Minden, NV
By_____ Clerk

Chris Hatch
Epic Wireless
605 Coolidge Drive, Suite 100
Folsom, CA 95630

RE: Design Review Application DP 24-0169 for an 80-foot (monopole) cell tower and associated network equipment within a 15-foot by 25-foot fenced equipment area, including network cabinets and standby diesel generator, in the Public Facility (PF) zoning district within the Minden Community Plan. APN: 1320-30-802-004

Dear Mr. Hatch:

On September 10, 2024 the Douglas County Planning Commission denied (~~7—0~~) (6-1) Design Review Application DP 24-0169 for an 80-foot (monopole) cell tower and associated network equipment within a 15-foot by 25-foot fenced equipment area, to include network cabinets and a standby diesel generator. The subject property is located at 1699 County Road, Minden, NV in the Public Facility (PF) zoning district within the Minden Community Plan. APN: 1320-30-802-004

The denial of approval is based on the lack of meeting Finding B (below) in Douglas County Code section 20.614.040:

B. The proposed development is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include but shall not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both;

Should you be aggrieved by any portion of this decision, you have until September 24, 2024 (10 working days) from the date of denial, to file the Appeal of Decision application and applicable fees with the Community Development Department.

If you have any questions, please contact me at (775) 782-6209 or ldoherty@douglasnv.us.

Sincerely,

Linda Doherty

Linda Doherty, Assistant Planner

Verizon Wireless Statement of Appeal
Appeal of Planning Commission's
Denial of Major Design Review Application DP24-0169
for Wireless Telecommunications Facility, 1699 County Road, Minden

Applicant Verizon Wireless appeals the decision of the Douglas County Planning Commission on September 10, 2024, to deny a major design review application for a proposed wireless facility behind a fire station in the Town of Minden (the "Proposed Facility").

The Planning Commission's denial was not based on substantial evidence, as required by the federal Telecommunications Act. 47 U.S.C. § 332(c)(7)(B)(iii). In the written decision dated September 12, 2024, the Planning Commission's sole finding of denial simply recited a single provision of the Douglas County Consolidated Development Code, Section 20.614.040(B). However, the Commission's denial provided no facts or evidence to demonstrate noncompliance with that Code finding, and it was erroneous because it contradicted the Code.

The Proposed Facility satisfies Section 20.614.040(B) because it will be compatible with and preserve the character and integrity of adjacent development and neighborhoods. The Proposed Facility will be located behind a fire station in a PF–Public Facilities zone, where allowed. The surrounding zones and uses are commercial and public facility types. The Proposed Facility will face the rear sides of surrounding buildings, and it will be located 400 feet from the property frontage along County Road. There are no residences within 500 feet.

At 80 feet in height, the Proposed Facility complies with the 80-foot telecommunications facility height limit in the PF zone, and it does not require a special use permit or variance. Code § 20.664.180(A). There will be vertical space available on the monopole for collocation of antennas by up to two more wireless carriers, as required. Code § 20.664.180(C)(5).

During discussion, Planning Commissioners objected to the monopole design, but that design is required by the Code. Code § 20.664.180(C)(1). The Proposed Facility complies with this specific Code design requirement, and the monopole width will be less than the maximum allowed diameter of four feet. Code § 20.664.180(C)(2). The Code provides no design option other than a monopole, so a denial based on a preference for a different design would be prohibitive.

While the Town of Minden Board declined to recommend approval of the Proposed Facility, its decision was advisory only. The Town Board's decision also lacked substantial evidence and overlooked compliance with relevant County Code standards. The *Minden Design Standards* do not address telecommunications facilities.

During the September 10, 2024, public hearing, Planning Commissioners and members of the public spoke of concern about radio frequency emissions from the Proposed Facility. However, a denial based on concern over emissions would violate the Telecommunications Act because the Proposed Facility will comply with the FCC's radio frequency exposure guidelines, as confirmed by an independent engineer's report. 47 U.S.C. § 332(c)(7)(B)(iv).

Denial would also violate the Telecommunications Act because it would constitute a prohibition of service, as the Proposed Facility is the least intrusive means to fill a significant gap in Verizon Wireless service in the west Minden area. 47 U.S.C. § 332(c)(7)(B)(i)(II). Further, a denial, including any preference for a noncompliant design other than a monopole, would constitute a prohibition of service because it would "materially inhibit" service improvements in the area. *See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment,* Declaratory Ruling and Third Report and Order, 33 FCC Rcd. 9088, ¶¶ 35-38 (September 27, 2018).

The Board should grant Verizon Wireless's appeal, reverse the Planning Commission's denial, and approve the major design review application for the Proposed Facility.

Verizon Wireless reserves the right to supplement these grounds for appeal prior to an appeal hearing.

COMMUNITY DEVELOPMENT
1594 Esmeralda Avenue, Minden, Nevada 89423

Tom Dallaire, P.E.
Community Development Director

775-782-6201
FAX: 775-782-6297
website: www.douglascountynv.gov

Building Division
Engineering Division
Planning Division
Code Enforcement

Appeal of Denial for Design Review Application DP24-0169

Background:

Appellant is Ginbar Ketema of Verizon Wireless, represented by Chris Hatch of Epic Wireless. The Appellant is contesting the denial of the Design Review based on not meeting Finding B in Douglas County Code Section 20.614.040. The subject property is located at 1699 County Road, Minden, NV in the Public Facility (PF) zoning district within the Minden Community Plan. The original applicant for DB24-0169 was Chris Hatch of Epic Wireless, representing Verizon Wireless. The property owner is East Fork Fire & Paramedic District. APN: 1320-30-802-004

The subject parcel is within the Minden Community Plan and owned by East Fork Fire Protection District (EFFPD), operating as Fire Station 14. The parcel is 1.50 acres and is approximately 235 feet from the intersection of County Road and State Route 88. This parcel contains a 4,960 square foot fully staffed fire station with training apparatus and storage behind it.

On July 19, 2024 a Major Design Review was submitted to Douglas County by Christ Hatch of Epic Wireless on behalf of Verizon Wireless. Verizon Wireless proposed to place an 80-foot monopole cell tower with network cabinets and a standby diesel generator within a 15-foot by 25-foot area, surrounded by an eight-foot chain link fence, at the rear of this 1.5-acre parcel. There will be space on the proposed tower for collocation of antennas for up to two or more additional wireless carriers as well as reserved space for EFFPD emergency service communications equipment.

Per exhibits presented by Mr. Hatch there is an existing large gap in coverage, especially inside the buildings of Douglas High School. The proposed location is to provide the missing wireless coverage inside the high school buildings as well as surrounding areas. Mr. Hatch's presentation included discussion and exhibits demonstrating the coverage gap and why this specific location was necessary. The proposed project was presented before the Minden Town Board at their meeting on August 7, 2024. After much discussion the application for design review was denied based on the project location.

This Major Design Review was presented before the Planning Commission on September 10, 2024. After consideration of numerous public comments and deliberation between the members of the Planning Commission, a vote of 6-1 for denial was made.

A Continuance Letter, attached herein as Exhibit A.

On or about September 23, 2024, Appeal Application DP24-0204 by the Appellant, Ginbar Ketema of Verizon Wireless, appealing the denial of Design Review for DP24-0169, based on the following finding:

20.614.040(B):
The proposed development is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include but shall not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both;

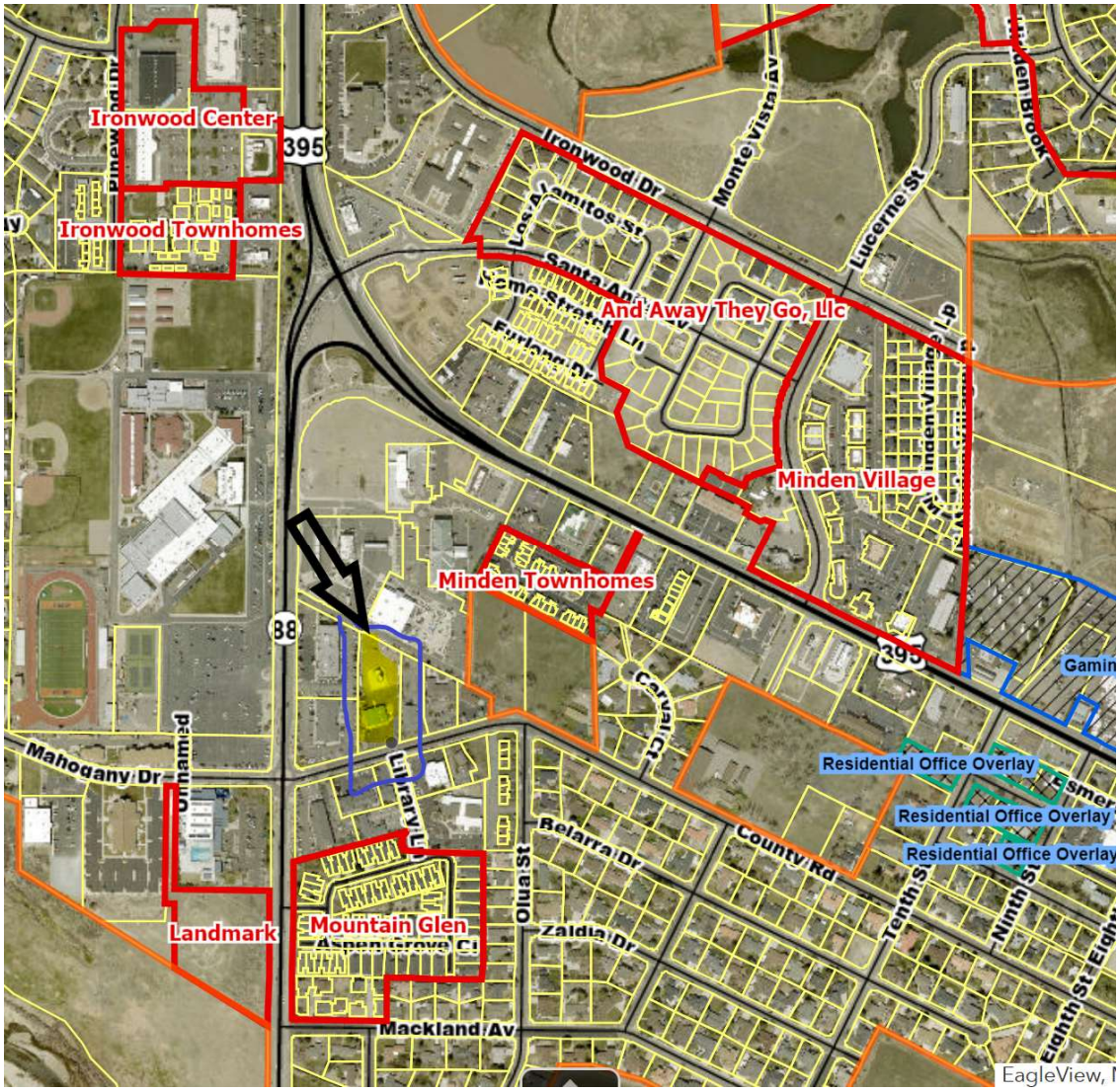
Planning Commission Response: This finding cannot be made. Even though the proposed development will be located at the rear of the 1.50-acre parcel, it is very visible and within the gateway to the Town of Minden. The monopole will be the tallest structure in Minden and even though it is designed to meet County Code, it is very unsightly to visitors and neighboring businesses and nearby residential areas. It is highly recommended to search for a more favorable location, possibly at the Minden-Gardnerville Sanitation District property.

Due to the land use agreement with East Fork Fire, Verizon does have an equitable interest in the subject property. It was agreed on December 5, 2024 that Verizon does have standing to appeal. Since standing to appeal was determined, discussion turned to the continuance of this appeal. A crucial item in determining the possibility of a continuance is what's known as a "shot clock", a timeline for final action determined by Federal law.

Mr. Paul Albritton, outside counsel for Verizon Wireless, stated that he did have authority to extend the "shot clock" for this continuance request. Therefore by unanimous decision, the Board of County Commissioners voted to approve the appeal to be continued until April 3, 2025.

This was followed up by a letter dated December 10, 2024 from William E. Peterson of Snell & Wilmer, on behalf of Sacramento-Valley Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"), extending the "shot clock" deadline to April 3, 2025.

Site Location



Recommended Motion:

Appellant, Ginbar Ketema of Verizon Wireless, represented by applicant Chris Hatch of Epic Wireless, has standing to appeal (as approved at the December 5, 2024 Board of County Commissioners meeting), therefore the Board of County Commissioners can:

1. Affirm the decision, upholding the denial of the Design Review, because the findings listed in DCC 20.614.040 are not met; or
2. Modify the decision, consistent with the provisions of Douglas County Code; or
3. Reverse the decision, approving the Design Review, subject to any applicable conditions, because the findings listed in DCC 20.614.040 are met.

RECEIVED
OCT 22 2024
DOUGLAS COUNTY
COMMUNITY DEVELOPMENT

Minden for Safe Tech Response in Opposition to Verizon Wireless Appeal of Planning Commission's Denial of Application DP24-0169 (Appeal DP24-0204) for Wireless Telecommunications Facility, 1699 County Road, Minden

Minden for Safe Tech opposes Verizon Wireless' ("Verizon") appeal of the Douglas County Planning Commission's ("Commission") decision on September 10, 2024 to deny the major design review application for the proposed wireless facility at 1699 County Road in the Town of Minden (the "Proposed Facility"). We support the Commission's decision to deny the application. As explained below, Verizon has not perfected its appeal so the Board lacks jurisdiction. Nor did Verizon's appeal raise all the issues that are necessary for it to secure the ultimate relief it seeks – Board approval of "the major design review application for the Proposed Facility." On the merits, the decision properly found that the Proposed Facility is not compatible with and would not preserve the character and integrity of adjacent development and neighborhoods. The decision is well-founded because of the community's concerns regarding aesthetics, visual impacts and impact on property values.

We urge the Board of Commissioners ("Board") to uphold this decision and deny Verizon' appeal. To best position the County in the event of judicial review, however, we urge the Board to supplement the written decision with specific findings and conclusions that will help any reviewing court better understand the basis for the denial.

1. Verizon did not properly perfect its appeal by providing a digital copy of the application material.

Code §20.28.020.C sets out the requisites of a notice of appeal to the Board. Among other things it requires use of a "form provided by the county." Verizon did use the form, but it did not provide all the materials required by that form. In particular, the form requires a "Digital Copy of Application Material." This means that the appellant must, as part of the appeal, provide the record that was before the lower body (here the Planning Commission). Code §20.24.040.B defines the content of the materials that must be submitted.[1] Verizon did not append any record material to its appeal materials. It failed to satisfy all the prerequisites to perfecting the appeal. The Board therefore lacks jurisdiction.

If the Board chooses to nonetheless go forward on the appeal even in the absence of a complete appeal record, it should deny the appeal on the merits. Minden for Safe Tech is attaching the materials from below that are cited in this Response in Opposition.

2. The Board should affirm the Commission's negative finding on section 20.614.040.B but supplement the findings and conclusions.

The Commission's September 18, 2024 decision is well founded and has substantial evidence support in the record (although Verizon did not provide that record despite the requirement that it do so). Minden for Safe Tech, however, recommends

[1] "B. The official record of the hearing shall include testimony and statements of personal opinions, the minutes of the meeting, all applications, exhibits and papers submitted and any proceeding before the body, all staff and advisory body or commission reports and recommendations, and the decision and reports of the body."

that the Board adopt more fulsome findings and conclusions in support of the same conclusion given the requirements in federal Communications Act, 47 U.S.C. §332(c)(7)(B)(iii). The Planning Commission decision explains that the denial is premised on applicant's failure to carry its burden of proving all the facts that are necessary for a positive finding under Douglas County Development Code ("Code") section 20.614.040.B. The Board has the authority to cure any shortcomings by entering supplemental findings as part of its role under Code §20.28.020.D and .E. Minden for Safe Tech is providing proposed findings for the Board's consideration as part of this Response in Opposition to Appeal.

3. **Verizon did not appeal the Commission's failure to make all required affirmative findings. Even if the Board reverses on subsection B it still cannot grant the permit.**

Code §20.614.040 requires the deciding body to "evaluate the impact of the design review on and its compatibility with surrounding properties and neighborhoods to ensure the appropriateness of the development." If it intends to grant the permit it must then make eight affirmative findings:

A. The proposed development is consistent with the goals and policies embodied in the adopted master plan and the general purpose and intent of the applicable district regulations;

B. The proposed development is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include but shall not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both;

C. The proposed development will not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

D. The proposed development incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to reduce or eliminate development impacts on surrounding neighborhood streets;

E. The proposed development incorporates features to minimize adverse effects, including visual impacts, of the proposed development on adjacent properties;

F. The project is not located within an identified archeological/cultural study area, as recognized by the county. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the findings in the report;

G. The proposed development complies with all additional standards imposed on it by the particular provisions of this chapter, the Douglas County design criteria

and improvement standards and all other requirements of this title applicable to the proposed development and uses within the applicable base zoning district, including but not limited to, the adequate public facility policies of chapter 20.100; and

H. The proposed development will not be materially detrimental to the public health, safety, convenience and welfare, or result in material damage or prejudice to other property in the vicinity.

The Commission's September 18, 2024 Corrected determination letter states that "[t]he denial of approval is based on the lack of meeting Finding B (below) in Douglas County Code section 20.614.040," and then restates the subsection B finding that must be made before a permit can be approved. The letter does not address any of the other also-required findings in subsections A and C-H.

A. The Board cannot grant the permit even if the Board reverses the Commission's negative finding on §20.614.040.B.

The Commission did not enter any findings on any issue other than subsection B, so Applicant did not prevail on them below.[2] Code §20.28.020.E expressly states that the appellate body (here, the Board) "may affirm, reverse or modify only those items raised in the appeal." (Emphasis added.) Verizon has appealed only the Commission's negative finding on Code §20.614.040.B and did not appeal the Commission's failure to enter affirmative findings on any of the other seven issues. This is fatal to Verizon's case. Even if the Board for some reason decides the Commission was wrong under .B and reverses that finding it cannot go farther and enter the other seven required findings that are necessary to the approval of any permit. None of those issues are before the Board since Verizon did not contest the Commission's failure to enter affirmative findings on them. For this reason, the Board cannot grant Verizon's ultimate request that the Board "... approve the major design review application for the Proposed Facility."

B. Even if the Board did have jurisdiction over the other seven issues it could not enter affirmative findings on four of the other seven issues.

As noted above, in order to secure its desired permit Verizon must obtain affirmative findings for each of the eight issues in §20.614.040. A positive finding on one issue, .B alone, is not enough.

Minden for Safe Tech did not contest the application based on the issues covered in .C, .D, or .F. The group did, however, provide persuasive evidence bearing on .A., .B, .E, .G and .H. This evidence provides all the support that is necessary for the Board to deny the permit under any of them.

---

[2] Some of the individual Commissioners expressed the opinion Verizon had satisfied one or more of them (and especially the design requirements), but the motion passed by the Commission majority did not include any mention of or intention to adopt a positive finding on any of the other required findings.

A. The proposed development is consistent with the goals and policies embodied in the adopted master plan and the general purpose and intent of the applicable district regulations;

B. The proposed development is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include but shall not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both;

E. The proposed development incorporates features to minimize adverse effects, including visual impacts, of the proposed development on adjacent properties;

G. The proposed development complies with all additional standards imposed on it by the particular provisions of this chapter, the Douglas County design criteria and improvement standards and all other requirements of this title applicable to the proposed development and uses within the applicable base zoning district, including but not limited to, the adequate public facility policies of chapter 20.100; and

H. The proposed development will not be materially detrimental to the public health, safety, convenience and welfare, or result in material damage or prejudice to other property in the vicinity.

As shown below, there is more than substantial evidence justifying the negative finding on .B but equally important the evidence does not support affirmative findings on any of .A., .B, .E, .G or .H.

Section 20.614.040.B requires an affirmative finding that the proposed development is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. ..." Subsection E requires a finding that the proposal "minimizes adverse effects, including visual impacts, of the proposed development on adjacent properties." Subsection G mandates compliance with the County's design criteria. The design criteria do not specifically address wireless facilities, but they repeatedly emphasize the need to limit adverse impacts on adjoining or nearby properties. Any approval must include a subsection H finding that approval will not "result in material damage or prejudice to other property in the county."

The Proposed Facility is not compatible with and does not "preserve the character and integrity of adjacent development and neighborhoods." The Proposed Facility will present a permanent visual blight that detracts from the neighborhood and devastates sweeping majestic views. It will inflict a loss to the quality and beauty of the landscape. It will negatively impact (materially damage and prejudice) nearby properties. Such considerations lie at the heart of land use and planning. They are,

ultimately, why there is a zoning law and its associated design mandates: to maintain aesthetics and ensure that unsightly infrastructure is not placed helter-skelter in inappropriate locations. The Proposed Facility will be a visual nuisance and have a significant adverse impact on nearby properties.

Verizon's assertion that the facility's placement behind buildings is sufficient to preserve the town's character fails to acknowledge the visual disruption caused by such a tall, industrial structure. An 80-foot monopole would dominate the visual landscape, degrade the aesthetic cohesion, depreciate or repress property values and dissuade future development or improvements that align with the character of the area. The proposed site is in a PF-Public Facilities zone but there are many small businesses and residential properties within the 600-foot notice radius. *See* Appeal Mailer list, DP24-0204 (listing property owners within 600 feet). These small business and residential properties are at the heart of Minden's character and this proposed tower will disrupt and destroy that look and feel. The tower will be the first thing people see when they enter the town using the main highway. It will be the most prominent feature in their rear-view mirror as they leave. This blighted view will mar people's first and last impressions of an otherwise scenic desert town as they drive through, making them less likely to consider living there, buying a second home or establishing a new small business.

4. <u>The tower will reduce property values of nearby properties.</u>

Development Code §20.01.020 provides that one purpose of the zoning law is to "enhance property values." This purpose is reflected in several of the Code §20.614.040 required findings, including .B but also .A, .E and .H. It is implicitly part of .G because that subsection requires adherence to the design criteria and those criteria repeatedly emphasize the need to limit adverse impacts on adjoining or nearby properties. Subsection H requires an express finding that the proposed development "...will not result in material damage or prejudice to other property in the vicinity." NRS Section 707.(d)(3) and (4) indicate the Legislature also recognized the need to minimize negative visual or aesthetic impacts to the public. This is a legislatively-created mandate to protect nearby property owners and businesses.

The County can therefore deny this appeal if the tower will reduce or repress property values. Property value impact can be addressed through lay testimony if it pertains to the witness's own property. Courts have, however, sometimes required that this topic be addressed through expert testimony. A fair survey and application of the majority rule precedent appears in *TowerNorth Dev., LLC v. City of Geneva*, 2024 U.S. Dist. LEXIS 25720, *56-65 (N.D. Ill., Feb. 14, 2024). Verizon did not offer any expert or lay testimony or evidence that the projects would not negatively impact property values in the vicinity. Minden for Safe Tech, however, supplied an expert opinion by Tia Elges, a licensed realtor located in Gardnerville. Her opinion letter and its attachment were submitted to the Commission and are part of the materials attached to this Response in Opposition to Appeal. Her expert opinion concludes that the tower in issue "would, if approved and then built, negatively impact the property values of the nearby neighborhoods."

The Elges expert opinion is supported by published literature. She reviewed and relies on several studies, including those presented to and found persuasive by the federal court in *TowerNorth, supra* at *15, n. 10. As that court noted, one study found "homes closer to cell towers selling at (generally) larger discounts," such that homes within 500 feet of a tower sold at a 7.6% discount, and that homes suffered a "still negative and statistically noticeable" effect up to 1500 feet away from a tower. Joseph Hale & Jason Beck, The Disamenity Value of Cellular Phone Towers on Home Prices in Savannah, Georgia, 18(8) The Empirical Econ. Letters 871, 875 (Aug. 2019). "Another found a decline in housing prices for residences within 0.72 kilometers of clearly visible cell towers, ranging from between 2.46% and 9.78%." Ermanno Affuso et al., Wireless Towers and Home Values: An Alternative Valuation Approach Using a Spatial Econometric Analysis, 56 J. Real Est. Fin. Econ. 653, 670 (2018). A third found that "prices of properties decreased by just over 2%, on average, after a tower was built," which "diminished with distance from the tower and was almost negligible after about 656 feet." Sandy Bond, The effect of distance to cell phone towers on house prices in Florida, Appraisal J. (2007).

Applicant did not offer any evidence to negate the potential adverse impacts to adjoining property values and did not try to rebut Minden for Safe Tech's expert testimony or the additional lay testimony of many others who presented additional lay testimony that the project will have a negative impact on nearby property values, thereby materially damaging and prejudicing nearby properties. The Board should deny Verizon's appeal because of adverse effects.

5. The application was denied based on aesthetics, not on the specific design requirements.

The Commission was aware of the design requirements and extensively discussed them. It ultimately concluded that even if the proposed design complied with the general design criteria it still would not be appropriate because of the aesthetic impact of the monopole in this specific context and location. The Code requires a monopole design, but even if Proposed Facility complies with that mandate, the issue lies in the visual blight that will flow from *this specific project*. The monopole, regardless of its potential compliance with technical requirements, is aesthetically disruptive to the character of the community. The Commissioners' and residents' objections are rooted in concerns about how this unsightly structure will negatively impact community character and depreciate property values. Therefore, the denial is based on legitimate concerns over aesthetics, which are fully within the purview of the Commission's authority.

6. The Commission did not deny the application based on public concern about RF emissions.

While the Planning Commissioners and members of the public spoke of concern about radio frequency emissions from the Proposed Facility during the September 10, 2024, public hearing, the Commission did not deny the application based on concern over RF emissions.[3] The Commission's denial was based on Verizon's failure to carry

[3] Minden for Safe Tech continues to contend that Verizon did not adequately show that exposures would be within FCC limits, which is a prerequisite for application of the restriction in 47 U.S.C. §332(c)(7)(B)(iv). *See* attached Minden for Safe Tech Opposition pp. 13-15.

its burden of proving entitlement to a positive finding under Douglas County Code section 20.614.040.B, which has nothing to do with the environmental effects of RF radiation.

7. Denial does not violate, prohibit or effectively prohibit service.

The denial does not violate the "effective prohibition" restriction in 47 U.S.C. §332(c)(7)(B)(i)(II). First, Verizon did not prove that denial would constitute an effective prohibition because its evidence of need was inadequate. Second, "regulations focused on legitimate local objectives, such as ordinances requiring installations to conform to the character of the neighborhood" are not precluded by the "effective prohibition restriction." *See City of Portland v. United States*, 969 F.3d 1020, 1031 (9th Cir. 2020). The court, in the context of aesthetics requirements, noted that "[w]e do not see how all such regulations, designed like traditional zoning regulations to preserve characteristics of particular neighborhoods, materially inhibit, materially limit, or effectively prohibit the deployment of 5G technology." 969 F.3d at 1042. A local authority can deny a proposal even where there is a proven need if the specifics do not conform to the character of the neighborhood, as is the case here.

The Commission's denial was based on valid zoning considerations, which local authorities are fully permitted to use when making decisions. Local zoning authorities retain the right to deny applications under 47 U.S.C. §332(c)(7)(A), if the denial is based on substantial evidence, there are legitimate concerns unrelated to RF emissions, and the decision is put in writing and adequately explained.

Verizon did not provide the kind of evidence that is necessary to prove its contentions on effective prohibition. The drive and stationary testing information was inadequate and opaque. The gap coverage maps were hard to read and understand, the underlying data was not disclosed so the results are not reproducible and Verizon's claim it lacked coverage in several locations is inconsistent with its representations to the FCC that coverage in those locations is adequate. See attached Minden for Safe Tech Opposition, pp. 9-13. There was also testimony and other data indicating no actual coverage gap exists.

Further, alternative locations or designs should have been better explored before considering such a visually intrusive facility. Minden for Safe Tech observed, for example, that Verizon did not investigate whether it could solve any coverage problems by upgrading the equipment at its current facilities. See attached Minden for Safe Tech Opposition, p. 13.

The Commission's decision does not transgress the restriction in 47 U.S.C. §332(c)(7)(B)(i)(II). Rather, it ensures that local interests and aesthetics are appropriately considered. The Board should deny Verizon's appeal, uphold the Planning Commission's decision, and provide additional findings and conclusions in support of that outcome.

Minden for Safe Tech reserves the right to supplement these grounds for opposition prior to the appeal hearing.

PROPOSED ADDITIONAL FINDINGS TO SUPPORT THE NEGATIVE DETERMINATION ON DOUGLAS COUNTY CODE SECTION 20.614.040.B

If the Board of Commissioners chooses to consider the merits of Verizon's appeal it should supplement the Planning Commission's determination that Verizon did not carry its burden of proving entitlement to a positive finding under Douglas County Code section 20.614.040.B. Minden for Safe Tech offers the following proposed findings:

The Board of Commissioners, exercising its duties and powers as an appellate body under County Code section §20.280.020.D and .E., affirms the Planning Commission's ultimate conclusion that that Verizon did not prove it was entitled to an affirmative finding under Douglas County Code section 20.614.040.B. The Board of Commissioners, however, modifies the determination by supplementing the Commission's findings, as follows.

1. The evidence shows that the proposed development is not compatible with adjacent development and neighborhoods.

2. The evidence shows that the proposed development will not preserve, but will instead detract from, the character and integrity of adjacent development and neighborhoods.

3. The expert and lay testimony of record persuasively shows that the proposed development will reduce or repress property values in surrounding and nearby neighborhoods.

4. The Applicant did not propose any improvements or modifications to mitigate development related adverse impacts or effects to adjacent development and neighborhoods.

5. The evidence, when taken as a whole, shows that the proposed development will disrupt scenic views and inflict a loss to the quality and beauty of the landscape.

6. The evidence, when taken as a whole, shows that the proposed development will have negative visual and aesthetic effects.

7. The location (1699 County Road, Minden, NV) is not appropriate for the proposed development based on its anti-aesthetic effects and its negative impact on surrounding and nearby neighborhoods, properties and businesses. The proposed location is also inappropriate because a tower of this height will stand out in relation to surrounding features and buildings. It will be immediately visible to and stand out for those entering the town of Minden via Highway 88.

8. The Board of Commissioners, acting as an appellate body under County Code §20.28.020, has taken guidance from the statement of purpose underlying the regulation of land expressed in NRS 278.020. By this action, the Board of Commissioners is acting to promote the general welfare of the community by regulating the location of the proposed structure in order to preserve the characteristics of the area, including valuable scenic views, and to prevent a loss in surrounding business and residential property values.

Attachment to Minden for Safe Tech Response in Opposition to Verizon Wireless Appeal

Minden for Safe Tech Opposition to Application Submitted to Planning Commission

Internet Communications Utilities Regulation

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Minden for Safe Tech Opposition

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David Nelson, dave@davenelsonrealtor.com
Date: Submitted September 9, 2024, for September 10, 2024 meeting
Subject: Minden for Safe Tech Written Opposition – Meeting Agenda Items 1 and 2:
Item 1: "Douglas HS," Major Design Review application DP 24-0169 to allow an 80-foot (monopole) cell tower and associated network equipment within a 15-foot by 25-foot fenced equipment area, to include network cabinets and a standby diesel generator. 1699 County Road, Minden, NV in the Public Facility (PF) zoning district within the Minden Community Plan. APN: 1320-30-802-004.

Item 2: "Heybourne," Major Design Review application DP 24-0170 to replace an abandoned cell tower with an 80-foot (monopole) cell tower and associated network equipment within a 30-foot by 30-foot fenced equipment area, to include network cabinets and a standby diesel generator. 1450 Stephanie Way, Minden, NV in the Public Facility (PF) zoning district within the Johnson Lane Community Plan. APN: 1420-27-401-011

Minden for Safe Tech, a grassroots group of local residents that collectively oppose the two projects to be addressed in Agenda Items 1 and 2,[1] requested that this firm prepare and submit this written Opposition. Individual members each have their own reasons for not wanting one, the other or both applications at the proposed locations. Many of them will attend the hearing and speak in opposition to the proposed tower.[2] This Opposition will go into more detail on some of the topics and provide a

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[1] Development Code §20.20.030.A.2.d requires that a minimum of 30 parcels receive direct mailed notice if there are fewer than 30 parcels under the default notice radius. The "Vicinity Map" supplied by the Applicant for the "Heybourne" site, however, appears to include only 28 parcels. There is also a potential problem with the mailed notice requirement. There is no verification mailed notice was received by each person entitled to personal notice at least 10 days prior to the hearing for both sites. Development Code §20.20.030.A. The Minden for Safe Tech members have actual notice of the hearing, so we do not seek a continuance or reset based on notice failure. We raise this issue only to advise the Commission that others may not have received notice in conformance with Development Code Chapter 20.20.

[2] Substantial public opposition, even if by lay witnesses, can serve as substantial evidence supporting

comprehensive rationale for denial, based on the procedural and substantive provisions in the County Development Code and otherwise-applicable state or federal laws.[3] This single document addresses both projects. Minden for Safe Tech requires that a copy be placed in the record for each proceeding.

This Opposition sets out some of the many reasons the applications should be denied but begins by noting that applicants for special use permits have the burden of going forward, and then ultimately the burden of proof and persuasion. *Coronet Homes v. McKenzie*, 84 Nev. 250, 254, 439 P.2d 219, 222 (1968) (citing NRS §278.020). The application and supporting materials must establish a *prima facie* case in the first instance on all elements. Applicant must demonstrate that each and every substantive requirement in the Development Code and Design Guidelines has been met. Even more specifically, the applicant must supply persuasive evidence that will support each of the mandatory findings in Development Code §20.604.060 and demonstrate compliance with the standards set out in §20.664.180. When faced with arguments and evidence like that presented herein and at the hearing, the applicant has the burden of overcoming those factual claims with persuasive rebuttal evidence. The Commission can grant these permits *only* if it *affirmatively finds* that the applicant has complied with all procedural requirements and meets each of the standards established in the Development Code. *See, e.g.*, NRS §707.575.1(b)(2). If the Commission does not have enough evidence to support *each* individual standard it must find that it is unable to make all necessary findings and deny the application. *See, e.g., Reno Christian Fellowship v. Washoe Cnty.*, No. CV21-00266, 2022 Nev. Dist. LEXIS 660, *8 (Second Jud. Dist – Washoe County, June 7, 2022).

As shown below, the applicant has failed to present a *prima facie* case in several respects and for that reason alone both applications must be rejected at the forefront. The Commission should grant the equivalent of summary judgment and deny the applications on the merits. If the Commission decides to move forward it can only grant the permits (with or without conditions) if the applicant adequately rebuts the specific contentions presented below and the other evidence adduced at the hearing. *See, Stratosphere Gaming Corp. v. City of Las Vegas*, 120 Nev. 523, 528, 530, n.19, 96 P.3d 756 (2004).

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denial of a special use permit when the subject is not one that necessarily requires expertise. *City of Las Vegas v. Laughlin*, 111 Nev. 557, 560, 893 P.2d 383, 385 (1995); *Boulder City v. Cinnamon Hills Assocs.*, 110 Nev. 238, 249, 871 P.2d 320, 327 (1994). Compatibility with the surrounding area, existing uses and scenic views can be dealt with through lay testimony if it is sufficiently specific and fact-based. *Nevada Contractors v. Washoe County*, 106 Nev. 310, 313, 792 P.3d 31 (1990).

[3] Some individual members in the group along with others in the community have, and may express, serious reservations about whether the FCC's current limits on human exposures to radiofrequency radiation adequately protect people or the environment. Minden for Safe Tech recognizes that federal law does not permit this Commission to deny the application based on health or environmental concerns *if Verizon adequately demonstrates that exposures will be within the FCC maximum permitted exposure limits*. The County can deny the permits, however, if it finds Verizon has not carried its burden of proving that its equipment will not exceed FCC limits. Part 8 below explains why the application materials do not prove compliance and this is a permissible basis for denial.

1. The towers are visually obtrusive and aesthetically displeasing.

The Commission will hear from many residents on this topic. They will generally testify that each of these towers will present a permanent visual blight that detracts from each neighborhood and devastate sweeping majestic views. They will inflict a loss to the quality and beauty of the landscape.

Such considerations lie at the heart of land use and planning. They are, ultimately, why there is a zoning law and its associated design mandates: to maintain aesthetics and ensure that unsightly infrastructure is not placed helter-skelter in inappropriate locations.

2. The towers will reduce property values of nearby properties.

Development Code §20.01.020 provides that one purpose of the zoning law is to "enhance property values." Development Code §20.604.060.H requires an express finding that the proposed special use "will not be materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity." Development Code §20.604.070 says that "If the appropriateness of the use cannot be assured at the location, the application for special use permit shall be denied as being incompatible with existing uses or uses permitted by right in the district." The County's Design Criteria and Improvement Standards do not specifically address wireless facilities, but they repeatedly emphasize the need to limit adverse impacts on adjoining or nearby properties. NRS Section 707.(d)(3) and (4) indicate the Legislature also recognized the need to minimize negative visual or aesthetic impacts to the public and this also indicates a desire to protect nearby property owners. If these towers will reduce property values, the Commission has the authority to deny the permits.

Property value impact can be addressed through lay testimony if it pertains to the witness' own property. Courts have, however, sometimes required that this topic be addressed through expert testimony. A fair survey and application of the majority rule precedent appears in *TowerNorth Dev., LLC v. City of Geneva*, 2024 U.S. Dist. LEXIS 25720, *56-65 (N.D. Ill., Feb. 14, 2024).

The applicant did not offer any testimony or evidence that the projects would not negatively impact property values in the vicinity. Minden for Safe Tech, however, has secured an expert opinion by Tia Elges, a licensed realtor located in Gardnerville. Her opinion letter and its attachment are set out in Exhibit 1. Her expert opinion concludes that the two towers "would, if approved and then built, negatively impact the property values of the nearby neighborhoods where the towers are visible."

The Elges expert opinion is supported by published literature. She reviewed and relies on several studies, including those presented to and found persuasive by the federal court in *TowerNorth, supra* at *15, n. 10. As that court noted, one study found "homes closer to cell towers selling at (generally) larger discounts," such that homes within 500 feet of a tower sold at a 7.6% discount, and that homes suffered a "still negative and statistically noticeable" effect up to 1500 feet away from a tower. Joseph Hale & Jason Beck, The Disamenity Value of Cellular Phone Towers on Home Prices in Savannah, Georgia, 18(8) The Empirical Econ. Letters 871, 875 (Aug. 2019). "Another

found a decline in housing prices for residences within 0.72 kilometers of clearly visible cell towers, ranging from between 2.46% and 9.78%." Ermanno Affuso et al., Wireless Towers and Home Values: An Alternative Valuation Approach Using a Spatial Econometric Analysis, 56 J. Real Est. Fin. Econ. 653, 670 (2018). A third found that "prices of properties decreased by just over 2%, on average, after a tower was built," which "diminished with distance from the tower and was almost negligible after about 656 feet." Sandy Bond, The effect of distance to cell phone towers on house prices in Florida, Appraisal J. (2007).

Applicant has not offered any evidence of no adverse impact to property values. Minden for Safe Tech has supplied expert testimony, and will present additional lay testimony, that each project will have a negative impact on nearby property values. Applicant must at least rebut our showing with persuasive expert testimony that these projects will not negatively affect nearby property owners' precious investments in their homes and businesses. Should it attempt to do so we reserve the right to submit questions or provide a response to that effort. As it stands, however, the Commission should deny the permits because of adverse effects.

3. The "Douglas HS" tower will unreasonably and negatively impact existing nearby businesses.

One major focus in the Development Code is ensuring there will not be untoward negative impact on nearby properties and businesses. The Design Guidelines also repeatedly address adverse effects. Development Code §20.604.060 requires that the Commission "evaluate the impact of the special use on and its compatibility with surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location and make the following findings:

> A. The proposed use at the specified location is consistent with the policies embodied in the adopted master plan and the general purpose and intent of the applicable district regulations.
>
> B. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include, but shall not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both, to mitigate such impacts;
>
> E. The proposed use incorporates features to minimize adverse effects, including visual impacts and noise, of the proposed special use on adjacent properties;
>
> H. The proposed special use will not be materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity."

As the Commission will hear, these findings cannot be made for either project, but this is especially so for "Douglas HS." There are several small businesses whose

future rests in the Commission's hands because a tower looming over their establishments will lead to financial ruin and the loss of their valuable services to the community. For example, Allie and Friends Daycare has been next door to the proposed tower site for 15 years. This critical facility provides childcare and education to 105 children between the ages of 12 months and 5 years. The building was specially-designed and purpose-built for childcare. The school's backyard gives the children a pleasant and relaxing view of beautiful mountains that will be completely blocked if the tower goes in. Every parent is always concerned about safety – whether from risk of electrical fire, structural failure or other potential events. The proprietor has heard from a majority of the parents of current attendees that if the tower is placed into operation they will remove their children. That would undoubtedly lead to closure. We understand that a nearby dance studio with 270 students will be similarly impacted.

The application does not address potential adverse effects on existing businesses near the proposed projects. The Commission, however, is required to determine there will be none or only minimal negative impacts. That is not so here, at least as to "Douglas HS."

4. The two towers are too close to nearby residential and business properties.

Both towers will be 80 feet tall (or potentially higher) but will also be less than 80 feet from the property line. The fall zone and debris fields would therefore put adjoining properties, buildings and people at risk. There is an existing gas main within 75 feet of the Douglas site. If that tower falls it may set off an immense fire. The towers' proposed locations are not appropriate, and applicant has not proven its structural design is safe.

Development Code §20.800.040 adopts the national model safety codes, along with the "Northern Nevada Amendments."[4] The Building Code is one of the specifically incorporated safety codes, so it sets out "the minimum requirements for the promotion of the public health, safety, and general welfare" Development Code §20.800.060. Development Code §20.800.060. No permit can authorize plans, specifications or computations that are inconsistent with these codes. Development Code §20.800.070.A.

Development Code §20.604.060.G and H require express findings that the proposed special use "complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to the proposed special use and uses within the applicable base zoning district, including but not limited to, the adequate public facility policies of this title" and "[t]he proposed special use will not be materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the

[4] The FCC has specifically held that local zoning authorities are not preempted from applying generally-applicable health and safety codes or requiring documentary proof of compliance with safety codes. *In re Broadband Deployment by Improving Wireless Facilities Siting Policies*, 29 FCC Rcd 12865, 12943-12956, 12951, 12962 (October 21, 2014)("we clarify that our documentation restriction does not prohibit States and local governments from requiring documentation needed to demonstrate compliance with any such applicable codes.") *See also In re Implementation of State & Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests*, 35 FCC Rcd 5977, 5989, 5999 (2020).

vicinity." Development Code §20.604.070 says that "[i]f the appropriateness of the use cannot be assured at the location, the application for special use permit shall be denied as being incompatible with existing uses or uses permitted by right in the district." The Commission must therefore be able to affirmatively find – based on the evidence before it at the time of decision – that the applicant has proven the proposed use "complies" with applicable safety codes and the use is "appropriate."

The Staff Report for each project suggests that the Commission could impose code compliance as a "condition" to the permit. This implies the Commission can assume compliance by delegating the question to the Building Official for deferred enforcement and verification at the building permit stage. Development Code §20.604.060.G, however, uses the present tense, not the future tense, so it does not allow deferral and delegation. Subsection G requires that this Commission find that the proposed use "complies." If deferral was allowed, the usage in G would be like that in H and say "will comply."

Deferring assessment and adjudication of the safety code issue to the building permit process will also risk a "shot clock" problem. The FCC has made it plain that the shot clock rules apply to "all authorizations necessary for the deployment of personal wireless services infrastructure" and this includes building permits that follow the land use authorization. *See In re Accelerating Wireless Broadband Deployment by Removing Barriers et al.*, 33 FCC Rcd 9088, 9155-9159, ¶¶132-137 (Sep. 2018) ("*Small Cell Order*"). A substantial contest later over safety code compliance may end up taking more time than allowed by the FCC-default "reasonable period of time" for new wireless facilities. The Commission therefore must resolve code compliance now, not later.

The Nevada Building Code Chapter 16 "Structural Design" therefore governs. The notations to Building Code Section 1602.1 incorporates ASCE 7 as a reference. Section 1603.1.4 sets out specific *required* wind design data that must be "shown," including:

> 1. Basic design wind speed, V, miles per hour and allowable stress design wind speed, V_{asd}, as determined in accordance with Section 1609.3.1.
>
> 2. Risk category.
>
> 3. Wind exposure. Applicable wind direction if more than one wind exposure is utilized.
>
> 4. Applicable internal pressure coefficient.
>
> 5. Design wind pressures to be used for exterior component and cladding materials not specifically designed by the registered design professional responsible for the design of the structure, psf (kN/m^2).

Building Code Section 1609.1 requires that the structure "be designed to withstand the minimum wind loads prescribed herein" and 1609.1.1 mandates compliance with Chapters 26-30 of ASCE 7. Section 1609.3, Basic design wind speed, note 4 requires that "special wind regions shall be examined for unusual wind conditions. The rest of Chapter 16 goes into great detail on how to calculate and then design for load-bearing structures like telecommunications towers.

Applicant's submitted plans do not contain a structural integrity analysis or a geotechnical analysis.[5] Exhibits 2 and 3 hereto are opinion letters from a professional engineer who reviewed each of the two project plans to determine conformity with the applicable safety code requirements. Engineer Bonner observes that the plans do not include sufficient foundation and structural designs for monopoles of this size and the materials provided do not acknowledge that the areas in question are within the "special wind region" and therefore must be "examined for unusual wind conditions "in accordance with Section 26.5.3 of the ASCE/SEI 7-22 Minimum Design Loads and Associated Criteria for Building and Other Structures." He further notes that code compliance cannot be assessed without a geotechnical analysis report for the foundation design at the proposed sites. He opines that approval is not indicated unless and until the applicant provides a complete design, with supporting calculations and documentation.

The Commission cannot approve the proposed structural design because there is not enough information to justify the findings that must be made with any decision to approve.

5. The backup generators, fuel tanks and towers are too close to adjoining properties.

The plans ("Heybourne" Sheet A-1.2, "Douglas HS" Sheet A-1.3) indicate an intent to place a 30 KW diesel generator, 210-gallon diesel storage tank and batteries about 15-20 feet from the property line. There is, however, not enough meaningful detail on the proposed generator, fuel tank or batteries to fully assess the safety and propriety of the projects and the proposed locations on the project sites.

Addressing the fuel tanks first: Development Code 20.664.160 governs "Stationary tank storage (above ground)" and appears to apply to the proposed tanks. Subparagraphs 20.664.160.B.2 and 3 require fire chief/fire marshal determinations "there is no increased threat to fire safety." There does not appear to be any such determination in the record. The location must meet all setback requirements, and the application must "show" "clearance to property lines, structures, unprotected openings and public ways." Subparagraph 20.664.160.B.7 provides that "[g]rade shall slope from the tank and dispensing areas away from any structure." The grading and drainage plans reveal structures on the project site, but do not prove there are no downgrade buildings on adjoining structures. Indeed, it appears there may be a building directly downgrade from the tank on the next property over for the "Douglas HS" site but one cannot tell for sure because the elevation markings on the plan do not extend past the fire district property line. Subparagraphs 20.664.160.B.10 and 11 require that the tanks be constructed with two-hour resistive construction and be double wall, and preferably a storage vault. The plans do not show compliance with these mandates or preferences.[6] There is also not enough information to determine compliance with the requirements in

[5] Each Grading and Drainage Plan expressly states in the "Plan Notes" that no geotechnical analysis was conducted.

[6] The plans do indicate the tanks will be UL 142 rated. *See* §22.664.160.C.2.

§20.664.160.C.4-.8. The plans do not address vents, grounding or openings and fill pipes.[7]

Applicant has not provided all the evidence that is necessary to prove compliance with the storage tank provisions in the Development Code. There is therefore a risk to adjoining properties and any members of the public that may be in the area. This is so even if the chosen location nominally meets the setback requirements for the applicable zoning district.

As to the tower, the plans state the current proposal is to just barely meet the 80-foot limitation in Development Code §20.664.180.A.2. But as engineer Bonner notes, the plans also disclose an intent to later add emergency service antennas to the top, which would mean a total tower height that exceeds the 80-foot limit. The applicant does not disclose that the federal "Spectrum Act"[8] provides that a local zoning authority "may not deny and shall approve" "minor modifications" to existing towers and facilities. The FCC has interpreted this provision to mean a wireless provider can increase the height of an "eligible support structure" (such as an existing tower) up to 10%. If the County approves these applications and the emergency service antennas do not increase total height by more than 10% the County will not be able to later require an amended permit or variance for their placement. *See* 47 C.F.R. §1.6100(b)(7).

Given what Development Code §20.604.020 states on limits on authority, the Commission must, therefore, interpret the current application to include the later added antennas and recognize that these requests actually require a variance. That, in turn, means the additional procedures and required findings set out in Development Code Chapter 20.606 must be followed and made. The applicant, however, did not apply for variances so none may be granted. In any event the findings mandated by Section 20.606.050 cannot be made on the existing record.

6. Verizon's design plans for the backup generators and batteries do not prove compliance with all applicable Building, Electrical and Fire Codes.

As noted above, Development Code §20.800.040 adopts the Nevada version of each national model safety code. Nevada has adopted the 2017 National Electric Code without any amendments, so NFPA 70, 2017 is the law in Nevada and Douglas County. These safety codes are the "the minimum requirements for the promotion of the public health, safety, and general welfare." Development Code §20.800.060. No permit can authorize plans, specifications or computations that are inconsistent with these codes. Development Code §20.800.070.A. Development Code §20.604.060.G and H require express findings that the proposed special use "complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of

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[7] The Design Guidelines do not have specific standards for stand-by generators and storage tanks used with wireless facilities. That topic is, however, addressed in another context in Section 4.7.7 water pumping facilities. If those specifications are applied, the plans do not adequately address the requirements for generators in 4.7.7.1-.8. The plans do state the proposed gate size, and that distance does not meet the 12-foot double gate mandate that appears near the end of Section 4.7.7.

[8] Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, title VI (Spectrum Act of 2012), § 6409(a), 126 Stat. 156 (Feb. 22, 2012) (codified as 47 U.S.C. § 1455(a)).

this title applicable to the proposed special use and uses within the applicable base zoning district, including but not limited to, the adequate public facility policies of this title" and "[t]he proposed special use will not be materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity." Development Code §20.604.070 says that "If the appropriateness of the use cannot be assured at the location, the application for special use permit shall be denied as being incompatible with existing uses or uses permitted by right in the district." The Commission must therefore be able to affirmatively find – based on the evidence before it at the time of decision[9] – that the applicant has proven the proposed use "complies" with applicable safety codes and the use is "appropriate."

Verizon's two submitted plans say that "all work and materials *shall be* performed & installed in conformance with" those codes (emphasis added). The plans, however, do not represent that the designs reflected in those plans presently comply with all applicable codes. Indeed, the electrical designs note on Sheet E-1.1 that they are "preliminary: not for construction." In other words, the plans themselves do not assert that the electrical design "complies" with the code, and clearly contemplate potential changes.

Attached hereto as Exhibit 4 is an opinion letter by Eric Anderson, a licensed electrical engineer engaged by Minden for Safe Tech to review the subject plans. Engineer Anderson did so, and notes that there is not enough information in the plans to determine whether the proposed use complies with National Electric Code requirements for battery and on-site generator backup power design.

The Commission must find present compliance and cannot just assume that after the decision it will all work out and code compliance can be handled by others behind closed doors. The public will no longer have any ability to participate, even through their experts, and weigh in on whether the *actual* final plans will indeed be code-compliant. Verizon has the present burden of proving compliance in advance of any decision and it has not. The evidence before the Commission does not support a finding of code compliance, so the projects must be denied.

7. The needs analyses are inadequate, use unreliable methods, and contain improper assumptions and conclusions.

A. Drive and stationary testing information inadequate and opaque.

The drive and stationary test information is conclusory. The reports do not disclose what procedures were used. We do not know if Verizon used the same test methodology as that employed by the FCC. *See Mobility Fund Phase II Coverage Maps Investigation Staff Report*, GN Docket No. 19-367, Doc-361165A1, ¶¶55-56, 2019 FCC LEXIS 3977, *60-*65 (Dec. 5, 2019). The FCC established a transparent method, and described each step it took during the staff investigation:

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[9] Again, the Staff Report recommendation that the Commission could impose code compliance as a "condition" to the permit does not reconcile with the wording in the Development Code and that approach would risk an FCC shot clock violation.

A. Test Methodology

55. For each speed test route, staff conducted in-motion drive tests as well as a number of stationary tests, both using an app-based testing platform customized for the Commission.[note 106] Based upon the speed test configuration parameters using a one-second "inter-test delay"[note 107] and two-second "intercycle delay,"[note 108] the app recorded one test approximately every 20 seconds along the drive test route or at each stationary test location.

56. EB field agents conducted in-motion drive testing using the following standardized test procedures:

- The agent turned off all other phones in the vehicle (including any modem built into the test vehicle) and configured the test handsets in the vehicle.
- The agent recorded the date and time that testing commenced.
- The agent then initialized the measurement application on the test handsets and drove along a pre- planned route with a "not-to-exceed" vehicle speed of between 35 and 60 miles per hour (depending on the route), while monitoring the measurement app for any errors.
- After completing the drive test route, the agent stopped the app and noted the date and time that testing concluded.
- The agent then evaluated and verified recorded data using a laptop.
- For most routes, the agent repeated the same testing steps while driving along the route in the opposite direction.[note 109]

57. EB field agents also conducted stationary testing using the following standardized test procedures:

- At selected locations along the drive test routes,[note 110] the agent stopped the vehicle, turned off all other phones (including any modem built-in to the test vehicle), and configured the test handset to perform tests outside of the vehicle.
- The agent recorded the date and time that testing commenced, as well as the geographic coordinates of the location.
- The agent then initialized the measurement application on the test handsets.
- After continuous testing for between one and two hours,[note 111] the agent stopped the app and noted the date and time that testing concluded.
- The field agent then evaluated and verified recorded data using a laptop.

[106] The Commission used a version of the FCC Speed Test app developed by SamKnows Ltd. modified to run continuous tests throughout the coverage area and that is thus better suited for the drive testing conducted by staff. This functionality differs from the publicly-available FCC Speed Test app, which is designed to run on-demand, user-initiated speed tests. *See, e.g.*, FCC Speed Test, Apple App Store, https://apps.apple.com/us/app/fcc-speed- test/id794322383 (last visited Nov. 26, 2019); FCC Speed Test, Apps on Google Play, https://play.google.com/store/apps/details?id=com.samknows.fcc (last visited Nov. 26, 2019).

[107] Inter-test delay controls how long the app pauses between completing and initiating a new test metric (i.e., measuring download speed and measuring latency, which are measured separately).

[108] Inter-cycle delay controls how long the app pauses between completing and initiating a new test (comprised of a set of test metrics including both latency and download speed measurements).

[109] Staff made multiple passes, conducting drive testing along the same roads at different times, for most drive test routes in order to mitigate false positives arising from the inherent variability of mobile networks. As we found when analyzing the staff drive test data below, there are clear patterns that emerge from analyzing the drive test data indicating insufficient coverage across large areas. Because we would expect that speed tests would fail in a coverage area that meets the cell edge probability only a small percentage of time, lengthy stretches of roadways where speed tests record download speeds below 5 Mbps (especially taken at different times) are unlikely due to any inherent variability.

[110] Locations for the first set of stationary tests, conducted on the Arizona and New Mexico routes, were selected and conducted after conducting drive tests, based upon the signal strength recorded while drive testing. All later stationary test locations were pre-selected based upon areas location near the edge of each providers' coverage and were conducted at various points while drive testing.

[111] We note that the stationary test results for locations in Arizona, which was the first route tested by staff, did not follow the same methodology as for stationary tests conducted on other, later test routes. Specifically, the Arizona tests were conducted for a much shorter duration (for approximately one-to-two minutes) and thus recorded far fewer tests than were conducted at each location for later testing where stationary tests were conducted continuously for between one-to-two hours. Notwithstanding the duration of testing at each location, the Arizona stationary test results are otherwise comparable, and thus have not been excluded from the analysis.

The Commission should not rely on "black box" models and opinions. Verizon's failure to fully disclose its method or the underlying data means that its conclusions cannot be independently verified or compared to how the FCC conducts the same kind of tests.

B. "Gap" coverage maps largely unreadable, underlying data not disclosed and results inconsistent with FCC Broadband Map results.

Verizon's "gap" maps are also inadequate. First, they are almost impossible to read. It is difficult to associate the "white" (claimed unreliable service levels), Green (In-vehicle) and Grey (outdoor) areas with specific addresses because the maps are not sufficiently granular. Minden for Safe Tech was able to discern a few potential addresses in the "white" areas and checked those against the FCC's Broadband Mobile

Map information for that address.[10] We found the following instances where Verizon's gap map claims unreliable service for an address that Verizon inconsistently told the FCC has adequate broadband coverage:

i. "Douglas HS"

https://broadbandmap.fcc.gov/location-summary/mobile?version=dec2023&lon=-119.778053&lat=38.970244&addr_full=38.970244%2C+-119.778053&zoom=15.00&env=0&tech=tech4g ("Douglas HS" white area). Verizon says no coverage but FCC map says is 4G and 5G-NR for both outdoor stationary and in-vehicle mobile.

https://broadbandmap.fcc.gov/location-summary/mobile?version=dec2023&lon=-119.771909&lat=38.957025&addr_full=1654+US+Route+395%2C+Minden%2C+Nevada+89423%2C+United+States&zoom=15.00&env=0&tech=tech4g (The Human Bean, 1654 US Route 395, Minden, Nevada 89423). Verizon says no coverage (is in white) but FCC map says is 4G outdoor stationary and mobile.

https://broadbandmap.fcc.gov/location-summary/mobile?version=dec2023&lon=-119.784984&lat=38.957657&addr_full=1705+Westwood+Drive%2C+Minden%2C+Nevada+89423%2C+United+States&zoom=15.00&env=0&tech=tech4g (1705 Westwood, Minden, Nevada, 89423). Verizon says no coverage but FCC map says is outdoor stationary 4G and 5G-NR 7/1 and 35/3.

https://broadbandmap.fcc.gov/location-summary/mobile?version=dec2023&lon=-119.771593&lat=38.96418&addr_full=983+Bella+Rosa+Drive%2C+Minden%2C+Nevada+89423%2C+United+States&zoom=15.00&env=0&tech=tech4g (983 Bella Rosa Drive, Minden, Nevada 89423). Verizon says no coverage but FCC map says is outdoor stationary 4G and 5G-NR 7/1 and 35/3 and in-vehicle mobile 4G.

ii. "Heybourne"

https://broadbandmap.fcc.gov/location-summary/mobile?version=dec2023&lon=-119.686936&lat=39.057688&zoom=15.00&env=0&tech=tech4g (Coordinates **39.057688, -119.686936**, Plus Code 3857+36G Johnson Lane, Nevada). Verizon says no coverage but FCC map says is outdoor stationary 4G and 5G-NR 7/1 and in-vehicle mobile 4G.

https://broadbandmap.fcc.gov/location-summary/mobile?version=dec2023&location_id=02785f60-59e9-46a8-8f20-56f0ac4c9056&addr1=1260+STEPHANIE+WAY&addr2=MINDEN%2C+NV+89423&zoom=15.00&vlon=-119.745548&vlat=39.040843&env=0&tech=tech4g (1260 Stephanie Way, Minden, Nevada 89423). Verizon says no coverage but FCC map says is outdoor stationary 4G and 5G-NR 7/1 and 35/3 and in-vehicle 4G and 5G-NR 7/1.

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[10] All mobile providers must submit forms and underlying data to the FCC disclosing where they have deployed wireless and broadband services. *See* 47 C.F.R. Part 1, Subpart V - Commission Collection of Advanced Telecommunications Capability Data and Local Exchange Competition Data. That data is then used to create the Commission's National Broadband Map.

https://broadbandmap.fcc.gov/location-summary/mobile?version=dec2023&lon=-119.762188&lat=39.04131&addr_full=1040+Stephanie+Way%2C+Minden%2C+Nevada+89423%2C+United+States&zoom=15.00&env=0&tech=tech4g (1040 Stephanie Way, Minden, Nevada 89423). Verizon says no coverage but FCC map says is outdoor stationary 4G and 5G-NR 7/1 and 35/3 and in-vehicle 4G and 5G-NR 7/1.

Verizon represents to the County that it lacks coverage in certain spots, but it is simultaneously telling the FCC it has adequate coverage in many of the same spots. The Commission must reject the analysis unless Verizon fully explains these inconsistent representations.

C. Alternatives analyses omit two important options.

The alternatives analysis does not consider potential cell splitting or cell sectoring at the existing sites where Verizon says it is at capacity (Minden North, Minden, Gardnerville).[11] Cell-splitting and/or cell sectoring might solve the stated problem. Cell Splitting can increase channel capacity, improve dependability, increase frequency reuse factors, improve signal-to-noise (SNR) ratio and reduce interference. Further sectoring (from 3 to 6) increases the signal-to-interference ratio thereby reducing cluster size, reduces interference without altering the system performance, increases channel capacity without necessarily changing the cell radius and increases frequency reuse by reducing the number of cells in the cluster. It also makes channel assignment easier. Had Verizon meaningfully investigated these options at their existing sites it may have been able to address the perceived coverage gaps without needing two new towers, or at least one of the two.

Those options represent a form of co-location, even though the new equipment would be owned by the same company. Viewed this way, the failure to address these options means the applicant has not satisfactorily addressed the requirement in Development Code §20.664.180.J.4 that evidence be submitted "showing that co-location on existing tower structures is not available or is not technically feasible."

8. The EME Reports do not satisfactorily prove compliance with FCC exposure limits.

Some members or supporters may express concerns that human exposures *within* the current FCC limits may lead to adverse health effects during the hearing, but as a group we emphasize that we are not asking the County to deny these permits based on such concerns. Minden for Safe Tech acknowledges that federal law provides that the County may not "regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." 47 U.S.C. §332(c)(7)(B)(iv); *see also* NRS 707.575(4)(a). As explained in this submission, there are other good and valid reasons for denial.

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[11] For a backgrounder on cell splitting and cell sectoring see https://www.geeksforgeeks.org/cell-splitting-and-cell-sectoring/.

Section 332(c)(7)(B)(iv) and NRS 707.575(4)(a), however, limit the County's authority only if the facilities *do* "comply with the [Federal Communications] Commission's regulations concerning such emissions." The Applicant has the burden of proving with competent evidence that will be the case. The County can deny the permit if the Applicant's predictive model does not satisfactorily prove compliance. That is the situation here.

The two EME Reports use computer models and projections to claim FCC limits will not be exceeded. There are several errors and omissions in the two predictive reports.

The projections do not follow FCC rules, since they do not include exposures from the planned public safety systems that will also occupy the tower. See 47 C.F.R. §1.1307(b)(3)(ii). Each site is also designed to host two additional sources, but no effort is made to show that exposures will remain below FCC limits after these additional sources go into operation. There is an existing source at the "Heybourne" site, contrary to the representation in the EME report for that site there are no other known sources. This source must also be included unless it is certain beyond all doubt that it will be decommissioned before the Verizon sources go live. If the existing 60-foot tower *is* removed then that makes it all the more certain the new tower will also contain the new public safety radios, which means those additional exposures must be included in any compliance calculation.

The "Douglas HS" project analysis admits that exposures from the Verizon radios alone will be up to 64% of the FCC limits "incident at adjacent structures." It may well be that when these systems (other wireless providers or the public safety radios) are added exposure levels will exceed FCC limits. As the EME Reports observe, "where the predicted MPE exceeds the General Population threshold in an accessible area as a result of emissions from multiple transmitters, FCC licensees that contribute greater than 5% of the aggregate MPE share responsibility for mitigation." 47 C.F.R. §1.1307(b)(5)(i).

The Verizon sources will be far more than 5% of the aggregate at each site, so it may – either immediately or when Verizon's licenses are up for renewal (§1.1307(b)(5)(iii)) – have to engage in mitigation. This may require radiated power reductions and that might, in turn, inhibit or prevent accomplishment of the service needs Verizon claims constitute a gap in coverage. Stated another way, the fact that additional sources at the site are known or reasonably anticipated means that each site may not actually be able to resolve the perceived problems the project is supposed to address because of power output limitations. Therefore, even if one accepts the coverage needs assessment, there is a substantial possibility the proposed projects will not be able to meet the stated needs. Neither the needs assessment nor the EME Reports address this internal inconsistency. These projects have not been proven to be necessary or appropriate.

Both EME Reports have potential methodological issues or do not provide sufficient information. These fixed sources are subject to the MPE calculations in FCC rules. MPE is derived from SAR. 47 C.F.R. §1.1310(d)(2). Section 1.1310(d)(1) sets out the requirements to demonstrate compliance:

> Evaluation with respect to the SAR limits in this section must demonstrate compliance with both the whole-body and peak spatial-average limits using technically supported measurement or computational methods and exposure conditions in advance of authorization (licensing or equipment certification) and in a manner that facilitates independent assessment and, if appropriate, enforcement. Numerical computation of SAR must be supported by adequate documentation showing that the numerical method as implemented in the computational software has been fully validated; in addition, the equipment under test and exposure conditions must be modeled according to protocols established by FCC-accepted numerical computation standards or available FCC procedures for the specific computational method. (emphasis added).

The EME Reports state "[b]ased on the computational guidelines set forth in FCC OET Bulletin 65, Waterford Consultants, LLC has developed software to predict the overall Maximum Permissible Exposure possible at any location given the spatial orientation and operating parameters of multiple RF sources." However, the EME Reports do not provide any specifics about the models used, nor do they disclose any assumptions, uncertainties, or errors associated with these models.

The reports claim to use established protocols, but do not provide enough information for independent assessment, nor is there adequate documentation. There are general assertions as to average power levels at ground level and an implied assertion the general population exposure limits will not be exceeded at any ground-level point, but no information is provided on all R values ("distance between the antenna and point of study") that were used to obtain the near and far field power density results (mW/cm^2). The reports do not disclose any individual power density results at any specific ground location; they tell us only the "maximum" value but even then there is no indication what specific ground location is predicted to experience that amount. The tables in EME Reports Appendix A do not include the predicted power density values for each antenna or indicate how these values compare to FCC limits. The Effective Radiated Power (EIRP) values use a single distance of 76 feet from a given antenna, but appear to be for a spot that may not even be at ground level. Nor does the report provide an explanation of the significance of this single distance.

Therefore, it is not possible to independently assess the accuracy of the claims as the reports lack sufficient data and explanation of underlying methods or calculation outputs. The information provided does not permit independent replication of the conclusions that "the maximum predicted power density level resulting from all Verizon Wireless operations is 2.52% of the FCC General Population limits" and 0.96% for "incident at adjacent structures for "Heybourne," or 13.9369% and 64.2560% for "Douglas HS."

Applicant has not carried its burden of proving exposures will not exceed FCC limits and approval will promote and protect public health, safety, morals, convenience and general welfare.

9. There are other technical deficiencies in the submitted plans.

There is no electrical engineer stamp on sheet A-4.1 or E-11 (see design criteria Part II 2.1, 2.2). The utility index information (design criteria 2.2.2, 2.2.13.5, .6) is also incomplete. If the Commission does not deny the requests outright it should require correction and re-submittal.

Conclusion

The applicant has not adduced sufficient evidence to prove entitlement on a *prima facie* basis. Minden for Safet Tech has, separately, supplied counterveiling evidence on several of the mandatory criteria and substantive requirements that must be met before permits of this type can be granted. The public in general has not expressed support and the hearing and already-compiled record shows considerable opposition. The Commission must deny these permits and it cannot grant them, even with well-intentioned conditions that try to mitigate some of the significant errors and omissions.

We appreciate the opportunity to make this submission and look forward to further oral comments at the hearing.

Minden for Safe Tech Opposition Exhibit 1

Property Values Opinion

INTERO

A Berkshire Hathaway Affiliate

RE: September 10, 2024 Meeting Agenda Items 1-2:

Item 1: "Douglas HS," Major Design Review application DP 24-0169, 1699 County Rd. Minden, NV. APN : 1320-30-802-004

Item 2: "Heybourne," Major Design Review application DP 24-170, 1450 Stephanie Way, Minden, NV. APN: 1420-27-401-011

My name is Tia Elges, I am a Realtor with Intero Real Estate in Gardnerville, NV. I have lived in Douglas County for 34 years and I have over 17 years of experience representing both buyers and sellers in the Gardnerville/Minden area. I am very well acquainted with the real estate market that I service and the issues that can increase or decrease a homeowner's home value. I am also familiar with the two sites involved in the two applications referenced above going before the Commission.

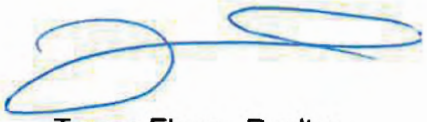
Property values in Douglas County have been trending up about 3% a year, despite the interest rates. Each property is unique, but price values are impacted by the surrounding conditions and desirable factors like views, location and/or school district. Alternatively, factors like aesthetically displeasing buildings, objects, no views, and crime will impact a property negatively. Cell towers are characterized as a nuisance and most buyers I have dealt with rather not look in an area that has a cell tower nearby. In several jurisdictions a property owner will have to disclose that a cell tower is nearby, for that reason. The Federal Department of Housing and Development, for example, has traditionally included cell towers as a disclosure item and a factor for property appraisers to consider for the purposes of federally funded bank loans.

There is also professional literature that addresses how a cell tower impacts property values. Many have found that a nearby cell tower can repress demand, and the amount of potential buyers are willing to pay. In order to prepare this letter, I reviewed and am in part relying on the conclusions and estimates provided from three sources. Affuso E. Cummings FR, Le H., Wireless Towers and Home Values: An Alternative Valuation Approach Using a Sparial Econometric Analysis. J Real Estate Finan Econ 56, 653-676 (2018). Doi: 10.1007/s11146-017-9600-9, concluded that presence of a visible cell tower up to one-half mile can reduce property values by an average of 2.46% and up to 9.78%. This paper applied a spatial autoregressive model applying quartile analysis based on minimum distances between sold properties and visible/non-visible towers to examine the relationship property values and wireless tower proximity and visibility. I am attaching this study as an exhibit to this letter. Similarly, Joseph Hale & Jason Beck, The Disamenity Value of Cellular Phone Towers on the Home Prices in Savannah, Georgia, 18(8) The Empirical Econ. Letter 871, 875 (Aug.2019) found "homes closer to cell towers selling at (generally) larger discounts," such that homes

within 500 feet of a tower sold at a 7.6% discount, and homes suffered a "still negative and statistically noticeable" effect up to 1500 feet away from a tower. Sandy Bond, The Effect of distance to cell phone towers on house prices in Florida. Appraisal J. (2007) observes that "prices of properties decreased by just over 2% on average, after a tower was built," which effect "diminished with distance from the tower and was almost negligible after about 656 feet."

My own experience in this specific area supports the same trend. The scenic views and aesthetics are important to my buyers that are interested in purchasing, as well as the current residents. An obtrusive or unsightly tall structure that disfigures the current landscape unfavorably could impact the property value. While I cannot provide specific numbers, I do know that many potential buyers have exhibited significant reluctance when they learn a cell tower is in the vicinity or may be soon placed nearby. Others have expressed post-purchase buyer's remorse upon learning about an undisclosed tower or plans to place a new one. This is not a universal point - there are some who are not disturbed but it does represent a real issue for many buyers. This will suppress demand and that will lower market prices.

It is my professional opinion, based on my experience, training and personal knowledge of this area, that the two towers proposed would, if approved and then built, negatively impact the property values of the nearby neighborhoods where the towers are visible.



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Wireless Towers and Home Values: An Alternative Valuation Approach Using a Spatial Econometric Analysis

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Abstract This is the first study to use an hedonic spatial autoregressive model to assess the impact of wireless communication towers on the value of residential properties. Using quantile analyses based on minimum distances between sold properties and visible and non-visible towers, we examine the relationship between property values and wireless tower proximity and visibility within various specified radii for homes sold after tower construction. For properties located within 0.72 kilometers of the closest tower, results reveal significant social welfare costs with values declining 2.46% on average, and up to 9.78% for homes within tower visibility range compared to homes outside tower visibility range; in aggregate, properties within the 0.72-kilometer band lose over $24 million dollars.

JEL Classifications C5 · K32 · Q51 · R21 · R32 · R38 · R58

Keywords Hedonic analysis · Housing value · Land planning · Public planning · Spatial econometrics · Urban externalities · Wireless tower impacts

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In less than 20 years, the number of wireless devices in use[1] in the United States increased 1045%, growing from 340,213 in 1985 to over 355 million in 2014 (CTIA 2015). A growing number of Americans now rely solely on their wireless phones for communication. As of the end of 2014, the Centers for Disease Control and Prevention's National Center for Health Statistics reports that 44% of American households no longer subscribe to landline telephone service; they predict that by the end of 2015, a majority will have severed the cord (Centers for Disease Control and Prevention 2015). U.S. wireless device numbers are truly staggering: 2014 usage comprised 2.45 trillion voice minutes, 4.06 trillion megabytes of data, 1.92 trillion text messages, and 151.99 billion multimedia messages (CTIA 2015). Incredibly, even on the heels of a doubling of wireless data usage from 2012 to 2013, analysts expect data use to surge, growing by more than 650% by 2018 (Cisco 2013). In 2012, wireless industry employment topped 3.8 million people—2.6% of the U.S. workforce (Entner 2012). Analysts predict the industry will create 1.2 million new jobs by 2017 (Pearce et al. 2013). U.S. wireless carriers' capital investment exceeded $33 billion in 2013—a record annual high—and wireless industry experts project an additional $260 billion in new capital investment over the next 10 years (CTIA 2015), adding $2.6 trillion to U.S. gross domestic product (Summers 2010). Perhaps the most surprising, yet at the same time most impressive statistic is that by comparison, the total value of the U.S. wireless industry—currently $196 billion in 2012—exceeds that of agriculture, hotels and lodging, and air transportation (Entner 2012).

Without question, there are many societal benefits offered by the last two decades' myriad advances in wireless technologies. Ease of use and convenience, lower equipment pricing, increasingly competitive rate plans, surges in wireless industry employment, considerable economic multiplier effects from large-scale wireless industry capital investment, and significant realized and projected annual contributions to GDP all work to make the U.S. wireless industry an ever-increasing, important part of our daily lives and our national economy. Yet to date, a largely overlooked societal cost is the potential negative impact on residential property values caused by the exponential proliferation of the number of cell sites[2] necessary to support the wireless industry's rapid growth. In 1985, there were only 900 cell sites in the U.S., but by the end of 2014, the number had increased by 22,778% (CTIA 2015). Of the more than 298,000 cell sites in the U.S., nearly 70% are located on tower structures (Airwave Management, LLC 2013). Amidst intense competition to meet seemingly unceasing demand, providers work continually to improve their wireless service coverage. As they do so, it is logical to expect construction of an increasing number of new wireless towers, located closer and closer together in many urban and suburban areas. As this happens, it is also logical to expect an increasing number of homeowners to question if, and to what extent proximity to a wireless tower affects home values. Those concerned with such questions might also hope that public policy makers will begin asking the same questions, and more importantly, consider the ramifications of the answers as they manage the increasing pressures placed on wireless tower regulatory planning and approval processes.

[1] Wireless devices include special feature phones, smartphones, and tablets.

[2] CTIA defines a cell site as the location of wireless antenna and network communications equipment necessary to provide wireless service in a geographic area (CTIA 2015).

Considering the expected future increases in wireless device users and the cell sites supporting them, this is a critically important question for our time. However, only a few researchers have examined this issue, all yielding somewhat mixed results. In all, the extant literature includes six relevant studies. The first is perceptions-based, offering residents' opinions of how tower proximity influences property values (Bond and Beamish 2005). The second combines a similar perceptions-based component with an hedonic model to estimate sales price impacts (Bond and Wang 2005). The remaining four studies take a strictly empirical approach using hedonic modeling estimations and different types of spatial analysis techniques (Bond 2007a, b; Filippova and Rehm 2011; Locke and Blomquist 2016). Unfortunately, each study suffers from flaws of one sort or another—time invariant issues, inaccurate spatial modeling techniques, or other troublesome variable misspecifications. In essence, the results of these studies are either inconclusive or show only minimal negative price effects due to wireless tower proximity.

In our study though, we use a robust approach for gauging home values relative to tower proximity. Similar to others, our study includes hedonic modeling to capture distinctive property characteristics, yet it is distinctly different from others in two important respects. By performing the analysis within varying radii bands based on quartiles of the distance from the closest wireless tower, we are able to detect potential marginal price gradients of each property across the banded space. More importantly, by conducting a series of robust spatial econometric tests, we are able to identify and use the most unbiased, efficient spatial model that is best suited for the inferential analysis of our research question. The results underscore our concerns that previous studies may potentially suffer from bias due to their failures to address spatial correlation issues typical in hedonic model studies. Two significant reasons contribute to our apprehensions. The first is that Ordinary Least Squares (OLS) estimations are biased and inefficient in the presence of spatial correlations of dependent variables and residuals. The second is that by not accounting for spatial autocorrelation, it is unlikely any hedonic model can correctly disentangle either direct and/or indirect effects of (dis)amenities on housing prices. Research shows the latter is particularly useful when assessing the impact of corrective policy solutions subsequent to market failures (LeSage and Pace 2009). This is important because our research poses potentially significant policy implications, all of which we believe will most likely, yet for substantially different reasons, be of keen interest to governmental and planning officials, wireless tower operators and service providers, neighborhood activist groups, and private property rights' advocates.

In the second section of our paper, we discuss the relevant literature. In the third section, we delineate our data and define our variables. In the fourth section, we develop our hypotheses and methodology. In the fifth section, we present our empirical results, and the final section concludes.

Literature Review

McDonough (2003) states "…proximity to a wireless tower needs to be considered as a negative amenity that may reduce property valuation" (McDonough 2003, p. 29).

Despite this recognition and the ongoing rapid expansion of the wireless industry, research examining the relationship between wireless tower proximity and home values remains quite limited. Two early studies commissioned by a major wireless service provider look at potential health and visual impacts that wireless towers[3] may have on property values. Bond and Beamish (2005) report that although the studies' results remain secretive, their private review of the results confirms no statistically significant relationships exist. They note, however, that because the studies involve limited sales data, and the underwriter is also a service provider, the question of biased results is potentially concerning.

Some researchers tackle the question using perceptual studies. Bond and Beamish (2005) survey residents in ten Christchurch, New Zealand suburbs—half being study areas (residents living within 300 m of a tower) and half being a control group (residents living more than 1 km from a tower). The authors aim to gauge residents' perceptions about whether and to what extent wireless tower proximity influences property values. Not surprisingly, those living far from a tower express less concern than those living close to one. Distance from a tower largely drove respondents' answers, but in sum, the authors find expectations of more than a 20% price reduction for properties within close tower proximity.

Bond and Wang (2005) combine a perceptual study with an empirical investigation. The perceptual component outcomes are quite similar to those of Bond and Beamish (2005). Their survey's respondents believe that proximity to a wireless tower causes property values to decrease from 10% to more than 20%. The empirical portion of their study includes approximately 4000 home sales spanning from 1986 to 2002 in four different suburbs. The authors' hedonic model includes a dummy variable that captures whether sales occur before or after tower construction. A potential shortcoming of this study could be the authors' choice to measure distances from cell towers not to individual homes, but rather, to a particular street within the study area. Their hedonic models do not account for potential spatial dependence of price and error structure. Their estimations produce mixed results, with negative price effects in two suburbs, a positive price effect in a third, and no significance in the fourth.

Bond (2007a) offers a methodological improvement by calculating exact distances between towers and included properties. Using a dummy variable to capture if a sale occurs before or after tower construction, the author also accounts for sales price time-effects by deflating sales prices to the consumer price index, and includes a time of sale variable in the estimations. Using four of the same suburbs from the earlier work of Bond and Wang (2005), the results show sales price reductions of approximately 15% after tower construction, diminishing as distance from a tower increases. Past 300 m, the negative price effect is negligible. Unfortunately, the results lack consistency, producing a positive price effect in one of the four neighborhoods. This may suggest a possible model misspecification error, or the effect of some other unobservable externality.

Bond (2007b) conducts a similar study using Orange County, Florida wireless tower and sales transaction data. Empirical results indicate a tower's presence yields a statistically significant and negative impact on price. Even so, the author notes the negative price effects are of little consequence.

[3] In their paper, the authors refer to wireless towers as cellular phone base stations.

Filippova and Rehm (2011) investigate tower proximity impacts on property values using property sales data from Auckland, New Zealand. Their final geocoded dataset includes approximately 56,000 sales observations dating from 2005 to 2007, and 521 tower locations. Highly critical of earlier studies' methodologies, the authors emphasize they took care to "ensure that integration dates of nearest cell towers did not occur after the date of sale" (Filippova and Rehm 2011, p. 250). To account for negative impacts that non-residential areas might have on residential area property values (for example, see Bowes and Ihlanfeldt 2001; Grass 1992; Nelson and McCleskey 1990; Mahan et al. 2000), the authors divide their sample into two parts. The first group includes only the 49 towers within residential areas, and all properties within a 500-m radius of existing towers. They also include a dummy variable for tower type, which they describe as lamppost, single monopole, or armed monopole (one with a triangular structure at the top). Generally, their residential area estimations produce no statistical significance. Not surprising, given the extremely close proximity to a tower, the lone exception is for houses located within 100 m of an armed monopole, which suffer a 10.7% price reduction. Estimations for the second group, which includes all towers in the entire study area, yield results similar to those in the first group. As such, the authors conclude that with the exception of a small number of armed monopole towers, wireless tower proximity does not negatively affect sales price.

More recently, Locke and Blomquist (2016) explore the question at hand. They use housing sales (including repeat sales) from 2000 to 2012 occurring in Louisville and Elizabethtown, Kentucky, geocoding each sold property to the street address listed in the sales data. They develop a number of tower location-specific characteristics such as census tract, and distances to major roads, railroads, and military bases. The authors state that, "Holding all else constant, the owner of a communication antenna will attempt to locate the antenna in an area that minimizes the antenna owner's cost" (Locke and Blomquist 2016, p. 134). At first glance, this statement seems obvious, if for no other reason than it makes good business sense. Further thought, however, draws question to the authors' additional statement that, "It appears that communication antennas are in fact located in areas where properties are less valuable" (Locke and Blomquist 2016, p. 134). One might infer from this that carriers strive mainly to construct towers in low-value areas simply to save money. Yet because intuition suggests carriers increase earnings by increasing subscribers, locating towers only in low-valued areas, and hence, providing service coverage only to presumably low-income people does not make good business sense. It seems, therefore, that the authors miss the other side of the coin, which is, in fact, not all towers appear in areas where properties are less valuable, but rather, owners will also construct towers in areas where properties are more valuable in order to fill holes in their service coverage. Indeed, tower location may be a source of endogeneity. However, income, population density, and other unobserved neighborhood characteristics could be instrumental for both homeowners' property and wireless carriers' tower location choices.

Inclusion of spatial considerations in addition to hedonic characteristics in their modeling is a good choice, as it adds robustness to their results. However, as with previous studies, across all model estimations, the authors do not account for potential

spatial correlation of price and error structure, finding only slight degrees of price reductions due to tower proximity, again, diminishing with distance.

Data

To investigate if and to what extent wireless tower proximity impacts home values we combine two datasets. The first includes 23,309 residential property sales occurring in Mobile County, Alabama between 1999 and 2015.[4] We deflate housing prices to a base year of 2014 using the U.S. Bureau of Labor Statistics' Housing Consumer Price Index. The second includes 149 wireless towers located in Mobile County, Alabama.[5] In addition to certain property characteristics, we also include key census tract-level demographic data.[6]

Following Locke and Blomquist (2016), we conduct a visibility analysis of the wireless towers located in the study area. We do so using Viewshed[7] and a 30-m resolution digital elevation map of Mobile County, Alabama.[8] Following Paterson and Boyle (2002), we calculate the visibility for a 360° circle and 1-km radius, including the aboveground tower height, and assume that the average height of an observer's eyes is 1.75 m above the ground at each property's location. Figure 1, Panel A illustrates the spatial distribution of towers, and Fig. 1, Panel B illustrates the Mobile County, Alabama property locations.

At a larger scale, Fig. 2 shows the visibility of towers and properties located in the most urbanized portion of the Mobile County, Alabama.[9] Fig. 2 helps to clarify graphically the idea of the indirect effect of a wireless tower. For example, although some properties lie immediately outside of the border of the visibility range (indicated in the red area), they are contiguous to properties that lie within the border of the visibility range. If there are spatial correlations between property values and tower locations, then we argue that a tower affects both the value of the property location from which the tower is visible, and indirectly, the values of neighboring properties from which the tower is not visible. Additionally, towers that are farther away, but that are still visible from a property, may potentially influence a property's value through a sort of spillover effect carried over across neighboring properties within the tower visibility space.

We compute the minimum distance from each housing unit to the closest wireless tower using the Haversine distance formula, which takes into account the curvature of the Earth. We calculate the distance of housing unit i to the closest wireless tower j as:

[4] Sold properties data draw from the Gulf Coast Multiple Listing Service, Inc., a wholly owned subsidiary of the Mobile Area Association of Realtors, Inc.

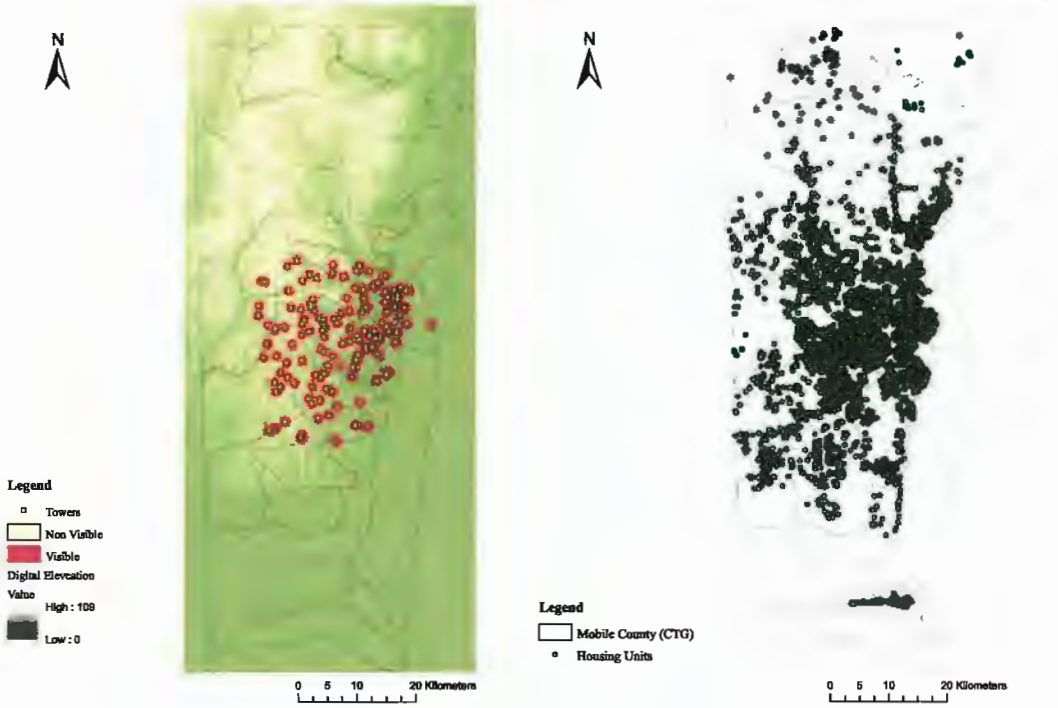
[5] These data draw from the U.S. Federal Communication Commission's Antenna Structure Registration database, available at http://wireless.fcc.gov/antenna/index.htm?job=home.

[6] These data draw from the U.S. Census Bureau, available at http://www.census.gov.

[7] The Viewshed tool is available as part ESRI ArcGIS® software package.

[8] Digital elevation maps draw from publicly available information hosted by the Geospatial Data Gateway of the U.S. Department of Agriculture's Natural Resources Conservation Service.

[9] An anonymous referee observed that every property within a 1 km radius of a tower is also within the towers' viewshed. We believe that this unusual result is consistent with the average height of a wireless tower in our dataset of approximately 60 m, and, more importantly, with the fact that our property sales data draw from a fairly flat coastal geographical area (i.e., the average housing elevation of our sample ≈ 11 m above sea level).



(a) Spatial Distribution of Tower (b) Spatial distribution of properties.

Fig. 1 Visibility Analysis: smaller scale

$$d_{ij} = min\left\{2r\ arcsin\left[\left(haversine\left(\varphi_j - \varphi_i\right) + cos(\varphi_i)cos\left(\varphi_j\right)haversine\left(\lambda_j - \lambda_i\right)^{0.5}\right]\right\} \tag{1}$$

where r is equal to the Earth's radius of 6371 km, φ and λ are latitudes and longitudes of property and wireless tower locations expressed in radians. The average minimum distance of a property to a tower is 2.98 km, and we expect a negligible price impact for properties located farther away from a tower than this average. To investigate further the impact of towers on those dwellings that are closer, we conduct a sensitivity analysis using four subsamples based on quartiles of the minimum distance to the closest tower. The first, second, third, and fourth subsamples include houses within radii bands of between 0 to 0.72 km, 0.72 km to 1.13 km, 1.13 km to 1.88 km, and 1.88 km to 41 km of the closest tower, respectively. Table 1 lists and defines all of the variables we use in our analysis and summarizes the statistics for the whole sample of 23,309 properties. Table 2 presents the descriptive statistics of the variables across all four subsamples.

Methodology

Consistent with the literature, we use an hedonic model to investigate the relationship between property value and wireless tower proximity. Rosen (1974) was the first

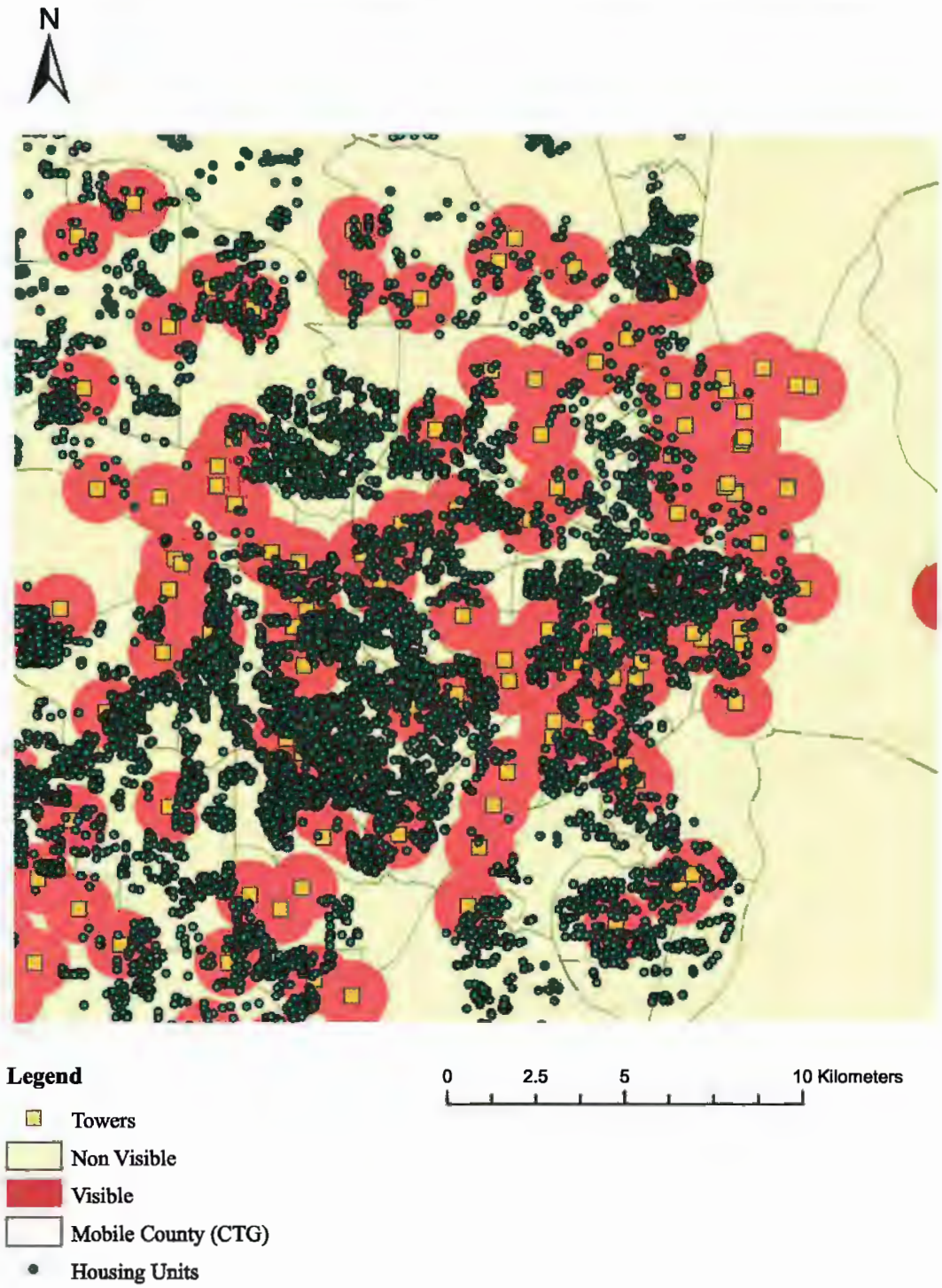


Fig. 2 Visibility Analysis: larger scale

researcher to derive a relationship between the price of a good and its characteristics. His work is widely used in real estate and urban economics research as an indirect method of revealing preferences used to analyze environmental externalities. As such, we assume that the property price is a function of the intrinsic characteristics of the property, neighborhood qualities, demographic characteristics, distance to wireless towers, and a spatial process (essentially, the spatial relationship between objects).

Table 1 Summary Statistics

Variable	Definition	Full Sample	
		Mean	SD
Price	inflation adjusted property sales price	167,592.3	124,777.1
Distance	distance between the property and the tower	2.980	5.453
D*	1 if property sale occurs after tower construction	16,393	69.742
V*	1 if the tower is visible	9448	74.956
h_tower	height of the tower	59.148	21.050
Age	age of property in years	23.566	19.389
Bedrooms	number of bedrooms in a property	3.285	.675
Bathrooms	total number of bathrooms in a property	2.135	.671
Onestory*	1 if number of stories is 1	1860	41.371
Twostories*	1 if number of stories is 2	2275	45.310
Car shelter*	1 if a property has a car shelter	15,023	73.078
Fireplace*	1 if a property has a fireplace	15,080	72.965
Fence*	1 if exterior has a fence	9375	74.862
Deck*	1 if exterior has a deck	5377	64.317
Pool*	1 if exterior has a pool	189	13.692
Brick*	1 if construction is primarily brick	16,500	69.426
Rural*	1 if population is less than 2500 per census tract	2644	48.416
distCBD	distance to downtown Mobile in kilometers	17.957	8.695
Towers	number of wireless towers per census tract	4.305	5.709
Income	median income per census tract	66,768.36	20,299.91
Black	African-American population per census tract expressed in units	1070.72	812.315
Unemployment	unemployment rate per census tract expressed in percentage points	9.207	5.417
N	number of observations	23,309	

The table above presents the summary statistics for the variables included in the entire dataset; year and zip code dummies are not shown;

*binary variables (assumed to follow the binomial distribution): means and standard deviations for these variables are computed for the binomial distribution

Hence, the econometric model used to examine the potential external impact of a wireless tower on property price takes the following form:

$$\ln(Price)_i = \beta_0 + \beta_1 \ln(Distance_i) + \beta_2 D + \beta_3 D{\cdot}\ln(Distance_i) + \beta_4 V + \beta_5 V{\cdot}\ln(Distance_i) + \beta_6 h\_tower_i + \beta_7 V{\cdot}h\_tower_i + \beta_8 Age_i + \beta_9 Bedrooms_i + \beta_{10}(Bedrooms_i)^2 + \beta_{11} Bathrooms_i + \beta_{12} Onestory_i + \beta_{13} Twostories_i + \beta_{14} Carshelter_i + \beta_{15} Fireplace_i + \beta_{16} Fence_i + \beta_{17} Deck_i + \beta_{18} Pool_i + \beta_{19} Brick_i + \beta_{20} Rural_i + \beta_{21} \text{distCBD}_i + \beta_{22} \text{Towers}_i + \beta_{23} \ln(Income_i) + \beta_{24} \ln(Black_i) + \beta_{25} Unemployment_i + \sum_{t=2008}^{2013} \tau_t Year_{ti} + \sum_{j=1}^{31} \delta_j Zipcode_{ji} + \varepsilon_i \quad (2)$$

where ln(*Price*) is the natural log of the property sales price; ln(*Distance*) is the natural log of the distance between a property and a wireless tower measured in

Table 2 Summary Statistics for Variables in Each of the Four Subsamples

	Sample 1[a] (0.00–0.72Km)		Sample 2[b] (0.72Km – 1.13Km)		Sample 3[c] (1.13Km – 1.88Km)		Sample 4[d] (1.88Km – 41Km)	
	Mean	SD	Mean	SD	Mean	SD	Mean	SD
Price	163,008.8	107,361.6	170,634.6	133,366.5	170,212.1	136,985.5	166,518.6	119,035.9
Distance	0.497	0.156	0.920	0.116	1.425	0.202	9.080	8.295
D*	4087	34.942	4256	33.874	4246	33.942	3804	36.341
V*	5759	8.257	3667	36.869	22	4.682	0	0
h_tower	53.920	20.199	53.436	19.845	56.434	19.090	72.803	18.778
Age	26.148	21.949	25.455	20.128	23.876	18.816	18.784	15.158
Bedrooms	3.269	0.629	3.322	0.634	3.312	0.735	3.238	0.695
Bathrooms	2.113	0.667	2.156	0.710	2.167	0.700	2.104	0.598
Onestory*	459	20.563	499	21.360	528	21.912	374	18.708
Twostories*	573	22.730	615	23.454	642	23.901	445	20.274
Car shelter*	3832	36.227	3858	36.106	3695	36.769	3638	36.968
Fireplace*	3806	36.338	4028	35.265	3910	35.866	3336	37.764
Fence*	2521	37.822	2576	37.910	2380	37.522	1898	35.774
Deck*	1222	31.077	1404	32.645	1369	32.363	1382	32.469
Pool*	51	7.110	44	6.608	47	6.828	47	6.828
Brick*	3856	36.121	4142	34.608	4179	34.379	4323	33.404
Rural*	787	26.091	601	23.217	460	20.584	796	26.216
distCBD	14.625	5.891	15.037	5.601	16.037	5.524	26.131	10.758
Towers	5.523	5.743	5.152	6.474	4.671	6.242	1.875	2.881
Income	68,790.18	23,488.16	69,418.33	22,687.17	67,058.06	20,669.78	61,806.5	10,912.01
Black	1214.973	910.131	1139.579	801.164	1217.888	835.001	710.429	543.371
Unemployment	9.408	6.073	8.900	5.640	8.827	5.130	9.692	4.678
N	5828		5827		5827		5827	

The table above presents the summary statistics for the variables within each of the four subsamples included in the analysis;

*binary variables (assumed to follow the binomial distribution): means and standard deviations for these variables are computed for the binomial distribution

[a] *Sample 1* is a subsample of properties selected within the first quartile of the minimum distance to the closest wireless tower (radius ≤ 0.72Km);

[b] *Sample 2* is a subsample of properties within the second quartile of the minimum distance to the closest wireless tower (0.72Km ≤ *distance* ≤ 1.13Km);

[c] *Sample 3* is a subsample of properties within the third quartile of the minimum distance to the closest wireless tower (1.13Km ≤ *distance* ≤ 1.88Km);

[d] *Sample 4* is a subsample of properties within the fourth quartile of the minimum distance to the closest wireless tower (1.88Km ≤ *distance* ≤ 41Km)

kilometers; *D* is a dummy variable that takes the value of one if the property was purchased after tower construction, and zero otherwise; *V* is a dummy variable that takes the value of one if the closest tower is visible from the property, and zero otherwise; *h_tower* is a continuous variable that measures the height of the closest tower above the ground in meters; *Age* is the age of a property in years; *Bedrooms* is the total number of bedrooms in a property; *Bathrooms* is the total number of

bathrooms and/or half-bathrooms in a property; *Onestory* and *Twostories* are binary variables equal to one if the property has one story or two stories above the ground level, respectively; *Carshelter, Fireplace, Fence, Deck, Pool* and *Brick* are dummy variables that take the value of one if a property has a car shelter, a fireplace, a fence around the house, a deck, a pool and/or the exterior construction is made of bricks respectively, and zero otherwise; *Rural* is a binary variable proxy for less dense populated areas that takes value one if the number of inhabitants per census tract is less than 2500, and zero otherwise; *dist*CBD is a continuous variable that measures the distance of each property from the Central Business District of Mobile, Alabama, the largest city in the study area; *Towers* is the number of wireless towers per census tract; ln*(Income)* is the natural log of the median income per census tract; ln*(Black)* is the natural log of the African-American population expressed in units per census tract; and, *Unemployment* is the unemployment rate per census tract expressed in percentage points. As in Jensen et al. (2014), we add the interaction between distance to (dis)amenities and tower visibility (V), which we label ln*(Distance)*·*V*. We use *Year*, property sale year dummy variables, to control for the impact of the subprime mortgage crisis. Finally, following Caudill et al. (2014), we include *Zipcode*, a set of dummy variables that attempt to capture additional unobserved neighborhood heterogeneities at a higher resolution than the census tract. Since we are interested in examining the price sensitivity of buyers of homes closest to a wireless tower, we follow Locke and Blomquist (2016) in stating the dependent variable being in logarithmic form. However, we also use the Akaike Information Criterion (AIC) to test several functional forms for hedonic price equations by varying the specification of the variables in the right-hand side of Eq. (2). We do so because by selecting the functional form having the lowest AIC value, we are able to produce a theoretical specification with the least possible information loss.

We calculate the average impact of a wireless tower on housing price by subtracting expected housing values before tower construction from expected housing values after tower construction, using the equation taking the following form:

$$\mathbb{E}\left[e^{Ln\left(\widehat{\text{price}}\right)}|D=1\right]-\mathbb{E}\left[e^{Ln\left(\widehat{\text{price}}\right)}|D=0\right]. \tag{3}$$

We also calculate the total social welfare impact as:

$$\Delta W=\sum_{i=1}^{N}\left[\left(e^{Ln\left(\widehat{\text{price}}\right)_i}|D_i=1\right)-\left(e^{Ln\left(\widehat{\text{price}}\right)_i}|D_i=0\right)\right]. \tag{4}$$

In addition, to examine the spatial price sensitivity of home buyers—the price elasticity of tower proximity—we partially differentiate Eq. (2) with respect to ln*(Distance)*, using the equation taking the following form:

$$\frac{\partial ln(Price)}{\partial ln(Distance)}=[\beta_1+\beta_3 D+\beta_5 V]\%. \tag{5}$$

We evaluate Eq. (5) as $D = 0$ and $V = 0$ (β_1) for sales occurring before tower construction, and $D = 1$ and $V = 1$ ($\beta_1 + \beta_3 + \beta_5$) for sales occurring after the visible tower construction. We additionally include $D = 1$ and $V = 0$ ($\beta_1 + \beta_3$), which accommodates comparison of price sensitivity of buyers of properties from which the closest tower is not visible.

In certain hedonic studies, it is appropriate to perform statistical tests for spatial correlation. This is a consequence of Tobler's first law of geography, which premises the interrelationship of all things, but that closer things are more related than distant things (Tobler 1970). We use spatial correlation tests to account for spatial processes in the dependent variable and estimation residuals. In matrix notation, such a model reads as:

$$\mathbf{y} = \rho\mathbf{W}\mathbf{y} + \mathbf{X}\boldsymbol{\beta} + (\mathbf{I}-\lambda\mathbf{W})^{-1}\mathbf{u} \tag{6}$$

where $\mathbf{y}$ is a n × 1 vector of property prices (previously defined); ρ is a scalar coefficient of spatial correlation; $\mathbf{W}$ is an n x n row, standardized spatial contiguity matrix based on the three closest neighbors as outlined by Caudill et al. (2014); $\mathbf{X}$ is an n × 63 (number of parameters of Eq. 1 including intercept) data matrix with first column vector $\mathbf{1_n}$; $\boldsymbol{\beta}$ is a 63 × 1 vector of parameters; $\mathbf{I}$ is an n x n identity matrix, λ is a scalar coefficient of residuals spatial correlation; and, $\mathbf{u}$ is an n × 1 vector of Gaussian innovations.

We estimate the spatial model by maximizing the log-likelihood function (MLL) with respect to the model's parameters, coefficients of spatial correlation (ρ and λ), and residual standard errors (σ) using the equation taking the following form:

$$\begin{aligned} LL(\boldsymbol{\beta},\rho,\lambda,\sigma|\mathbf{y}) = {} & -0.5\,n\ln(\pi) - 0.5\,n\ln\left(\sigma^2\right) \\ & + \left(\ln|\mathbf{I}-\lambda\mathbf{W}| + \ln|\mathbf{I}-\rho\mathbf{W}|\right) - \left[0.5\left(\sigma^{-2}\right)(\mathbf{u}')(\mathbf{u})\right] \end{aligned} \tag{7}$$

where n is the sample size, $\mathbf{u} = (\mathbf{I} - \lambda\mathbf{W})^{-1}(\mathbf{I} - \rho\mathbf{W})\mathbf{y} - (\mathbf{I} - \lambda\mathbf{W})^{-1}\mathbf{X}\boldsymbol{\beta}$; and, $\ln|\mathbf{I} - \lambda\mathbf{W}|$ and $\ln|\mathbf{I} - \rho\mathbf{W}|$ are the terms of the log-Jacobian transformation of $\mathbf{u}$ into $\mathbf{y}$. Assuming the same geographic processes for the dependent variable and residuals (same $\mathbf{W}$), the large sample Moran's I test for spatial correlation of the residuals is:

$$Z_I = [I - E(I)]/Var(I)^{0.5} \sim N(0,1) \tag{8}$$

where I is calculated from the residuals of Eq. (2) as $\boldsymbol{\varepsilon}'\mathbf{W}\boldsymbol{\varepsilon}/\ \boldsymbol{\varepsilon}'\boldsymbol{\varepsilon}$. Since this test is asymptotically normal, if $Z_I > 1.96$, with 95% confidence, we reject the null hypothesis that there is no spatial autocorrelation of the residuals.

The econometric models presented in Eqs. (6) and (7) are generic representations of a spatial model which includes both a spatial autoregressive model—model with dependent variable spatially autocorrelated: $\lambda = 0$, and a spatial error model—model with residuals spatially autocorrelated: $\rho = 0$. Following Anselin (1988), in practice, we select only one of the two models. Following the suggestion of Anselin et al. (1996), we use Robust Lagrangian Multiplier (RLM) tests (H_0: no spatial autocorrelation) of the residuals, using equations taking the following forms:

$$\mathrm{RLM}_\rho = \left[\boldsymbol{\varepsilon}'\mathbf{W}\mathbf{y}/\sigma^2 - \boldsymbol{\varepsilon}'\mathbf{W}\boldsymbol{\varepsilon}/\sigma^2\right]^2 / \left\{\sigma^2\left[(\mathbf{W}\mathbf{X}\boldsymbol{\beta})'\mathbf{M}(\mathbf{W}\mathbf{X}\boldsymbol{\beta}) + n\sigma^2\right] - n\right\} \tag{9}$$

$$\mathrm{RLM}_{\lambda} = \left[\varepsilon'\mathbf{W}\varepsilon/\sigma^2 - n\left(\sigma^2\left[(\mathbf{WX\beta})'\mathbf{M}(\mathbf{WX\beta}) + n\sigma^2\right]\right)^{-1}\varepsilon'\mathbf{W}\mathbf{y}/\sigma^2\right]^2 \Big/ n\left[1 - n\left(\sigma^2\left[(\mathbf{WX\beta})'\mathbf{M}(\mathbf{WX\beta}) + n\sigma^2\right]\right)\right]^{-1} \quad (10)$$

Both Eqs. (9) and (10) follow the χ^2 distribution with one degree of freedom and include $\mathbf{M} = \mathbf{I}\text{-}\mathbf{X}(\mathbf{X}'\mathbf{X})^{-1}\mathbf{X}$ as an idempotent projection matrix. Following Florax and De Graaff (2004), we select the model with the largest RLM statistics.

Results and Discussion

In this study, we conduct a pseudo-quantile analysis based on quartiles of the distance of each property from the closest tower. We refer to it as a pseudo-quantile analysis because we force the estimation of the conditional mean of the response variable on different values of the distance to the closest tower by subsampling the full data set for the four quartiles of this variable. The idea is to test our research hypothesis for properties located within different distance gradients from wireless towers. We do so by creating four spatial contiguity matrices (one for each sample). In Table 3, we report the results of both the Moran's *I* and RLM tests for spatial correlation across all four samples.

Table 3 Tests for Spatial Correlation

	Sample 1[a] (0.00–0.72Km)	Sample 2[b] (0.72Km – 1.13Km)	Sample 3[c] (1.13Km – 1.88Km)	Sample 4[d] (1.88Km – 41Km)
Statistic	Value	Value	Value	Value
Moran's *I*	0.22	0.21	0.20	0.18
Z_I	26.43***	24.81***	24.52***	21.53***
	(0.00)	(0.00)	(0.00)	(0.00)
RLM_{ρ}	436.83***	438.42***	490.10***	365.60***
	(0.00)	(0.00)	(0.00)	(0.00)
RLM_{λ}	0.041	0.24	0.31	0.49
	(0.84)	(0.62)	(0.58)	(0.48)

The table above presents the results of spatial correlation tests for all three samples;

H_0 No Spatial Autocorrelation, Z_I follows the standard normal distribution, RLM_{ρ} *and* RLM_{λ} follow the χ^2 distribution with one degree of freedom

Confidence intervals presented as ***99%; *p*-values in parentheses;

[a] *Sample 1* is a subsample of properties selected within the first quartile of the minimum distance to the closest wireless tower (radius ≤ 0.72Km);

[b] *Sample 2* is a subsample of properties within the second quartile of the minimum distance to the closest wireless tower (0.72Km ≤ *distance* ≤ 1.13Km);

[c] *Sample 3* is a subsample of properties within the third quartile of the minimum distance to the closest wireless tower (1.13Km ≤ *distance* ≤ 1.88Km);

[d] *Sample 4* is a subsample of properties within the fourth quartile of the minimum distance to the closest wireless tower (1.88Km ≤ *distance* ≤ 41Km)

Based on the Moran's I test results, with 99% confidence for each sample, we reject the null hypothesis that there is no spatial correlation of the residuals. Based on the results of the RLM test for dependent variable spatial correlation, we reject the null hypothesis of no spatial correlation for each subsample with 99% confidence. In contrast, based on the results of the RLM test for residual spatial correlation, we fail to reject the null hypothesis of no spatial correlation across all subsamples. Consequently, the spatial autoregressive model is the most appropriate econometric tool to conduct our analysis (Florax and De Graaff 2004). In Tables 4 and 5, we report the results of our analysis, comparing the OLS estimates (Table 4) of Eq. (2) to the MLL estimates (Table 5) of Eq. (6) with λ restricted to zero as a natural consequence of the Moran's I and RLM diagnostic tests discussed above.

Although biased, OLS estimates have good explanatory power across all four samples (the coefficient of determination ranges from 60% to 72%). However, comparison of the lower values of the AIC of the spatial autoregressive models to the corresponding OLS models confirms the hypothesis that the spatial autoregressive models represent the reality with minimum information loss. Therefore, this additional information supports our contention that the spatial autoregressive model is the most appropriate framework for statistical inference in our study.

In general, the spatial autoregressive model estimates have good statistical power and the expected coefficient signs across the four subsamples. Curiously, though, we find that the prices of properties purchased in 2009 after the U.S. financial crisis (compared to the baseline year 2007) are not statistically significant within 1.88 km from the closest tower (across the first three quartiles of the distance to the closest wireless tower). On the other hand, although the coefficients for dwelling age, unemployment rate, and the percentage increase in the African American population per census tract are all statistically significant, none seems to be economically significant in Mobile County. As expected, the numbers of bedrooms and bathrooms, as well as income are important predictors of property value in terms of economic magnitude. However, as in Locke and Blomquist (2016), it appears that the impact of these variables is relative to property location with respect to the towers. For example, an average household would be willing to pay between 7% to 8.5%[10] more than the average price of a property for an additional bedroom across the four samples while the household's willingness to pay for an additional bathroom ranges between 21% to 27% more than the average across the four subsamples. Moreover, commensurate with a 10% increase in median income per census tract, the property price increases range from between 18% to 21% for those properties located beyond 1.88 km from the closest tower (across Samples 2–4). However, it seems that the price of properties located within 0.72 km from the closest tower (Sample 1) is only negligibly sensitive to median income changes.

Turning our analysis to the impact of the wireless tower on the value of residential properties, our first assessment of the spatial autoregressive model estimate of D for the properties located within 0.72 km from the closest tower (Sample 1) shows a statistically

[10] There is a quadratic relationship between the logarithm of the property price and the number of bedrooms. We evaluate the semi-elasticities at the mean values of the number of bedrooms as reported in Table 2.

Table 4 Ordinary Least Squares

	Sample 1[a] (0.00–0.72Km)	Sample 2[b] (0.72Km – 1.13Km)	Sample 3[c] (1.13Km – 1.88Km)	Sample 4[d] (1.88Km – 41Km)
Constant	9.872*** (16.26)	6.362*** (12.2)	6.009*** (15.53)	6.311*** (11.59)
Age	-0.004*** (−12.86)	-0.006*** (−16.64)	-0.007*** (−18.07)	-0.008*** (−21.77)
Bedrooms	0.365*** (7.14)	0.417*** (9.76)	0.074*** (6.15)	0.115*** (9.07)
Bedrooms^2	-0.043*** (−5.75)	-0.041*** (−6.99)	-0.002*** (−4.03)	-0.003*** (−5.87)
Bathrooms	0.329*** (31.83)	0.277*** (30.66)	0.373*** (37.72)	0.278*** (26.44)
Onestory (0/1)	0.031* (1.65)	0.06*** (3.34)	0.069*** (3.89)	0.17*** (8.14)
Twostories (0/1)	0.058*** (3.28)	0.112*** (6.49)	0.092*** (5.4)	0.191*** (9.50)
Car shelter (0/1)	0.179*** (17.32)	0.187*** (17.77)	0.189*** (18.89)	0.239*** (23.03)
Fireplace (0/1)	0.203*** (17.87)	0.184*** (15.52)	0.158*** (13.74)	0.179*** (17.01)
Fence (0/1)	0.067*** (6.33)	0.019* (1.73)	0.024*** (2.26)	0.036*** (3.23)
Deck (0/1)	0.092*** (7.03)	0.065*** (5.02)	0.075*** (5.96)	0.093*** (7.15)
Pool (0/1)	0.067 (1.36)	-0.004 (−0.08)	-0.026 (−0.51)	0.118** (2.20)
Brick (0/1)	0.118*** (10.6)	0.098*** (8.48)	0.125*** (11.1)	0.096*** (7.56)
Rural (0/1)	-0.065*** (−3.07)	-0.119*** (−4.93)	-0.066** (−2.25)	0.216888 (5.35)
ln(distCBD)	-0.287*** (−10.06)	-0.103*** (−3.44)	-0.163*** (−4.67)	-0.075 (−1.33)
Towers	0.003*** (2.74)	0.003*** (3.63)	0.001 (0.49)	-0.002 (−0.75)
ln(Income)	0.155*** (5.58)	0.379*** (14.38)	0.478*** (16.27)	0.388*** (8.001)
ln(Black)	-0.066*** (−6.66)	-0.091*** (−9.41)	-0.065*** (−6.64)	-0.023** (−2.38)
Unemployment	-0.011*** (−7.44)	-0.004*** (−2.68)	0.009*** (5.27)	0.003*** (1.91)
Year 2008	0.075*** (3.95)	0.129*** (6.84)	0.111*** (5.8)	0.100*** (5.26)
Year 2009	0.009 (0.45)	0.011 (0.54)	0.036 (1.69)	0.019 (0.9)
Year 2010	-0.116*** (−5.02)	-0.087*** (−3.57)	-0.118*** (−5.29)	-0.062*** (−3.02)
Year 2011	-0.288*** (−12.54)	-0.297*** (−13.56)	-0.235*** (−10.48)	-0.185*** (−8.4)
Year 2012	-0.346*** (−15.52)	-0.304*** (−13.11)	-0.26*** (−11.13)	-0.21*** (−9.73)
Year 2013	-0.321*** (−14.58)	-0.331*** (−14.89)	-0.307*** (−13.93)	-0.249*** (−11.76)
ln(Distance)	-1.257*** (−2.95)	0.343 (1.41)	0.055 (0.49)	0.107*** (3.67)
D	-0.191*** (−4.82)	-0.011 (−0.1)	0.005 (0.05)	0.044 (1.200)
ln(Distance)·D	0.51*** (5.41)	0.048 (0.28)	0.009 (0.07)	-0.031* (−1.72)
V	-0.234 (−0.67)	0.123 (0.74)	-4.314 (−0.54)	NA[e]
ln(Distance)·V	0.829** (1.97)	-0.241 (−0.99)	5.59 (0.6)	NA[e]
H_tower	0.007 (1.43)	0.001 (0.62)	0.001 (1.62)	0.001*** (3.06)
H_tower·V	-0.006 (−1.14)	0.001** (2.37)	-0.006 (−0.75)	NA[e]
Adj. R^2	0.715	0.722	0.714	0.605

Table 4 (continued)

	Sample 1[a] (0.00–0.72Km)	Sample 2[b] (0.72Km – 1.13Km)	Sample 3[c] (1.13Km – 1.88Km)	Sample 4[d] (1.88Km – 41Km)
AIC	4257	4308	4157	4685
Deg. of Freedom	5773	5774	5774	5773
Sample Size	5828	5827	5827	5827

The table above presents results of the Ordinary Least Square estimates

Zipcode parameter estimates are not reported to save space (available upon request). Ten, twelve, twelve and eight *Zipcode* dummy variables were dropped from the analysis of *Samples 1, 2, 3* and *4,* respectively, because there were not properties within these zipcode areas

Confidence intervals presented as ***99%, **95%, and *90%; t-values in parentheses;

[a] *Sample 1* is a subsample of properties selected within the first quartile of the minimum distance to the closest wireless tower (radius ≤ 0.72Km);

[b] *Sample 2* is a subsample of properties within the second quartile of the minimum distance to the closest wireless tower (0.72Km ≤ *distance* ≤ 1.13Km);

[c] *Sample 3* is a subsample of properties within the third quartile of the minimum distance to the closest wireless tower (1.13Km ≤ *distance* ≤ 1.88Km);

[d] *Sample 4* is a subsample of properties within the fourth quartile of the minimum distance to the closest wireless tower (1.88Km ≤ *distance* ≤ 41Km);

[e] Visibility variable was dropped from the analysis because there were not visible towers in Sample 4

significant, negative correlation between property price and sales occurring after tower construction. The same estimate is statistically equally to zero for those properties located within 0.72 and 1.88 km from the closest tower (Samples 2 and 3). For properties that are far from the visibility range of a tower (Sample 4 includes properties located beyond 1.88 km), the correlation between property price and tower becomes positive and statistically different from zero. *V*, the visibility of the tower, is not statistically significant across the four samples. However, ln(*Distance*)·*V* is statistically significant at the 5% alpha level for properties that are located within 0.72 km from the closest tower (Sample 1). For these properties, we perform a log-likelihood ratio test for the joint significance of *V*, ln(*Distance*)·*V* and *h_tower*·*V*, following the χ^2 distribution with three degrees of freedom equal to the number of restrictions (three estimates simultaneously equal to zero). We reject the null hypothesis that these three estimates are jointly equal to zero (*p*-value =0.071, 90% confidence). Hence, we must include these parameters to model the relationship between housing price and tower proximity for those properties that are closer to the wireless tower (Sample 1). However, the opposite is true for properties located beyond 0.72 km as we fail to reject the null hypothesis when applying the same test to these properties. In addition, the number of wireless towers per census tract (*Towers*) and tower height (*h_tower*) have no significant impact on housing price across the four samples (statistically and economically).

To assess the average social welfare impact of wireless tower proximity on residential property values, we estimate the predicted housing value from sales occurring before and after tower construction using Eq. (3). In Table 6, we report the predicted

Table 5 Spatial Autoregressive Models

	Sample 1[a] (0.03Km – 0.72Km)	Sample 2[b] (0.72Km – 1.13Km)	Sample 3[c] (1.13Km – 1.88Km)	Sample 4[d] (1.88Km – 41Km)
Constant	6.404*** (11.417)	4.315*** (8.984)	4.109*** (11.697)	5.304*** (10.467)
Age	-0.004*** (−11.15)	-0.005*** (−14.236)	-0.005*** (−14.209)	-0.007*** (−19.002)
Bedrooms	0.358 *** (7.728)	0.353*** (9.063)	0.068*** (6.221)	0.104*** (8.902)
$Bedrooms^2$	-0.044 *** (−6.522)	-0.036*** (−6.755)	-0.002*** (−4.066)	-0.003*** (−5.887)
Bathrooms	0.256*** (26.873)	0.216*** (25.703)	0.279*** (29.698)	0.241*** (24.491)
Onestory (0/1)	0.019 (1.111)	0.039** (2.38)	0.042*** (2.591)	0.133*** (6.847)
Twostories (0/1)	0.043*** (2.673)	0.077*** (4.884)	0.063*** (4.125)	0.155*** (8.296)
Car shelter (0/1)	0.129*** (13.573)	0.136*** (14.052)	0.142*** (15.426)	0.191*** (19.629)
Fireplace (0/1)	0.142*** (13.643)	0.134*** (12.346)	0.117*** (11.156)	0.152*** (15.428)
Fence (0/1)	0.067*** (6.958)	0.026*** (2.621)	0.04*** (4.164)	0.048*** (4.579)
Deck (0/1)	0.08*** (6.74)	0.059*** (5.035)	0.081*** (7.096)	0.084*** (6.965)
Pool (0/1)	0.04 (0.898)	0.039 (0.807)	0.003 (0.071)	0.089** (1.786)
Brick (0/1)	0.078*** (7.743)	0.076*** (7.249)	0.101*** (9.888)	0.085*** (7.262)
Rural (0/1)	-0.015 (−0.791)	-0.064*** (−2.908)	-0.042 (−1.598)	0.153*** (4.063)
ln(distCBD)	-0.218*** (−8.416)	-0.089*** (−3.274)	-0.108*** (−3.421)	-0.084 (−1.612)
Towers	0.002*** (2.666)	0.002** (2.157)	0.001 (0.313)	-0.001 (−0.583)
ln(Income)	0.09*** (3.557)	0.207*** (8.428)	0.274*** (10.083)	0.179*** (3.908)
ln(Black)	-0.04*** (−4.359)	-0.059*** (−6.655)	-0.041*** (−4.66)	-0.02** (−2.165)
Unemployment	-0.007*** (−5.249)	-0.003** (−2.204)	0.006*** (3.715)	0.001 (0.779)
Year 2008	0.078*** (4.552)	0.128*** (7.504)	0.114*** (6.589)	0.108*** (6.124)
Year 2009	0.015 (0.843)	0.007 (0.374)	0.031 (1.615)	0.024** (1.209)
Year 2010	-0.117*** (−5.581)	-0.095*** (−4.276)	-0.12*** (−5.934)	-0.071*** (−3.714)
Year 2011	-0.300*** (−14.474)	-0.304*** (−15.253)	-0.236*** (−11.639)	-0.189*** (−9.255)
Year 2012	-0.340*** (−16.871)	-0.306*** (−14.514)	-0.296*** (−13.986)	-0.228*** (−11.364)
Year 2013	-0.328*** (−16.461)	-0.331*** (−16.388)	-0.322*** (−16.132)	-0.257*** (−13.074)
ln(Distance)	-1.167*** (−3.025)	0.274 (1.232)	0.059 (0.593)	0.09*** (3.318)
D	-0.12*** (−3.35)	-0.007 (−0.066)	0.003 (0.031)	0.06* (1.773)
ln(Distance)·D	0.332*** (3.886)	0.043 (0.27)	0.007 (0.062)	-0.039** (−2.298)
V	-0.453 (−1.432)	0.118 (0.782)	-2.747 (−0.377)	NA[e]
ln(Distance)·V	0.872** (2.291)	-0.193 (−0.869)	3.533 (0.421)	NA[e]
H_tower	0.001 (0.151)	0.001 (0.436)	0.001 (1.414)	0.001* (1.934)
H_tower·V	0.001 (0.02)	0.001 (1.394)	-0.003 (−0.451)	NA[e]
ρ	0.362*** (31.59)	0.349*** (30.53)	0.352*** (32.61)	0.310*** (26.89)

Table 5 (continued)

	Sample 1[a] (0.03Km – 0.72Km)	Sample 2[b] (0.72Km – 1.13Km)	Sample 3[c] (1.13Km – 1.88Km)	Sample 4[d] (1.88Km – 41Km)
σ	0.314*** (33.137)	0.317*** (32.781)	0.311*** (33.286)	0.334*** (31.215)
AIC	3347	3457	3243	4022
Deg. of Freedom	5571	5572	5572	5571
Sample Size	5828	5827	5827	5827

The table above presents results of the maximum log-likelihood estimations of the spatial autoregressive models

Zipcode parameter estimates are not reported to save space (available upon request). Ten, twelve, twelve and eight *Zipcode* dummy variables were dropped from the analysis of *Samples 1, 2, 3* and *4,* respectively, because there were not properties within these zipcode areas

Confidence intervals presented as ***99%, **95%, and *90%; z-values in parentheses;

[a] *Sample 1* is a subsample of properties selected within the first quartile of the minimum distance to the closest wireless tower (radius ≤ 0.72Km);

[b] *Sample 2* is a subsample of properties within the second quartile of the minimum distance to the closest wireless tower (0.72Km ≤ *distance* ≤ 1.13Km);

[c] *Sample 3* is a subsample of properties within the third quartile of the minimum distance to the closest wireless tower (1.13Km ≤ *distance* ≤ 1.88Km);

[d] *Sample 4* is a subsample of properties within the fourth quartile of the minimum distance to the closest wireless tower (1.88Km ≤ *distance* ≤ 41Km);

[e] Visibility variable was dropped from the analysis because there were not visible towers in Sample 4

sales value and t-test results of the sale price means for home sales occurring before and after tower construction.

For properties located within a 0.72-km radius of a wireless tower that are sold after tower construction (Sample 1), it appears there is indeed a tower-related negative price effect. We estimate the social cost tower impact as approximately $4132 ($p$-value =0.014), which corresponds to a *2.65% decrease* in property value. As expected, tower impacts are negligible for the stratum of housing units located beyond 0.72 km. Along the same line, we compute the impact of tower visibility for properties sold after tower construction as $E(exp(\mathbf{X\beta}|\mathbf{D} = 1;\mathbf{V} = 1)) - E(exp(\mathbf{X\beta}|\mathbf{D} = 1;\mathbf{V} = 0))$. Our calculations, summarized in Table 7, indicate a tower visible to properties within 0.72 km would effectively depreciate property values an average of 9.78%, equating to an average monetary loss of $17,037 ($p$-value =0.00). The impact of tower visibility would be statistically equal to zero for those properties beyond the 0.72 km band. In addition, we use Eq. (4) to gauge the overall social welfare resulting from wireless towers. Computing the sum of the difference between the predicted housing price before and after tower construction across the sample, we find a staggering aggregate value loss of $24.08[11] million dollars.

[11] This figure was calculated using equation (4). Let $\widehat{y}_1$ be a column vector (5828 × 1) of predicted housing prices obtained by evaluating $\exp(\mathbf{X\beta})$ at the average values of all of the price predictors with D = 1 (sold after tower construction) and $\widehat{y}_0$ the predicted housing prices counterpart with D = 0 (sold before tower construction). We define the change in welfare of each household i within Sample 1, as the element-by-element subtraction $\Delta W_i = \widehat{y}_{1i} - \widehat{y}_{0i}$. Finally, the aggregate welfare impact was obtained by taking the sum of the elements of the column vector ΔW, i.e., $\sum_{i=1}^{5,828} \Delta W_i = -24,081,385$.

Table 6 Social Welfare Analysis of Wireless Tower Impact on Home Values

	Expected Value		
	Before Tower	After Tower	Impact[a]
Sample 1[b]	155,911	151,779	-4132**
	(91,553)	(89,964)	(1681)
Sample 2[c]	161,865	164,068	2204
	(131,195)	(133,607)	(2453)
Sample 3[d]	162,249	163,485	1236
	(113,627)	(114,428)	(2113)
Sample 4[e]	159,752	161,770	2107
	(101,244)	(103,532)	(1897)

The table above presents the social welfare analysis of wireless tower impacts on home values

After tower = exp.(Xβ)\|D = 1, Before tower = exp.(Xβ)\|D = 0, Impact = exp.(Xβ\|D = 1) - exp.(Xβ\|D = 0)

**95% confidence interval; standard deviation in parentheses;

[a] standard error t-test in parentheses; t-test H_0: *E[exp(Xβ\|D = 1)] = E[exp(Xβ\|D = 0)]*;

[b] *Sample 1* is a subsample of properties selected within the first quartile of the minimum distance to the closest wireless tower (radius ≤ 0.72Km – sample size =5828);

[c] *Sample 2* is a subsample of properties within the second quartile of the minimum distance to the closest wireless tower (0.72Km ≤ *distance* ≤ 1.13Km – sample size =5827);

[d] *Sample 3* is a subsample of properties within the third quartile of the minimum distance to the closest wireless tower (1.13Km ≤ *distance* ≤ 1.88Km – sample size =5827);

[e] *Sample 4* is a subsample of properties within the fourth quartile of the minimum distance to the closest wireless tower (1.88Km ≤ *distance* ≤ 41Km – sample size =5827)

Because we find no evidence that towers impact prices of properties located beyond 0.72 km of a tower, we focus our analysis on the price sensitivity of homebuyers of properties located within 0.72 km of a tower. Earlier, we mention one of the main strengths of a spatial econometric analysis is it enables disentanglement of the direct and indirect effects of tower proximity on property values. This is because of a spatially correlated dependent variable—that the change in price of house i with respect to the distance to the closest tower of the neighbor's house j within the same sample is not zero (i.e. $\partial \ln(Price)_i/\partial \ln(Distance)_j \neq 0$ with $i \neq j$).

LeSage and Pace (2009) derive:

$$\left\{\begin{array}{lcl} Average\ \ Direct\ \ Impact & = & n^{-1}\ tr\left[(I-\rho\mathbf{W})^{-1}I\beta_k\right] \\ Average\ \ Indirect\ \ Impact & = & n^{-1}\left\{1_n'\left[(I-\rho\mathbf{W})^{-1}I\beta_k\right]1_n - tr\left[(I-\rho\mathbf{W})^{-1}I\beta_k\right]\right\} \\ Average\ \ Total\ \ Impact & = & n^{-1}\ 1_n'\ \left[(I-\rho\mathbf{W})^{-1}I\beta_k\right]\ 1_n \end{array}\right\} \tag{11}$$

for each predictor β_k with $k = 1,2,..K$. Therefore, we use Eq. (11) to decompose and calculate the average total impact of the wireless tower on property values within Sample 1 as reported in Table 8.

Table 7 Social Welfare Analysis of Wireless Tower Visibility on Home Values

	Expected Value		
	Non-visible Tower	Visible Tower	Impact[a]
Sample 1[b]	174,194	157,157	-17,037***
	(104,007)	(92,447)	(1823)
Sample 2[c]	161,120	164,370	3251
	(132,276)	(133,740)	(2464)
Sample 3[d]	163,113	163,335	222
	(114,055)	(114,297)	(2115)
Sample 4[e]	157,454	NA[f]	NA[f]
	(99,875)	(NA)[f]	(NA)[f]

The table above presents the social welfare analysis of the visibility impact of wireless tower on home values (after tower construction — $D = 1$)

Visible tower = $exp.(X\beta|D = 1;V = 1)$, *Non-visible tower* = $exp.(X\beta|D = 1;V = 0)$, *Impact* = $exp.(X\beta|D = 1;V = 1) - exp.(X\beta|D = 1;V = 0)$;

Confidence intervals presented as ***99%; standard deviation in parentheses;

[a] standard error t-test in parentheses; t-test H_0: $E[exp(X\beta|D = 1;V = 1)] = E[exp(X\beta|D = 1;V = 0)]$;

[b] *Sample 1* is a subsample of properties selected within the first quartile of the minimum distance to the closest wireless tower (radius ≤ 0.72Km – sample size =5828);

[c] *Sample 2* is a subsample of properties within the second quartile of the minimum distance to the closest wireless tower (0.72Km ≤ *distance* ≤ 1.13Km – sample size =5827);

[d] *Sample 3* is a subsample of properties within the third quartile of the minimum distance to the closest wireless tower (1.13Km ≤ *distance* ≤ 1.88Km – sample size =5827);

[e] *Sample 4* is a subsample of properties within the fourth quartile of the minimum distance to the closest wireless tower (1.88Km ≤ *distance* ≤ 41Km – sample size =5827);

[f] Visibility variable was dropped from the analysis because there were not visible towers in *Sample 4*

We then use Eq. (5) to assess the price sensitivity of buyers with respect to the distance to the closest visible and non-visible towers after their construction. It appears that if the tower is not visible, the property price decreases 8.7% for every 10% increase in distance to the closest tower. The spillover effect on property price due to the depreciation of the neighbor's property—the average indirect effect—is 4.41% of price decrease for every 10% increase in the distance to the closest tower. The total

Table 8 Decomposition of the Price Sensitivity of Home Buyers to Tower Proximity

	Average Direct Impact	Average Indirect Impact	Average Total Impact
ln(*Distance*)	-1.213	-0.616	-1.828
ln(*Distance*)·*D*	0.345	0.175	0.520
ln(*Distance*)·*V*	0.906	0.460	1.367

The table above presents the results of the sensitivity analysis designed to compare the price sensitivity of buyers of properties from which the closest tower is not visible

Average Direct Impact = $\partial \ln(\text{Price})_i/\partial \ln(\text{Distance})_i$, *Average Indirect Impact* = $\partial \ln(\text{Price})_i/\partial \ln(\text{Distance})_j$ with $i \neq j$, *Average Total Impact* = Average Direct Impact + Average Indirect Impact

depreciation is 13% for 10% increase in the distance. Therefore, it may well be that non-visible towers are a potential external benefit for properties located within 0.72 km of a tower. Although we cannot affirmatively explain this finding, our sense is it may be due to enhanced wireless coverage resulting in a stronger wireless signal.

It is noteworthy that only 69 of 5828 properties within 0.72 km of the closest tower are outside of the visibility range of a tower. In contrast, however, the 5759 homebuyers purchasing properties within 0.72 km of the closest tower that are within visible range of a tower are not particularly sensitive, on average, to the distance to the visible tower, despite their perceptions of a visible tower as a negative externality. In fact, housing prices appreciate approximately 0.4% for each 10% increase in the distance to the closest visible tower. The average indirect impact of towers on those buyers (price spillover due to neighbor's price movement) is approximately 0.2%. This is to say that buyers of properties located an average of 0.497 km (average minimum distance in Sample 1) to the closest tower are willing to pay a premium of approximately 0.6% of the average housing price for every 10% increase in the average distance from a tower (average total impact). Monetarily, this translates into a value of approximately $962 per 50 linear meters[12] of increase in distance from the closest tower.

One limitation of our study is that we cannot control for potential endogeneity associated with the sale date dummy variable (*D*). Even though homeowners could choose to buy or not to buy a property after tower construction, we have no information as to their motivations for buying. Ideally, a difference-in-differences study restricted to repeat sales of the same property occurring pre- and post-tower construction could potentially mitigate this source of bias. Unfortunately, within the entire sample of 23,309 housing sales there are only 42 repeat sales. A difference-in-differences approach based on a sample of 42 observations would clearly suffer from a micronumerosity problem with negative degrees of freedom (the number of parameters would exceed the sample size), and would, therefore, lack empirical viability.

Notwithstanding the slight potential for bias, our results are clear: consumers perceive visible wireless towers as economic externalities. Aggregate social costs are highly significant relative to those properties within a 0.72 Km radius of a tower. Additionally, we must also point out that our study does not assess intangible social benefits of wireless towers, such as high-speed internet access, emergency communications, and digital forensics enabling national security related wireless communication monitoring, all of which provide invaluable services to consumers, businesses, and institutions.

Conclusion

Truly, we currently live in the Age of Information. According to the International Communication Union of the United Nations, the number of wireless phone subscriptions totaled over 7 billion worldwide in 2015, with wireless coverage extending to 95% of the world's population (United Nations, International Communication Union 2015). U.S. wireless usage is no less astounding, as evidenced by the 1045% increase in

[12] We calculate a 10% increase in the average minimum distance for houses in *Sample 1* as 0.49 km · 0.1 ≈ 50 m. A 0.59% increase in the average housing price of *Sample 1* is $163,008.8 · 0.0059 ≈ $ 961.80.

wireless devise demand over the last 20 years (CTIA 2015). The future looks promising as well, with expectations that U.S. wireless industry employment will increase more than 31% from 2012 to 2017 (Pearce et al. 2013). Yet, even with the wireless industry poised for continued growth, it is unlikely it will be without consequences. Certainly, there are private benefits associated with the use of wireless service, yet there are costs as well. In this study, we examine one such cost: the impact of wireless towers on home values.

Although previous researchers have examined this issue, our study differs in two aspects. First, we address the econometric problem of spatial dependence that typically flaws hedonic price estimation analysis. We contend our empirical analyses are more efficient than those used in other studies, and as result, our results reveal greater consistency and reliability. Second, rather than rely solely on neighborhood-based property sales data, we test our hypothesis using recent property sales and current wireless tower locational data for an entire metropolitan statistical area,[13] which also happens to be one of the busiest port cities in the United States.[14]

The results of a series of spatial statistical tests developed by Anselin et al. (1996) suggest that a spatial autoregressive model is the most appropriate econometric approach to test our research hypothesis. We conduct a marginal sensitivity analysis for homes within different radii of distances to the closest visible and non-visible wireless towers, basing the distance bands on quartiles of the distance to the wireless tower. Our results reveal wireless tower capitalization only in the value of those properties that are within approximately 0.72 km of a tower. On average, the potential external cost of a wireless tower is approximately $4132 per residential property, which corresponds to a negative price effect of 2.65%. The negative price impact of 9.78% is much more severe for properties within visible range of a tower compared to those not within visible range of a tower. This negative impact vanishes as radii distances exceed 0.72 km. In aggregate, the social welfare cost for the properties in our sample located within 0.72 km amounts to an approximate loss of $24.08 million dollars of value.

U.S. federal law prohibits wireless siting denial if no alternative site is available (FCC 1996; Martin 1997). However, given the apparent social costs associated with negative price effects, local zoning and regulatory authorities should consider granting approvals that include impact-minimizing conditions. For example, wireless tower construction approvals could require development and maintenance of visual or vegetative buffer screening. Concurrently or alternatively, approvals could mandate camouflaging towers to look like trees or flagpoles. Other types of approval conditions could dictate attachment of communication antennae systems to existing structures such as buildings, street light poles, electric utility poles, water towers, billboards, or even sports stadium super-structures. Clearly, society is dependent on wireless communication, and obfuscating efforts to expand or improve coverage makes little sense. Arguably, however, authorities overseeing the process have definitive obligations, perhaps even fiduciary ones, to safeguard the interests and well-being of those whom they serve.

[13] The U.S. Census Bureau list of metropolitan statistical areas ranks Mobile County, Alabama at number 127. Data available at http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk.

[14] The Port of Mobile is home to the twelfth busiest port in the U.S., and ninth busiest port along the Gulf Coast, ranked by cargo tonnage handled as reported by the U.S. Department of Transportation, available at http://www.rita.dot.gov/bts/sites/rita.dot.gov.bts/files/publications/national_transportation_statistics/html/table_01_57.html.

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Minden for Safe Tech Opposition Exhibit 2

Structural Engineer Opinion – "Douglas HS"

Northbay Consulting Inc.
Mission - Critical Disaster Recovery

September 6, 2024

SUBJECT: Review of Plans submitted for application DP 24-0169
East Fork Fire Protection District, Station 14
1699 County Road, Minden, NV

The plans as submitted are missing the foundation and structural design of the Monopole. The foundation design should include calculations for the support of the weight of the structure as well as calculations for resisting the bending moment the Monopole will be subject to from wind. The location of the antennas at an elevation +70 feet above the surrounding ground will create a substantial bending moment on the Monopole. The American Society of Civil Engineers online Hazard Tool indicated the wind speed for this location is 106 mph. This site is in a "Special Wind Region" and as such should be examined for unusual wind conditions. The local Authority having jurisdiction shall, if necessary, adjust the values given to account for higher local wind speeds. Such adjustment shall be based on meteorological information and an estimate of the basic wind speed obtained in accordance with the provisions in Section 26.5.3 of the *ASCE/SEI 7-22 Minimum Design Loads and Associated Criteria for Building and Other Structures*. A geotechnical analysis report for the proposed site location should be included with the foundation design.

An observation from sheet number A-3.1: the space reserved for emergency services antenna(s) will exceed the 80 ft. limit / restriction if added to the Monopole.

Other concerns may be revealed from a review of a more complete plan submittal.

I would not recommend this application for approval for any City or other Jurisdiction in the United States without the complete design with supporting calculations and documentation.

STATE OF LOUISIANA
DWAYNE R. BONNER
License No. 39807
PROFESSIONAL ENGINEER

Respectfully,

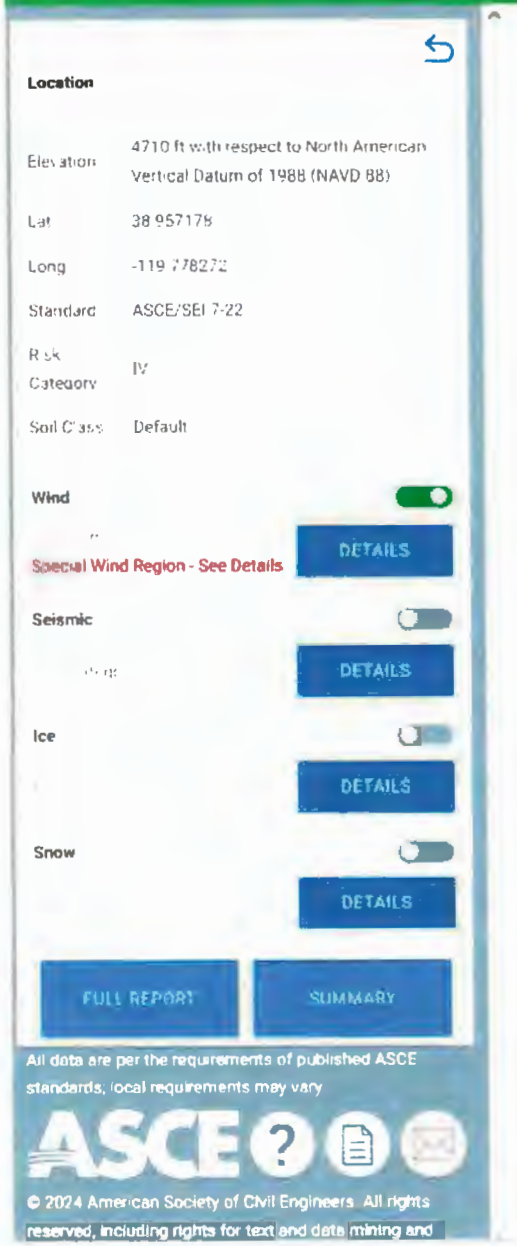
Dwayne R. Bonner

Dwayne R. Bonner, P.E., P.L.S.
Professional Engineer and Land Surveyor
Licensed in Louisiana P.E. No. 39807
Mississippi P.E. No. 12602
Mississippi P.L.S. No. 02642

Northbay Consulting Services, Inc.
P.O. Box 5728 Vacaville, CA, 95696 · 956 Los Alamitos St. Minden NV, 89423
PHONE: 707.592.7268 FAX: 707.359.0197 · northbayconsultingservices@gmail.com

SDVOSB
cVE

ASCE HAZARD TOOL



Location

Elevation	4710 ft with respect to North American Vertical Datum of 1988 (NAVD 88)
Lat	38.957178
Long	-119.778272
Standard	ASCE/SEI 7-22
Risk Category	IV
Soil Class	Default

Wind

Special Wind Region - See Details

DETAILS

Seismic

DETAILS

Ice

DETAILS

Snow

DETAILS

FULL REPORT

SUMMARY

All data are per the requirements of published ASCE standards, local requirements may vary

ASCE

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Wind Details

Wind Speed	106 Vmph
10-year MRI	67 Vmph
25 year MRI	73 Vmph
50-year MRI	77 Vmph
100-year MRI	82 Vmph
300-year MRI	90 Vmph
700-year MRI	96 Vmph
1,700-year MRI	102 Vmph
3,000-year MRI	106 Vmph
10,000-year MRI	115 Vmph
100,000-year MRI	133 Vmph
1,000,000-year MRI	151 Vmph

Special Wind Region This site [illegible] special wind reg on [illegible] wn [illegible] F[illegible] 26 5-1 and should be examined for unusual wind conditions The Authority Having Jurisdiction shall if necessary, adjust the values given in Fig 26 5-1 to account for higher local wind speeds Such adjustment sha ' be based on meteorological information and an estimate of the basic wind speed obtained in accordance with the provisions in Section 26 5 3

Value provided is 3-second gust wind speeds at 33 ft above ground for Exposure C Category, based on linear interpolation between contours Wind speeds are interpolated in accordance with the 7-22 Standard Wind speeds correspond to approximately a 1.6% probability of exceedance in 50 years (annual exceedance probability = 0 00033, MRI = 3,000 years) Values for 10-year MRI, 25-year MRI, 50-year MRI and 100-year MRI are Service Level wind speeds, all other wind speeds are Ultimate wind speeds

Site is not in a hurricane-prone region as defined in ASCE/SEI 7-22 Section 26 2

Data Source
ASCE/SEI 7-22, Fig. 26.5-1D and Figs. CC.2-1–CC 2-4, and Section 26.5.2

Minden for Safe Tech Opposition Exhibit 3

Structural Engineer Opinion – "Heybourne"

Northbay Consulting Inc.
Mission Critical Disaster Recovery

September 6, 2024

SUBJECT: Review of Plans submitted for application DP 24-0169
East Fork Fire Protection District, Station 6
1450 Stephanie Way, Minden, NV

The plans as submitted are missing the foundation and structural design of the Monopole. The foundation design should include calculations for the support of the weight of the structure as well as calculations for resisting the bending moment the Monopole will be subject to from wind. The location of the antennas at an elevation +70 feet above the surrounding ground will create a substantial bending moment on the Monopole. The American Society of Civil Engineers online Hazard Tool indicated the wind speed for this location is 106 mph. This site is in a "Special Wind Region" and as such should be examined for unusual wind conditions. The local Authority having jurisdiction shall, if necessary, adjust the values given to account for higher local wind speeds. Such adjustment shall be based on meteorological information and an estimate of the basic wind speed obtained in accordance with the provisions in Section 26.5.3 of the *ASCE/SEI 7-22 Minimum Design Loads and Associated Criteria for Building and Other Structures*. A geotechnical analysis report for the proposed site location should be included with the foundation deign.

An observation from sheet number A-3.1: the space reserved for emergency services antenna(s) will exceed the 80 ft. limit / restriction if added to the Monopole.

Other concerns may be revealed from a review of a more complete plan submittal.

I would not recommend this application for approval for any City or other Jurisdiction in the United States without the complete design with supporting calculations and documentation.

Respectfully,

Dwayne R. Bonner

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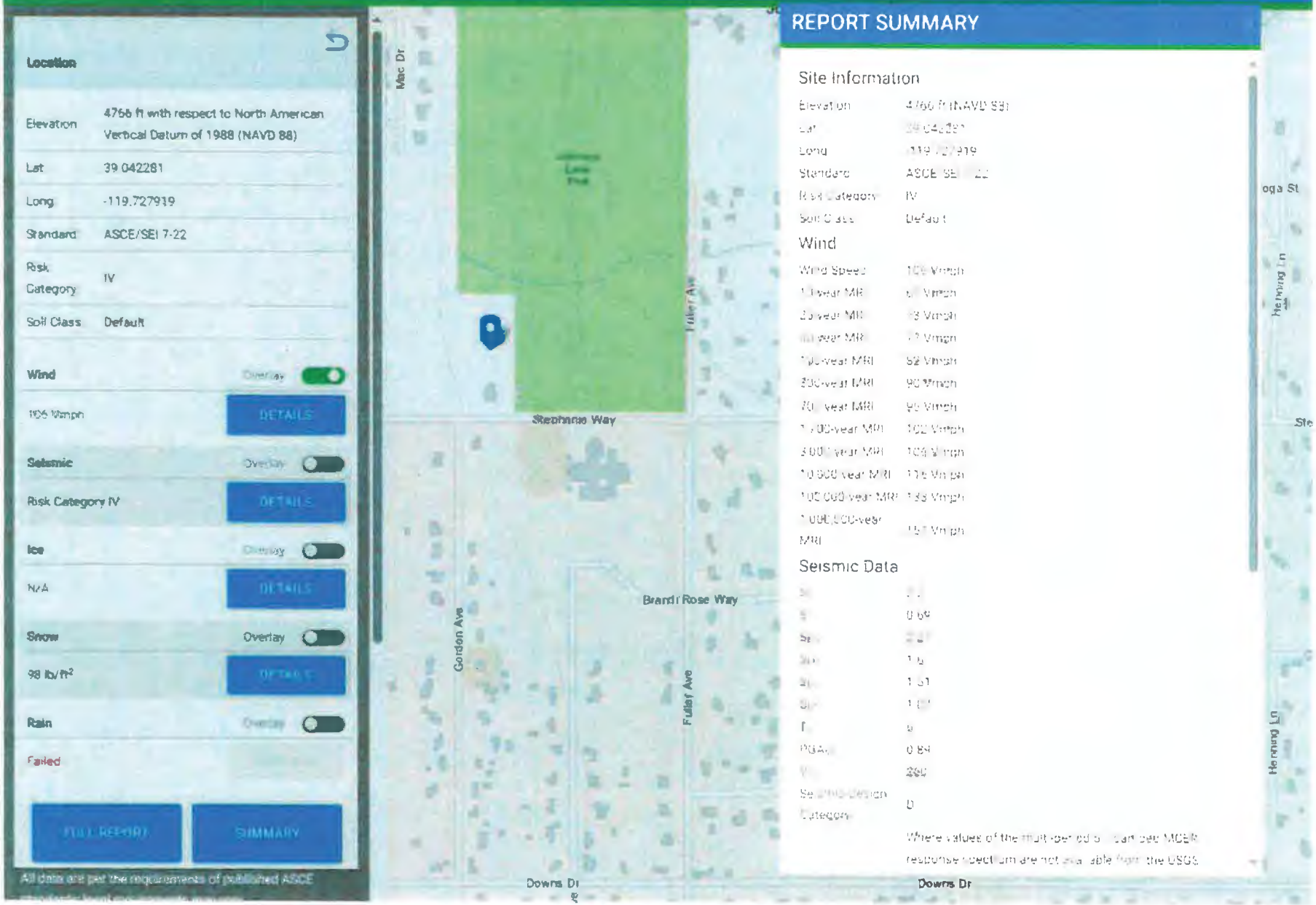
SDVOSB
CVE

ASCE HAZARD TOOL



Minden for Safe Tech Opposition Exhibit 4

Electrical Engineer Opinion – "Douglas HS" and "Heybourne"

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September 4, 2024

W. Scott McCollough, Esq.
McCollough Law Firm PC
2290 Gatlin Creek Road
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Email: wsmc@dotlaw.biz

RE: Douglas County Nevada Proposal for Verizon Wireless Unmanned Telecommunications Facilities.

Dear Mr. McCollough,

This letter will serve as the requested opinion regarding the ability to determine if the proposed Verizon Wireless Unmanned Telecommunications Facilities are following the requirements of the 2017 National Electrical Code (NEC).

I have reviewed the supplied drawings prepared for Verizon labelled Doughlas HS, 1699 County Road, Minden NV 89423 and Heybourne, 1450 Staphanie Way, Minden, Nevada 89423.

Without having further clarification of the electrical specifications of specific devices, namely the Verizon wireless power / battery (miscellaneous) cabinet, battery charger, heater, generator and batteries I am not able to opine on Verizon's compliance with the 2017 NEC.

Respectfully Submitted:

Erik S. Anderson, P.E.

Internet Communications Utilities Regulation

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Minden for Safe Tech Opposition - Correction

From: W. Scott McCollough, Principal, McCollough Law Firm, PC.
To: Douglas County Planning Commission, via email to planning@douglasnv.us
Kirk Walder (Chair), kirkwalder@comcast.net
Maureen Casey, maureen.casey1@hush.com
Mark Neddenriep, neddenriepm@gmail.com
Paul Bruno, bruno.arbitration.mediation@gmail.com
Bryce Clutts, brycec@metcalfbuilders.com
Laurie Lile, llile1013@yahoo.com
David Nelson, dave@davenelsonrealtor.com
Date: Correction Submitted September 10, 2024, for September 10, 2024 meeting
Subject: Minden for Safe Tech Written Opposition – Meeting Agenda Items 1 and 2:
Item 1: "Douglas HS," Major Design Review application DP 24-0169 to allow an 80-foot (monopole) cell tower and associated network equipment within a 15-foot by 25-foot fenced equipment area, to include network cabinets and a standby diesel generator. 1699 County Road, Minden, NV in the Public Facility (PF) zoning district within the Minden Community Plan. APN: 1320-30-802-004.

Item 2: "Heybourne," Major Design Review application DP 24-0170 to replace an abandoned cell tower with an 80-foot (monopole) cell tower and associated network equipment within a 30-foot by 30-foot fenced equipment area, to include network cabinets and a standby diesel generator. 1450 Stephanie Way, Minden, NV in the Public Facility (PF) zoning district within the Johnson Lane Community Plan. APN: 1420-27-401-011

Please accept this correction to the Opposition submitted by Minden for Safe Tech on September 9, 2024. It appears that the as-filed document did not contain an intended essential footnote to the first sentence of the first full paragraph on page 2 explaining why the applications should be reviewed as a special use rather than design review. The omitted material provided:

> The applications are characterized as subject to "design review" but Minden for Safe Tech contends that once the full scope of each proposal is taken into account they should instead be treated as requiring a special use permit and variance. Both plans include reserved areas, conduits and pre-wired "Christy boxes" for "emergency service radio equipment." These radios will be placed on the very top of each tower, and that will result in a total height exceeding the 80-foot limitation for design review. *See* Development Code §20.660.130.I.1. There will also be diesel generators, large fuel tanks and batteries. While one of these individual features might be appropriate for design review, collectively they are not. Even if design review is appropriate, the Telecommunications Facility

provisions and substantive requirements in §20.664.180 still apply and the same findings on impact, appropriateness and safety code compliance must be made, albeit under §20.614.040 instead of §20.604.060.

There is also a typographical error on page 2 in the last sentence of the paragraph that continues over from page 1. Minden for Safe Tech "requests" that the original Opposition (and now this correction) be placed in each record.

Thank you for allowing us to make these corrections.

SNELL
& WILMER

William E. Peterson
Partner
O 775.785.5407 | F 775.785.5441
wpeterson@swlaw.com

March 27, 2025

VIA EMAIL ONLY

Chairwoman Sharla Hales
Vice Chair Mark Gardner
Commissioners Danny Tarkanian,
Wesley Rice, and Nathan Tolbert
Douglas County Board of Commissioners
1594 Esmeralda Avenue
Minden, Nevada 89423

Re: Verizon Wireless Response to Appeal, Application DP 24-0169
Telecommunications Facility, 1699 County Road, Minden
Board of Supervisors Agenda April 3, 2025

Dear Chairwoman Hales, Vice Chair Gardner, and Commissioners:

We write again on behalf of Verizon Wireless to provide updates regarding its proposed wireless facility behind Fire Station 14 in Minden (the "Proposed Facility"). After the Planning Commission denied the Proposed Facility, Verizon Wireless appealed. As described in our prior letter of November 26, 2025 (attached as Exhibit A), the 80-foot monopole facility will provide new, reliable service where lacking, with room for future collocation of antennas by two additional wireless carriers as well as the East Fork Fire Protection District.

After the Board continued the appeal hearing at the December 5, 2024, meeting, Verizon Wireless engaged independent engineering firm PierCon Solutions to conduct a drive test, which confirmed that there is a significant gap in service in the west Minden area. Verizon Wireless also invited Commissioners and local residents to propose alternative locations for the Proposed Facility, and during January and February met with several Commissioners, who proposed multiple locations. The seven new alternatives on other properties cannot serve the significant gap, lack a willing property owner, or will cause a multi-year delay. Verizon Wireless engineers and attorneys met with the local residents' attorney and independent expert to review their proposed alternatives.

As explained in our prior letter, the Proposed Facility satisfies all requirements of the Douglas County Code (the "Code") for approval of major design review. Because it is the least intrusive alternative to fill a significant gap in service, denial would constitute a prohibition of service in violation of the Telecommunications Act. We urge you to grant Verizon Wireless's appeal and approve the Proposed Facility.

I. Project Description

The Proposed Facility will consist of Verizon Wireless antennas mounted on an 80-foot monopole tower in an unused area at the rear of the Fire Station 14 parcel. The monopole and associated equipment, including network cabinets, will be placed within a 900-square foot equipment area surrounded by a chain link fence. A standby diesel generator will ensure continued operation and emergency service communication during power outages.

There will be vertical space available on the monopole for future collocation of antennas by up to two more wireless carriers, minimizing the need for additional towers in the area in the future. Additionally, the Fire Protection District can mount an antenna on the monopole in the future per its lease with Verizon Wireless. Photosimulations of the Proposed Facility are attached as Exhibit B.

II. An Independent Engineer Has Confirmed That There Is a Significant Gap in Verizon Wireless Service in West Minden.

In 2024, Verizon Wireless engineers confirmed that there is a significant gap in service in the west Minden area. Following the December 5, 2024, Board hearing, Verizon Wireless engaged independent engineering firm PierCon Solutions to conduct a drive test and evaluate service in the gap area. On February 18, 2025, a PierCon engineer drove a vehicle along local roadways in Minden, with an antenna mounted outside the vehicle connected to equipment that measured signal level and other parameters. PierCon compiled the drive test data and prepared a report, submitted separately. The PierCon report confirms that there is a significant gap in Verizon Wireless service in the west Minden area. Of note, there is an approximately 1.5-square mile gap in in-building service in the mid-band frequencies which constitute over 90 percent of Verizon Wireless's bandwidth in the area. The gap includes residential and commercial areas, the Douglas High School campus, and stretches of Highways 88 and 395.

III. New Alternatives Raised by Commissioners and Local Residents Are More Intrusive or Cannot Serve the Significant Gap.

At the December 5, 2024, Board hearing, Verizon Wireless agreed to continue the hearing for four months to allow for further review of alternatives. On December 23, 2024, Verizon Wireless sent letters asking County Commissioners to suggest alternative locations for the Proposed Facility. Verizon Wireless also contacted the local residents' attorney with the same request. In total, Commissioners and residents suggested seven new alternatives, which are addressed in the revised Alternatives Analysis attached as Exhibit C. The Minden Gateway is on Nevada Department of Transportation right-of-way and is fully occupied by Town of Minden improvements (Alternative 17). Other new alternatives are very distant properties where a facility could not serve the significant gap: two Bently properties with an unwilling property owner (Alternatives 23 and 26), a Town wellhead (Alternative 24), the future County justice center at 1280 Buckeye Road (Alternative 25), and American AVK Company (Alternative 27). Local residents also asked Verizon Wireless to evaluate collocation on the AT&T and T-Mobile monopoles near Buckeye Road, which were in a prior analysis, and the revised Alternatives Analysis continues to confirm that these alternatives cannot serve the gap (Alternatives 2 and 4). While presumptively more intrusive due to the required taller monopole height, the Rand property alternative proposed by Commissioner

Tarkanian may be preferred by Commissioners. Verizon Wireless will require a continuance of the Fire Station No. 14 application to fully evaluate the Rand alternative.

Based on a thorough review of 27 locations, the Alternatives Analysis concludes that the Fire Station No. 14 parcel is the least intrusive, feasible location for a new facility to serve the gap.

Conclusion

Verizon Wireless continues to work cooperatively with the County to permit a new wireless facility that will serve the west Minden area with minimal impact. New information confirms that there is a significant gap in Verizon Wireless service in the west Minden area, and that the Proposed Facility is the least intrusive, feasible means to serve the gap. As described in our prior letter, the Proposed Facility satisfies all findings for approval of major design review. We urge you to deny the appeal and approve the Proposed Facility.

Very Truly Yours,

Snell & Wilmer

William E. Peterson

Schedule of Exhibits

Exhibit A: Verizon Wireless Letter to Board of Commissioners, November 26, 2024 (without attachments)
Exhibit B: Photosimulations of Proposed Facility
Exhibit C: Revised Alternatives Analysis

SNELL
& WILMER

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November 27, 2024

VIA EMAIL ONLY

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Vice Chairman Sharla Hales
Commissioner Danny Tarkanian
Commissioner Mark Gardner
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Re: Verizon Wireless Response to Appeal, Application DP 24-0169
Telecommunications Facility, 1699 County Road, Minden
Board of Commissioners Agenda December 5, 2024

Dear Chairman Rice, Vice Chairman Hales, and Commissioners:

We write on behalf of Verizon Wireless to ask that you grant its appeal of the Planning Commission's denial of a proposed wireless facility behind Fire Station 14 in Minden, a collaboration with the East Fork Fire Protection District (the "Proposed Facility"). Located in a PF–Public Facilities zone, the 80-foot monopole will fill a significant gap in Verizon Wireless service coverage and network capacity in west Minden. The monopole will include room for future collocation of antennas by two additional wireless carriers as well as the Fire Protection District, which would enhance communications for firefighters. The Proposed Facility satisfies all requirements of the Douglas County Code (the "Code"), including the findings for approval of major design review.

The Planning Commission's written denial statement lacked substantial evidence, as required by the federal Telecommunications Act. Further, denial of the Proposed Facility would constitute a prohibition of service in violation of the Telecommunications Act, according to both established federal case law and Federal Communications Commission ("FCC") regulations. To avoid an unlawful denial, the County must raise a potentially feasible, less intrusive alternative site, and allow Verizon Wireless to review that alternative before a final decision. The Minden Gardnerville Sanitation District has already informed Verizon Wireless that it cannot support a facility on its property.

We urge you to reverse the Commission's decision and approve the Proposed Facility. In the alternative, Verizon Wireless would agree to a six-month continuance of the matter to review any alternative sites identified by the County.

I. Project Description

The Proposed Facility will consist of Verizon Wireless antennas mounted on an 80-foot monopole tower in an unused area behind Fire Station 6. The monopole and associated equipment, including network cabinets, will be placed within a 900-square foot equipment area surrounded by a chain link fence. Electric and telecommunication utilities will be trenched underground. The Proposed Facility will include a standby diesel generator to ensure continued operation and emergency service communication during power outages.

There will be vertical space available on the monopole for future collocation of antennas by up to two more wireless carriers, minimizing the need for additional towers in the area in the future. Additionally, the Fire Protection District can mount an antenna on the monopole in the future per its lease with Verizon Wireless.

Photosimulations of the Proposed Facility are attached as Exhibit A. A radio frequency exposure report prepared by Waterford Consultants, attached as Exhibit B, confirms that the Proposed Facility will operate well below the FCC's radio frequency exposure limits.

II. The Proposed Facility Satisfies All Requirements for Approval.

As confirmed by the Planning Commission, the Proposed Facility satisfies all Code requirements for approval of major design review. The Code requires that telecommunications facility support structures be a monopole. Code § 20.664.180(C)(1). The monopole must be designed to allow for collocation by at least one additional wireless provider, and the Proposed Facility can accommodate two. Code § 20.664.180(C)(5). At 80 feet in height, the Proposed Facility monopole meets the 80-foot height limit for telecommunications facilities in the PF–Public Facilities zone. Code § 20.664.180(A)(2). Because it meets the height limit, the Proposed Facility is not subject to any special telecommunications facility setbacks.

The Proposed Facility also satisfies the design review findings. Code § 20.614.040. With a slender monopole design, and a location behind a fire station and nearby commercial buildings, the Proposed Facility is compatible with and preserves the character of adjacent development. The monopole will be set back 400 feet from County Road south along the property frontage, 250 feet from Highway 88 to the west, and 820 feet from Highway 395 to the north. Given these measures, the Proposed Facility is consistent with the County Master Plan because it will not impact overall community character and will minimize environmental impacts. Master Plan Policy L3.

In sum, the Proposed Facility satisfies all County requirements for approval.

III. The Planning Commission Lacked Substantial Evidence for Denial.

Under the federal Telecommunications Act, a local government's denial of a wireless facility application must be based on "substantial evidence." *See* 47 U.S.C. § 332(c)(7)(B)(iii). As interpreted under controlling federal court decisions, this means that denial must be based on requirements set forth in local regulations and supported by evidence in the record. *See Metro PCS, Inc. v. City and County of San Francisco,* 400 F.3d 715, 725 (9th Cir. 2005) (denial of application must be "authorized by applicable local regulations and supported by a reasonable amount of evidence").

The County's September 12, 2024, denial letter indicated that the Planning Commission based its denial on inability to meet a single Code finding, Section 20.614.040(B), requiring that proposed development "is compatible with and preserves the character and integrity of adjacent development and neighborhoods…." The denial letter merely recited this Code provision verbatim but did not provide any analysis or evidence explaining why the Commission believed that the Proposed Facility was incompatible with surrounding commercial development.

During discussion, Planning Commissioners objected to the monopole design, but that design is required by the Code. Code § 20.664.180(C)(1). The Proposed Facility complies with this specific Code design requirement, and the monopole width will be less than the maximum allowed diameter of four feet. Code § 20.664.180(C)(2). The Code provides no design option other than a monopole, so a denial based on a preference for a different design would be prohibitive.

In fact, the Proposed Facility satisfies the finding of Code Section 20.614.040(B), because its location to the rear of surrounding development and ample setbacks from major roadways will minimize any visual impact. The surrounding commercial buildings in all directions will provide screening of much of the monopole. The closest residences are townhomes 500 feet distant to the northeast. The photosimulations attached as Exhibit A show how the slender monopole will pose little visual impact in the context of its commercial area surroundings.

Based on comments by the public at the September 10, 2024, hearing, the Planning Commission's denial without evidence appeared to be a veiled attempt to respond to community concerns about radio frequency exposure for students at schools more than 250 feet distant from the Proposed Facility. However, the federal Telecommunications Act bars the County from considering the environmental effects of radio frequency emissions in its decision because the Proposed Facility will comply with the FCC's exposure guidelines. 47 U.S.C. § 332(c)(7)(B)(iv). The independent report prepared by Waterford Consultants, attached as Exhibit B, confirms that the maximum radio frequency exposure at ground level from the Proposed Facility will be only 13.93 percent of the FCC's public exposure limit.

In sum, the Planning Commission did not present any evidence – let alone the substantial evidence required by federal law – to warrant denial of the Proposed Facility. In contrast, Verizon Wireless has supplied ample evidence to support approval. The Board should dismiss the appeal and approve the facility.

IV. Denial Would Constitute an Unlawful Prohibition of Service.

A local government's denial of a wireless facility permit violates the "effective prohibition" clause of the federal Telecommunications Act if the wireless provider can show two things: (1) that it has a "significant gap" in service; and (2) that a Proposed Facility is the "least intrusive means," in relation to the land use values embodied in local regulations, to address the gap. *See T-Mobile USA, Inc. v. City of Anacortes,* 572 F.3d 987 (9th Cir. 2009).

If a provider proves both elements, the local government *must* approve the facility, even if there is substantial evidence to deny the permit under local land use provisions (which there is not in this case). This is because the provider has met the requirements for federal preemption; i.e., denial of the permit would "have the effect of prohibiting the provision of personal wireless services." 47 U.S.C. § 332(c)(7)(B)(1)(ii); *T-Mobile v. Anacortes,* 572 F.3d at 999.

As confirmed in the *Statement of Verizon Wireless Radio Frequency Design Engineer Maher Zayouna,* attached as Exhibit C, Verizon Wireless has identified a significant gap in network coverage in the west Minden area. Reliable in-building coverage is lacking in much of the area. Additionally, the distant Verizon Wireless facility currently serving the area is experiencing capacity exhaustion, compromising network connectivity for users in the gap area.

The need for improved Verizon Wireless service in the area also is demonstrated by the 167 text messages received from Verizon Wireless customers in the vicinity who support improved service. These are described in a letter from a Verizon Wireless representative attached as Exhibit D.

Verizon Wireless reviewed a total of 20 alternative locations, and the *Alternatives Analysis* and *Supplemental Alternatives Analysis* attached as Exhibit E confirm that the Proposed Facility is the least intrusive, feasible means to fill the significant gap in service. Of note, the Minden Gardnerville Sanitation District Manager indicated that District staff would not support a new Verizon Wireless facility at its treatment plant.

For wireless carriers to establish a prohibition of service case, federal law does not require that a proposed Facility be the "only" alternative, but rather that no feasible alternative is less intrusive based on local regulations. *See Metro PCS, Inc. v. San Francisco,* 400 F.3d at 734-35. To avoid federal preemption, the County would need to raise another alternative that is available, technologically feasible, and less intrusive than the Proposed Facility according to the County Code, then allow Verizon Wireless to review that alternative. *T-Mobile v. Anacortes*, 572 F.3d at 998-999. To that end, Verizon Wireless would agree to a six-month continuance of the matter to review any alternative sites identified by the County.

In a 2018 order, the FCC determined that the Ninth Circuit's two-part test is too narrow, and confirmed that a wireless carrier need not show an insurmountable barrier, or even a significant gap, to prove a prohibition of service. *See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment,* Declaratory Ruling and Third Report and Order, 33 FCC Rcd. 9088, ¶¶ 35, 38 (September 27, 2018). Instead, "a state or local legal requirement constitutes an effective prohibition if it 'materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.'" *Id.*, ¶ 35. State or local regulations are preempted if they materially inhibit "densifying a wireless network, introducing new services, or otherwise improving service

capabilities." *Id.,* ¶ 37. The FCC determined that the coverage gap approach is incompatible where new wireless facilities are installed to add network capacity. *Id.,* ¶ 40.

In adopting and applying the FCC's "materially inhibit" standard to a freestanding wireless facility, a federal appeals court recently confirmed, "not only does 'insufficiency in coverage' ordinarily entitle a provider to a variance but so does insufficiency in network capacity, 5G services, or new technology." *Cellco Partnership v. White Deer Township Zoning Hearing Board*, 74 F.4th 96, 106 (3rd Cir. 2023).

Because Verizon Wireless has satisfied the two-part test to prove a prohibition of service, it has necessarily met the more flexible standard set forth in the FCC's order. The evidence proves at a minimum that the Proposed Facility will improve service in the west Minden area, densify the network with another facility, and add network capacity. Thus, denial of the application would "materially inhibit" Verizon Wireless's ability to compete in a fair and balanced legal and regulatory environment, effectively prohibiting service in violation of the Telecommunications Act.

In summary, according to both Ninth Circuit and FCC standards, Verizon Wireless has established that denial of the Proposed Facility would constitute an unlawful prohibition of service.

Conclusion

Verizon Wireless has worked diligently to identify the ideal location and design for a new wireless facility to serve the west Minden area. The Proposed Facility will pose minimal visual impact, and it is consistent with all County standards and the findings for approval of major design review. It will also bring much-needed reliable Verizon Wireless service to the local area, benefitting residents, visitors, and emergency personnel. We strongly encourage you to approve the Proposed Facility. In the alternative, Verizon Wireless would agree to a six-month continuance of the matter to review any alternative sites identified by the County.

Sincerely,

Snell & Wilmer

William E. Peterson

cc: Client (email)

Schedule of Exhibits

Exhibit A: Photosimulations
Exhibit B: Radio Frequency Exposure Compliance Report
Exhibit C: RF Engineer's Statement
Exhibit D: Text Messages of Support for Improved Service
Exhibit E: Alternatives Analysis

Project: Douglas HS - 5000926250 Photo Simulations

Existing

Proposed

Photo Simulation view to the North at County Rd. & Library Ln.

Prepaired for: EPIC WIRELESS GROUP LLC Connecting a Wireless World

verizon

1699 County Road
Minden, NV 89423

This simulation relies upon an artist's depiction of the information provid by the applicant. Any modification is strictly prohibited

Project: Douglas HS - 5000926250 Photo Simulations

Existing

Proposed

Photo Simulation view to the East from Douglas HS parking lot

Prepaired for: EPIC WIRELESS GROUP LLC
Connecting a Wireless World

verizon

1699 County Road
Minden, NV 89423

This simulation relies upon an artist's depiction of the information provid by the applicant. Any modification is strictly prohibited

Project: Douglas HS - 5000926250 Photo Simulations

Existing

Proposed

Photo Simulation view to the South from Maverik parking lot

verizon

1699 County Road
Minden, NV 89423

Prepaired for: EPIC WIRELESS GROUP LLC
Connecting a Wireless World

This simulation relies upon an artist's depiction of the information provid
by the applicant. Any modification is strictly prohibited

Alternatives Analysis

Douglas High School

1699 County Road, Minden

Revised
March 25, 2025

Summary of Site Evaluations
Conducted by Verizon Wireless

TABLE OF CONTENTS

I. Executive Summary 3
II. Significant Gap 3
III. Methodology 3
Code Requirements 4
Coverage Map Explanation 4
IV. Analysis 6
Summary of Site Selection Process 6
Collocations 7
1. AT&T Rooftop Facility, Douglas High School 7
2. AT&T Monopole 9
3. Sheriff's Office Antenna Mast 11
4. T-Mobile Monopole 12
5. Fire Station 1 Tower 14

Building- and Structure-Mounted Facilities (Telecommunications Sites) 15
6. Holiday Inn Express & Suites Minden 15
7. Hickey Building (Red Oak Investments LLC) 17
8. Field Light Poles, Douglas High School Stadium 19

New Towers (Telecommunications Facilities) 20
9. Proposed Facility 20
10. Douglas County Public Library 21
11. Carson Valley Swim Center 22
12. Church of Jesus Christ of Latter-Day Saints 23
13. Carson Valley Holdings 24
14. Rand Trust 26
15. Dangberg Home Historic Ranch Park 27
16. And Away They Go LLC 29
17. Minden Gateway 31
18. Ironwood Center and Cinema 32
19. Carson Tahoe Emergent Care 34
20. Dood LLC Ranch 36
21. Minden Gardnerville Sanitation District 38
22. Dreyer Family Trust Ranch 40
23. Bently Family Limited Partnership – Muller Parkway 42
24. Minden Wellhead 43
25. County Property, Buckeye Road 45
26. Bently Family Limited Partnership – Stockyard Road 47
27. American AVK Company 48

V. Conclusion 50

Map of Alternatives

I. Executive Summary

Verizon Wireless must fill a significant gap in service in the west Minden area of Douglas County. Based on the review of 27 alternatives set forth in the following analysis, Verizon Wireless believes that placing antennas on a monopole tower at the rear of a PF–Public Facilities zoned property (the "Proposed Facility") constitutes the least intrusive feasible alternative to serve the identified gap in network service based on the values expressed in the Douglas County Consolidated Development Code (the "Code").

This revised Alternatives Analysis is an update based on Verizon Wireless's previous Alternatives Analysis of July 18, 2024 and the Supplemental Alternatives Analysis of November 26, 2024, which in total reviewed 20 alternatives for the Proposed Facility. This revision includes seven additional alternatives raised by Douglas County Commissioners and local residents, and has been updated to reflect the Douglas County School District's rejection of a proposed tower at the Douglas High School stadium field lights.

II. Significant Gap

There is a significant gap in Verizon Wireless network service in the west Minden area. Reliable mid-band in-building coverage is lacking in a broad area, including residential areas south of County Road between Lucerne Street and the highway, and commercial areas along County Road and Highway 395 west of 10th street. There is also a gap in reliable mid-band in-building coverage west of Highways 88 and 395, including Douglas High School and surrounding commercial and residential areas. Reliable mid-band in-vehicle coverage is lacking along portions of Highway 88 south of the Town.

To remedy the Significant Gap, Verizon Wireless must place a new facility to ensure reliable network service. The Proposed Facility will provide new, reliable mid-band service to the west Minden area.

Verizon Wireless engaged PierCon Consulting to evaluate to conduct a drive test on February 18, 2025 and evaluate the gap area. PierCon confirmed that there is a significant gap in service in the west Minden area.

III. Methodology

Once a significant gap has been determined, Verizon Wireless seeks to identify a location and design that will provide required network service through the "least intrusive means" based upon the values expressed by local regulations, applied on a commercially reasonable and noncompetitive basis. In addition to seeking the least intrusive alternative, sites proposed by Verizon Wireless must be feasible. In this regard, Verizon Wireless reviews the available height, elevation, radio frequency propagation, proximity to end users, equipment space, access, and other factors such as a willing landlord in completing its site analysis.

Code Requirements

Of the zones in vicinity of the significant gap, "telecommunications sites" (rooftop- or structure-mounted facilities) are permitted in all local zones, including local SFR residential zones, but not on residential structures. Code § 20.664.170.

"Telecommunications facilities" (new towers) are allowed in the following zones: PF–Public Facilities, LI–Light Industrial, NC–Neighborhood Commercial, OC–Office Commercial, GC–General Commercial, MUC–Mixed-Use Commercial, TC–Tourist Commercial, and A-19–Agricultural. Telecommunications facilities are not allowed in local residential zones. Code §§ 20.654.020.130, 20.656.020.130, 20.658.020.130, 20.664.180(A)(5).

Where allowed, the maximum telecommunications facility height permitted is 60 feet in the commercial NC, OC, GC, MUC and TC zones, 80 feet in the PF and LI zones, and 100 feet in the A-19 zone. Code § 20.664.180(A).

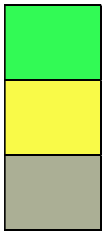
Telecommunications facilities in the Town of Minden exceeding the above height limits must be set back 20% of structure height from property lines or the minimum zone setback (whichever greater), five times structure height from residentially-zoned property, and one mile from other telecommunications facilities. Code § 20.664.180(B).

Coverage Map Explanation

Coverage maps are provided to illustrate why certain alternatives cannot serve the Significant Gap. Coverage maps depict the anticipated level of signal strength, and therefore the projected LTE coverage provided by a wireless facility at a given location.

The maps have been prepared for the mid-band frequencies, based on the AWS frequency band, which provides coverage similar to the other mid-band frequencies, PCS and C-Band. Over 90 percent of Verizon Wireless's available bandwidth in the area is in these mid-band frequencies. Verizon Wireless designs its networks to accommodate these mid-band frequencies.

Referenced signal receive power (RSRP) is a measurement of signal level in decibel milliwatts (dBm). RSRP is measured in negative numbers on a logarithmic scale. The further the number is below zero, the weaker the power level. The RSRP coverage thresholds are:



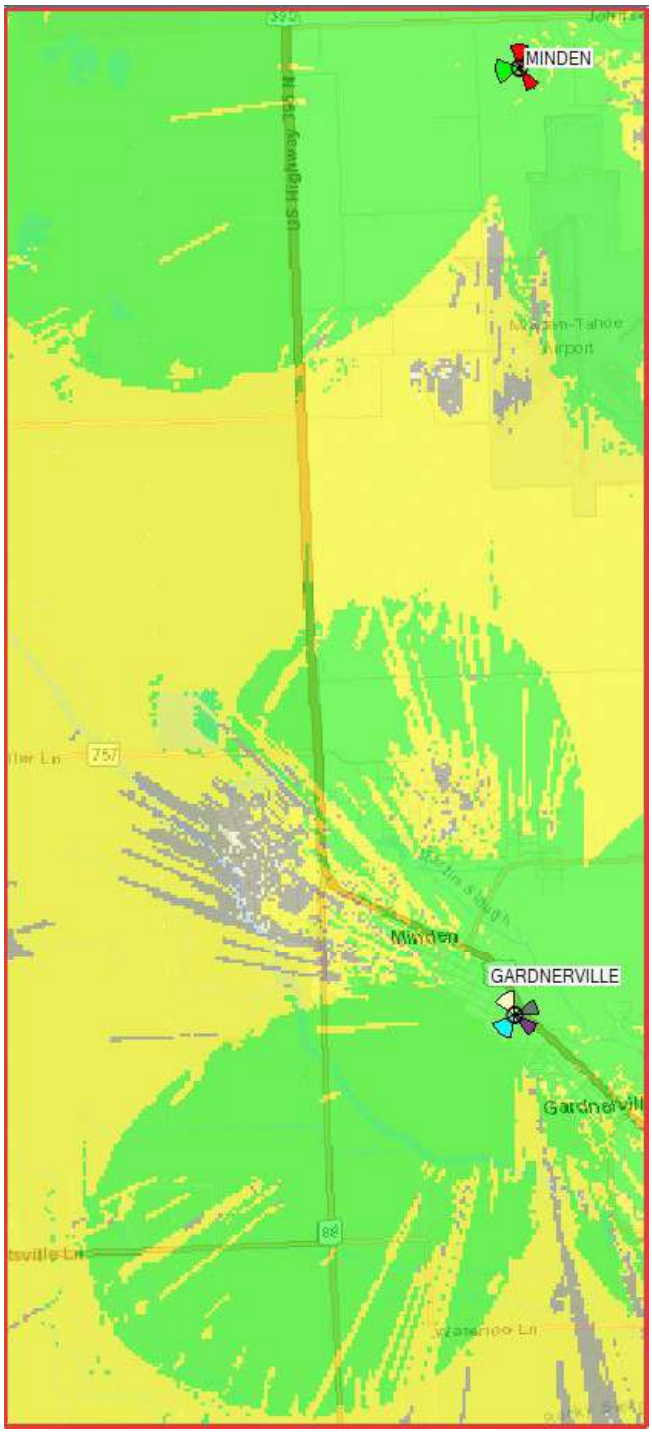
>= -85 dBm. Green depicts good coverage that meets or exceeds thresholds for reliable network coverage in buildings and vehicles.

>= -95 dBm. Yellow depicts reliable in-vehicle and outdoor coverage.

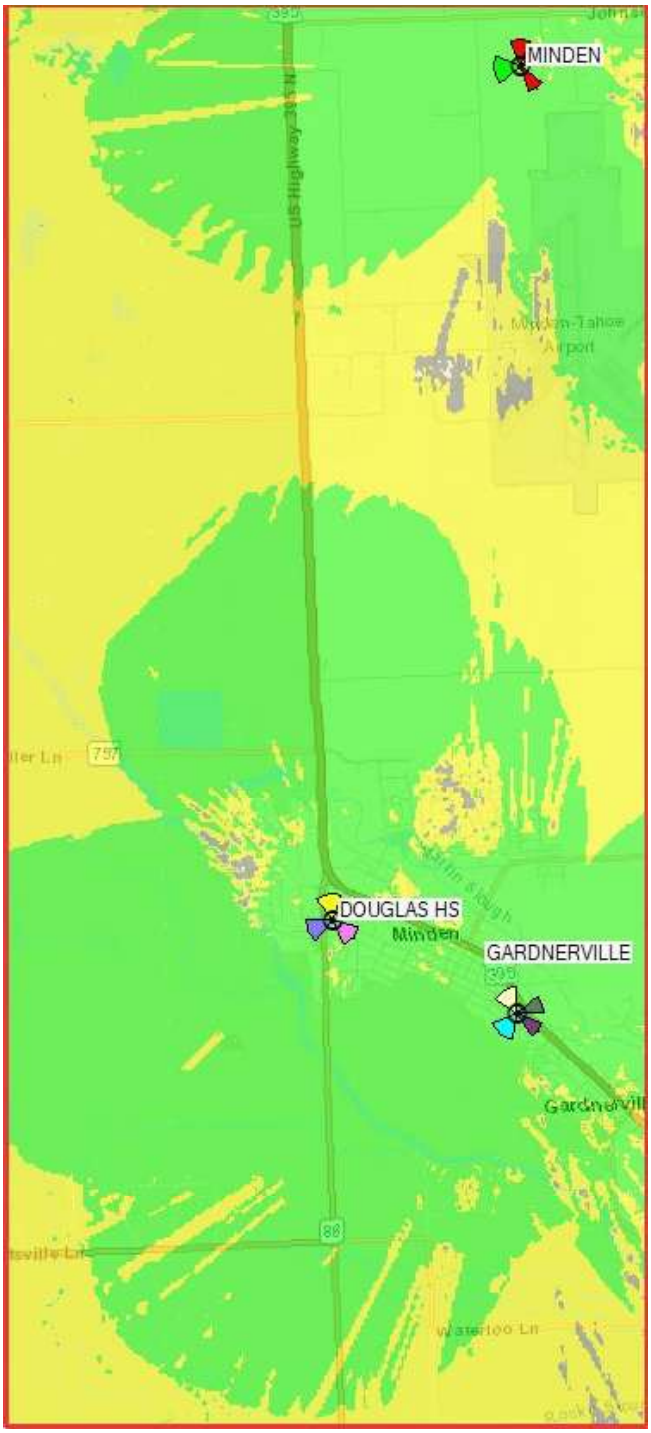
>= --105 dBm. Gray depicts reliable outdoor service only.

White areas do not receive reliable service levels.

Existing Mid-Band Coverage



Mid-Band Coverage with Proposed Facility
76-foot Antenna Centerline



RSRP Coverage
>= -85 dBm
>= --95 dBm
>= --105 dBm

IV. Analysis

Summary of Site Selection Process

Verizon Wireless first investigated collocation with existing wireless facilities and antenna structures, but the closest existing facilities are too low in height or too distant for a collocation facility to serve the Significant Gap (Alternatives 1-5).

Verizon Wireless next reviewed placement of a facility on a local building or structure, but the tallest nearby building is of insufficient height to elevate antennas to the height required to serve the Significant Gap. A proposal to install antennas on a replacement stadium field light pole was rejected by the local school district (Alternatives 6-8).

Verizon Wireless next considered placement of a new monopole facility, readily identifying the Proposed Facility location near the center of the gap, in a PF–Public Facilities zone with a feasible height limit (Alternative 9).

Verizon Wireless evaluated placement of a monopole on a number of other properties, which were discounted because of lack of available ground space, lack of landlord interest, inability to serve the gap, infeasible height limits and setbacks, or other factors (Alternatives 10-27).

Alternatives other than the Proposed Facility would not provide the opportunity to collaborate with the East Fork Fire Protection District to place new wireless facility monopoles with public safety antennas at multiple fire station properties.

The existing Gardnerville facility cannot be modified to serve the Significant Gap. Located north of the Minden-Tahoe Airport, the Minden facility is very distant, over 4.5 miles north of the Proposed Facility. Already supporting four antenna sectors, with one sector facing south toward the gap area, the Minden facility was recently upgraded to provide service in all available frequencies from 700 MHz to C-Band. The PierCon report confirms that the Minden facility cannot serve the significant gap.

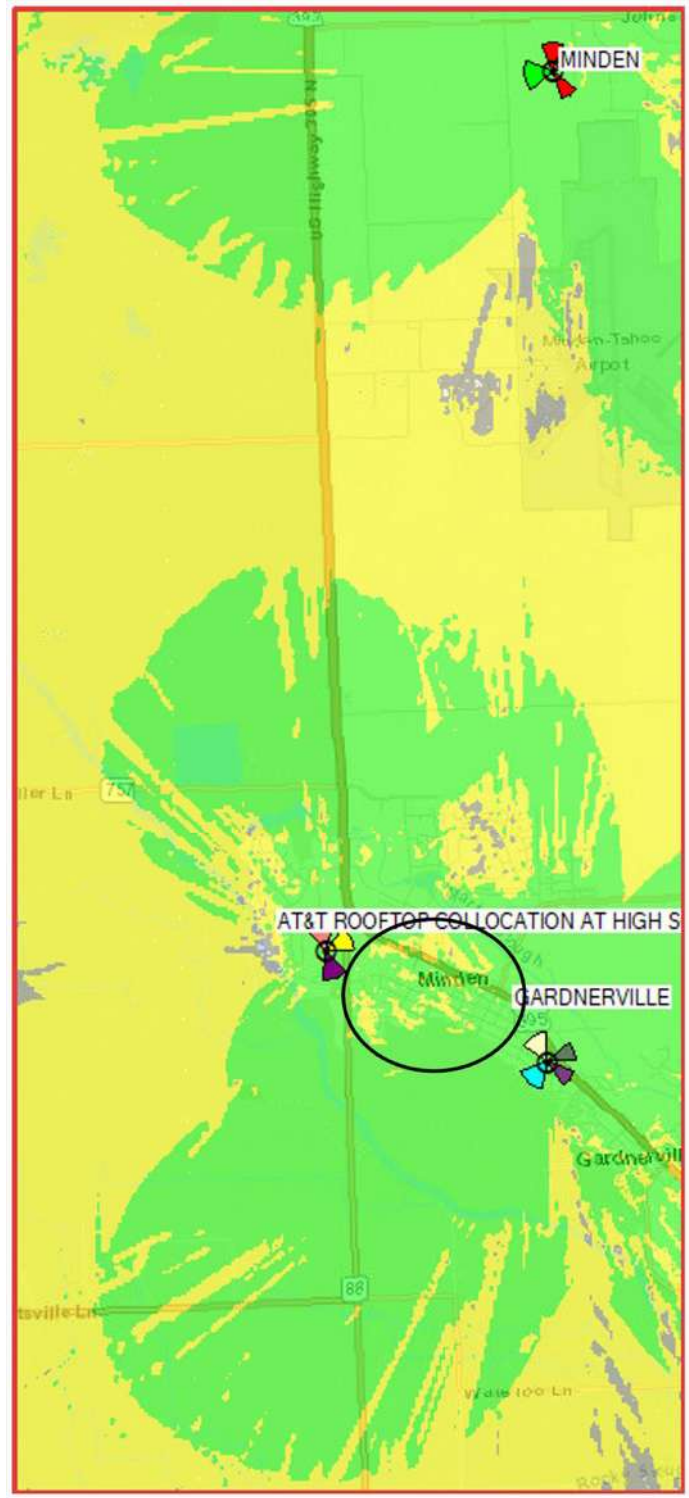
Collocations

Verizon Wireless considered collocation with existing wireless facilities and antenna structures in the Minden area, identifying five facilities, as follows.

1. AT&T Rooftop Facility, Douglas High School
Address: 1670 Highway 88
Zoning: PF–Public Facilities
Elevation: 4,715 Feet

Verizon Wireless considered collocating on the rooftop of the Douglas High School building, which is approximately 30 feet in height, located 0.15 miles northwest of the Proposed Facility and 5 feet greater in elevation. AT&T recently secured permits for a wireless facility on this building. Verizon Wireless RF engineers determined that a facility protruding above this building with a 40-foot antenna centerline cannot serve the Significant Gap due to low height. As shown on the following coverage map, in-building coverage would be lacking in residential and commercial areas along County Road and Highway 395, and residential areas west of Highways 88 and 395, with reduced coverage north of Minden. This is not a feasible alternative.

Coverage from Facility Collocated
on Douglas High School Rooftop
40-foot Antenna Centerline



RSRP Coverage
>= -85 dBm
>= --95 dBm
>= --105 dBm

Area of deficient coverage

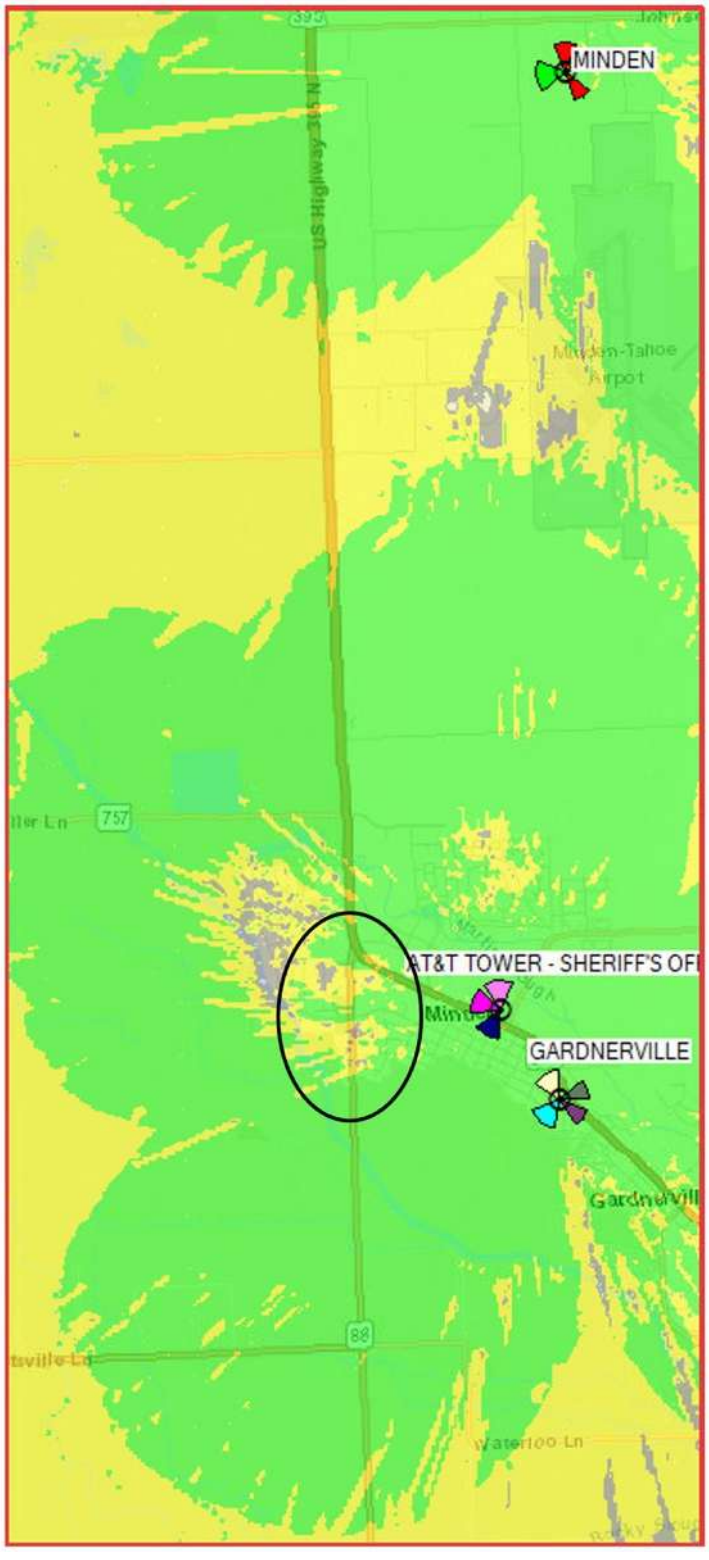
2. AT&T Monopole

Address: 1038 Buckeye Road
Zoning: PF–Public Facilities
Elevation: 4,730 Feet

Verizon Wireless considered collocating underneath the AT&T antennas on this monopole located 0.7 miles southeast of the Proposed Facility, beyond the gap area and 20 feet greater in elevation. This monopole is only 0.5 miles northwest of Verizon Wireless's existing Gardnerville facility, and a facility here would duplicate the coverage of that facility, constituting inefficient network design. Verizon Wireless would need to collocate below AT&T's antennas, and could not achieve the 76-foot antenna centerline available for the Proposed Facility at Fire Station 14.

Verizon Wireless RF engineers determined that a facility on this monopole cannot serve the Significant Gap primarily due to distance, even with the same 76-foot antenna centerline as the Proposed Facility, which is not available. As shown on the following coverage map, in-building coverage would be lacking in most of the developed area west of Highways 88 and 395, including Douglas High School and commercial and residential areas. There would also be less in-building coverage in commercial and residential areas east along County Road and Highway 395. This is not a feasible alternative.

Coverage from Facility Collocated
on AT&T Monopole
76-foot Antenna Centerline



RSRP Coverage
>= -85 dBm
>= --95 dBm
>= --105 dBm

Area of deficient coverage

3. Sheriff's Office Antenna Mast

Address: 1038 Buckeye Road
Zoning: PF–Public Facilities
Elevation: 4,730 Feet

Verizon Wireless considered collocating on this narrow lattice antenna mast mounted on top of a two-story public building hosting the Douglas County Sheriff's Office, located 0.7 miles southeast of the Proposed Facility, beyond the gap area and 20 feet greater in elevation. This antenna mast is near the AT&T monopole on the same property (Alternative 2).

This antenna mast is only 0.5 miles northwest of Verizon Wireless's existing Gardnerville facility, and a facility here would duplicate the coverage of that facility, constituting inefficient network design. Designed to support only a few whip antennas used for public safety communication, this antenna mast lacks the structural integrity to support the weight of Verizon Wireless's panel antennas and radios. The mast is too low in height to elevate antennas to the 76-foot centerline available for the Proposed Facility at Fire Station 14.

Verizon Wireless RF engineers determined that a facility at this location cannot serve the Significant Gap primarily due to distance, even with the same 76-foot antenna centerline as the Proposed Facility, which is not available. This antenna mast is as far southeast as the AT&T monopole, so would provide the same inadequate coverage to the gap area northwest in west Minden. It is also as close to Verizon Wireless's existing Gardnerville facility as the AT&T monopole, and would duplicate its coverage. This is not a feasible alternative.

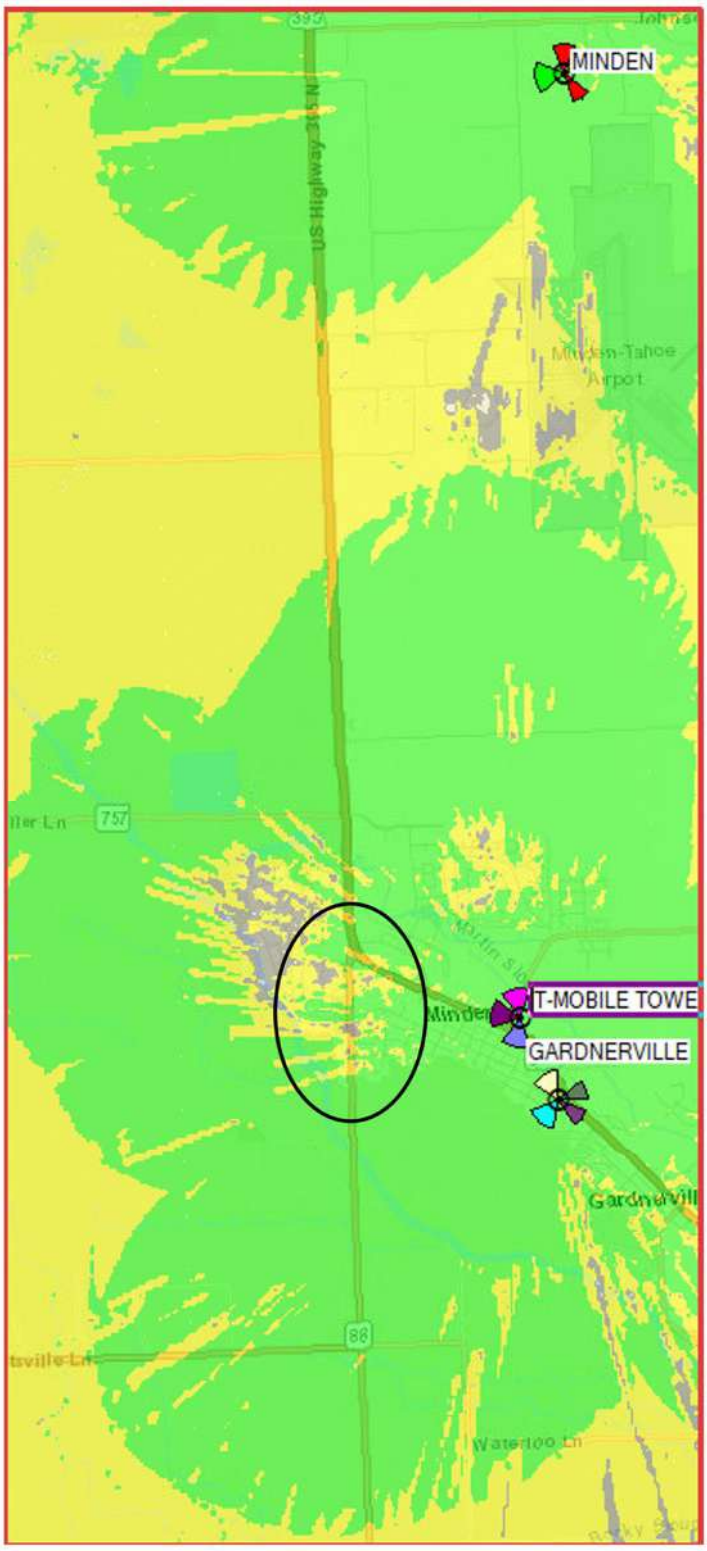
4. T-Mobile Monopole

Address: 1602 Water Street
Zoning: SI–Service Industrial
Elevation: 4,730 Feet

Verizon Wireless considered collocating underneath the T-Mobile antennas on this monopole located 0.8 miles southeast of the Proposed Facility, beyond the gap area and 20 feet greater in elevation. This monopole is only 0.4 miles northwest of Verizon Wireless's existing Gardnerville facility, and a facility here would duplicate the coverage of that facility, constituting inefficient network design. Verizon Wireless would need to collocate below T-Mobile's antennas, and could not achieve the 76-foot antenna centerline available for the Proposed Facility at Fire Station 14.

Verizon Wireless RF engineers determined that a facility on this monopole cannot serve the Significant Gap primarily due to distance, even with the same 76-foot antenna centerline as the Proposed Facility, which is not available. As shown on the following coverage map, in-building coverage would be lacking in most of the developed area west of Highways 88 and 395, including Douglas High School and commercial and residential areas. There would also be less in-building coverage in commercial and residential areas east along County Road and Highway 395. This is not a feasible alternative.

Coverage from Facility Collocated
on T-Mobile Monopole
76-foot Antenna Centerline



RSRP Coverage
>= -85 dBm
>= --95 dBm
>= --105 dBm

Area of deficient coverage

5. Fire Station 1 Tower

Address: 1606 Highway 395
Zoning: PF–Public Facilities
Elevation: 4,730 Feet

Verizon Wireless considered collocating on this lattice tower supporting a whip antenna and siren behind Fire Station 1, located 0.8 miles southeast of the Proposed Facility, beyond the gap area and 20 feet greater in elevation. This lattice tower is only 0.4 miles northwest of Verizon Wireless's existing Gardnerville facility, and a facility here would duplicate the coverage of that facility, constituting inefficient network design. This lattice tower lacks the structural integrity to support the weight of Verizon Wireless's panel antennas and radios. The tower is too low in height to elevate antennas to the 76-foot centerline available for the Proposed Facility at Fire Station 14. The propane tank underneath the lattice tower would pose safety concerns for reconstruction or any major improvements to the tower.

Verizon Wireless RF engineers determined that a facility on this lattice tower cannot serve the Significant Gap primarily due to distance, even with the same 76-foot antenna centerline as the Proposed Facility, which is not available. This lattice tower is even farther southeast from the Proposed Facility than the AT&T monopole (Alternative 2), so would provide even less coverage to the gap area northwest in west Minden. It is also closer to Verizon Wireless's existing Gardnerville facility, and would duplicate even more of its coverage. This is not a feasible alternative.

Building- and Structure-Mounted Facilities (Telecommunications Sites)

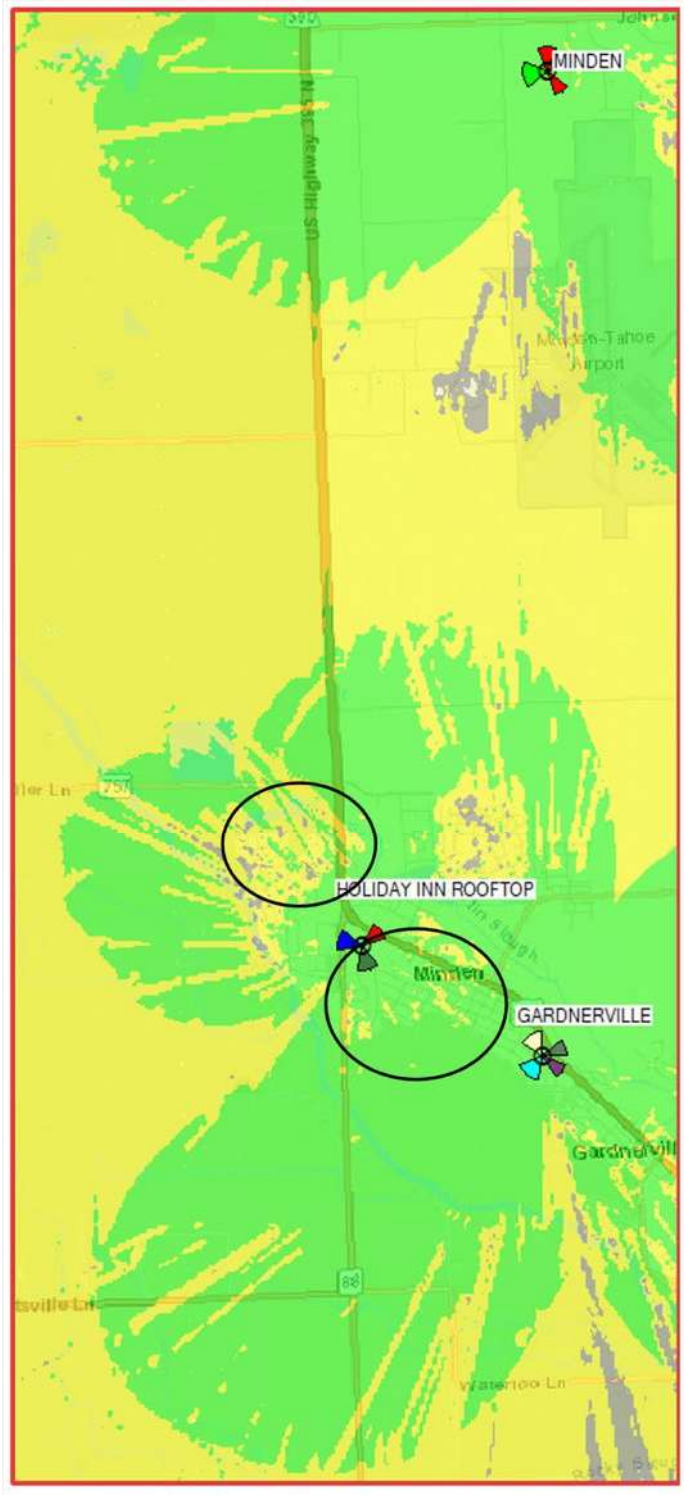
Verizon Wireless considered placement of a facility on the tallest buildings near the Proposed Facility and the high school stadium light poles, as follows.

6. Holiday Inn Express & Suites Minden
Address: 1659 Highway 88
Zoning: GC–General Commercial
Elevation: 4,715 Feet

Verizon Wireless considered placement of antennas above this hotel building approximately 40 feet in height at the peak of its roof, located 0.1 miles northeast of the Proposed Facility and 5 feet greater in elevation. The hip roof on this building is sloped in all directions, with no flat surfaces, and would require substantial reconstruction to install wireless facility antennas.

The height limit in the GC-General Commercial zone is 45 feet. Code § 20.658.010. Verizon Wireless RF engineers determined that a facility on this building with a 40-foot antenna centerline cannot serve the Significant Gap due to low height. As shown on the following coverage map, in-building coverage would be lacking in commercial areas along Highway 395 and residential areas west of Highway 395. This is not a feasible alternative.

Coverage from Facility Collocated
on Holiday Inn Express Rooftop
40-foot Antenna Centerline



RSRP Coverage
>= -85 dBm
>= --95 dBm
>= --105 dBm

Area of deficient coverage

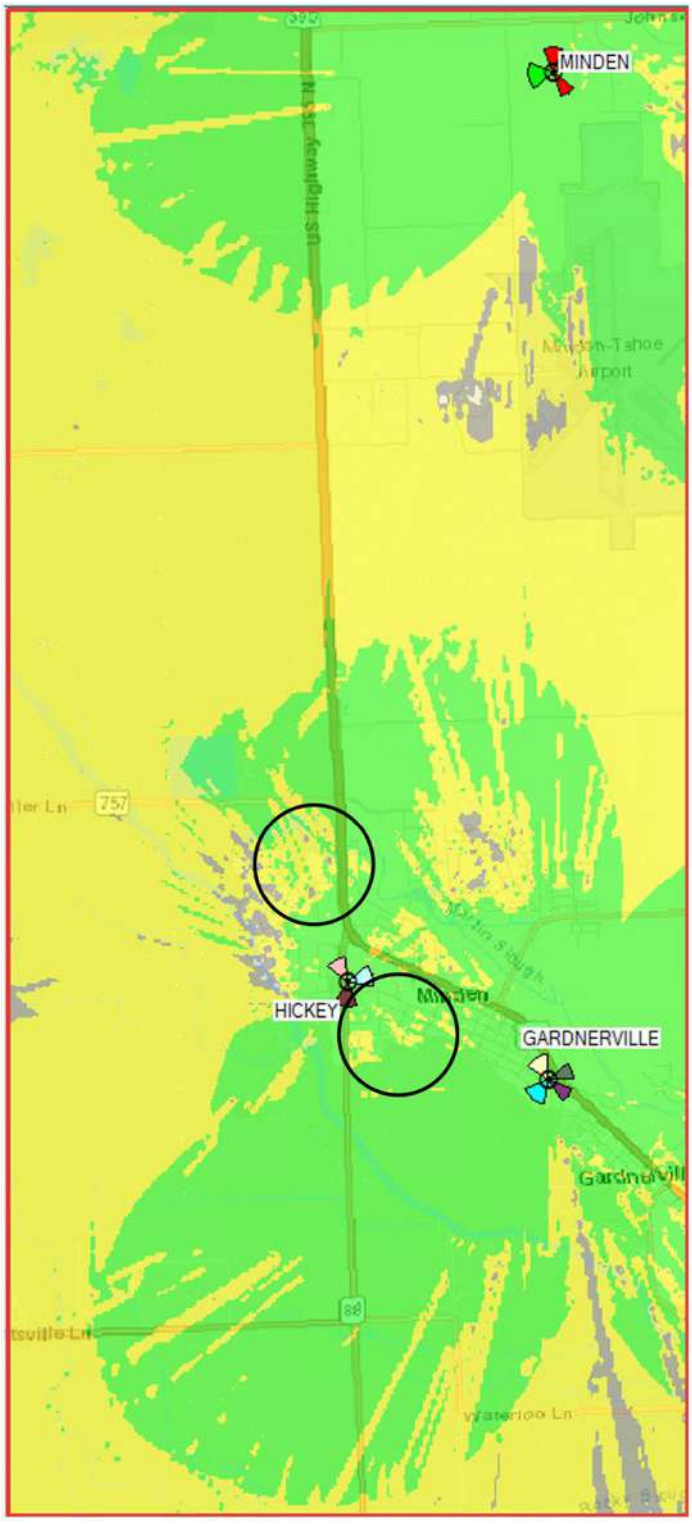
7. Hickey Building (Red Oak Investments LLC)
Address: 1625 Highway 88
Zoning: OC–Office Commercial
Elevation: 4,715 Feet

Verizon Wireless considered placement of antennas above this office building approximately 30 feet in height, located due west of the Proposed Facility property and 5 feet greater in elevation.

The height limit in the GC-General Commercial zone is 35 feet, little more than the building height itself. Code § 20.658.010. With an allowed zone height 10 feet less than the Holiday Inn Express building (Alternative 6), a facility on this office building rooftop would be lower in height, and would provide even less coverage to gap area.

Verizon Wireless RF engineers determined that a facility on this building with a 33-foot antenna centerline cannot serve the Significant Gap due to the low height. As shown on the following coverage map, in-building coverage would be lacking in residential areas west of Highways 88 and 395, and areas south of Highway 395, with reduced coverage north of Minden. This is not a feasible alternative.

Coverage from Facility Collocated
on Hickey Building Rooftop
33-foot Antenna Centerline



RSRP Coverage
>= -85 dBm
>= --95 dBm
>= --105 dBm

Area of deficient coverage

8. Field Light Poles, Douglas High School Stadium

Address: 1670 Highway 88
Zoning: PF–Public Facilities
Elevation: 4,710 Feet

Verizon Wireless considered placement of antennas on one of the light poles behind the east bleachers at this stadium, located 0.2 miles west of the Proposed Facility at a similar elevation. The light pole would require replacement to increase its height and structural integrity to support antennas and radios, with the light fixtures remaining at the same elevation to ensure a consistent lighting pattern across the field. School District staff indicated that to ensure safe District worker access to the light fixtures in compliance with FCC radio frequency exposure guidelines, antennas would need to be placed a sufficient distance above the light fixtures. Therefore, the 58-foot light pole could be replaced by a new 80-foot pole, with antennas mounted to the top of the pole.

Following the December 5, 2025 Board of Commissioners appeal hearing, Verizon Wireless contacted the Douglas County School District to discuss a facility on the high school property. Verizon Wireless presented a proposal at the School District Board meeting on March 20, 2025, but the Board voted to deny the proposal. Lacking a willing landlord, this is not a feasible alternative.

New Towers (Telecommunications Facilities)

Lacking a feasible collocation, building-mounted, or structure-mounted opportunity, Verizon Wireless considered placement of a new tower, readily identifying the following location and considering several other properties.

9. Proposed Facility
Address: 1699 County Road
Zoning: PF–Public Facilities
Elevation: 4,710 Feet

Verizon Wireless proposed to place its antennas on an 80-foot monopole tower at the rear of this 1.5-acre parcel, Fire Station No. 14 of the East Fork Fire Protection District.

The monopole and associated network equipment will be placed within a 15-foot by 25-foot equipment area surrounded by an eight-foot chain link fence. The equipment area will contain network cabinets and a standby diesel generator to provide continued service during power outages and emergencies. Utilities serving the Proposed Facility will be trenched underground.

There will be vertical space available on the monopole for collocation of antennas by up to two more wireless carriers, minimizing the need for additional towers in the area in the future. The Fire District has reserved space on the Proposed Facility for emergency service communications equipment.

With panel antennas elevated at a 76-foot centerline at this optimal location at the center of the gap, the Proposed Facility will provide reliable Verizon Wireless service to the Significant Gap, as shown on the coverage maps on Page 5. This is Verizon Wireless's preferred location and design for the Proposed Facility.

10. Douglas County Public Library
Address: 1625 Library Lane
Zoning: PF–Public Facilities
Elevation: 4,715 Feet

Verizon Wireless considered placement of a new tower on this public property 0.15 miles southeast of the Proposed Facility and 5 feet greater in elevation. An 80-foot tower would be required at this location, the same height as the Proposed Facility in the same PF–Public Facilities zone nearby. This property is surrounded by residential zones, with homes to the east, south, and west. A new tower could be placed no farther than 250 feet from homes, whereas the Proposed Facility is 500 feet from the closest home to its northeast.

To avoid removal of parking spaces, a tower would need to be located in the small triangular vacant area north of the library building across from homes, where there is little available ground space. The only access to this area is the alley behind the library, which is a private property residential common area used to access the homes, and would require an easement. This cannot be considered a less intrusive, feasible alternative.

11. Carson Valley Swim Center

Address: 1600 Highway 88
Zoning: PF–Public Facilities / MFR–Residential
Elevation: 4,715 Feet

Verizon Wireless considered placement of a new tower on this property 0.15 miles southwest of the Proposed Facility and 5 feet greater in elevation. The swim center parcel is almost entirely occupied by buildings, recreation areas, and parking lots, leaving insufficient ground space for a new wireless tower, network equipment area, and access.

The East Fork Swimming Pool District also owns the vacant parcel due south at 1590 Highway 88. However, the vacant parcel is zoned MFR–Residential, and a telecommunications facility is not allowed in that zone according to the Code.

This project was discussed at the Pool District Board meeting on February 20, 2025. Thereafter, Verizon Wireless spoke with several Pool District Board members on February 27, 2025, at which time it was determined that plans for development of the vacant parcel would first require a FEMA flood impact study, then County approval of a zone change. This would delay any Verizon Wireless application for nearly two years.

This is not a feasible alternative.

12. Church of Jesus Christ of Latter-Day Saints

Address: 891 Mahogany Drive
Zoning: PF–Public Facilities
Elevation: 4,710 Feet

Verizon Wireless considered placement of a new tower on this commercial property 0.2 miles southwest of the Proposed Facility at a similar elevation. The Church of Jesus Christ of Latter-Day Saints does not allow leases for telecommunication towers on its properties. Lacking a willing landlord, this is not a feasible alternative.

13. Carson Valley Holdings

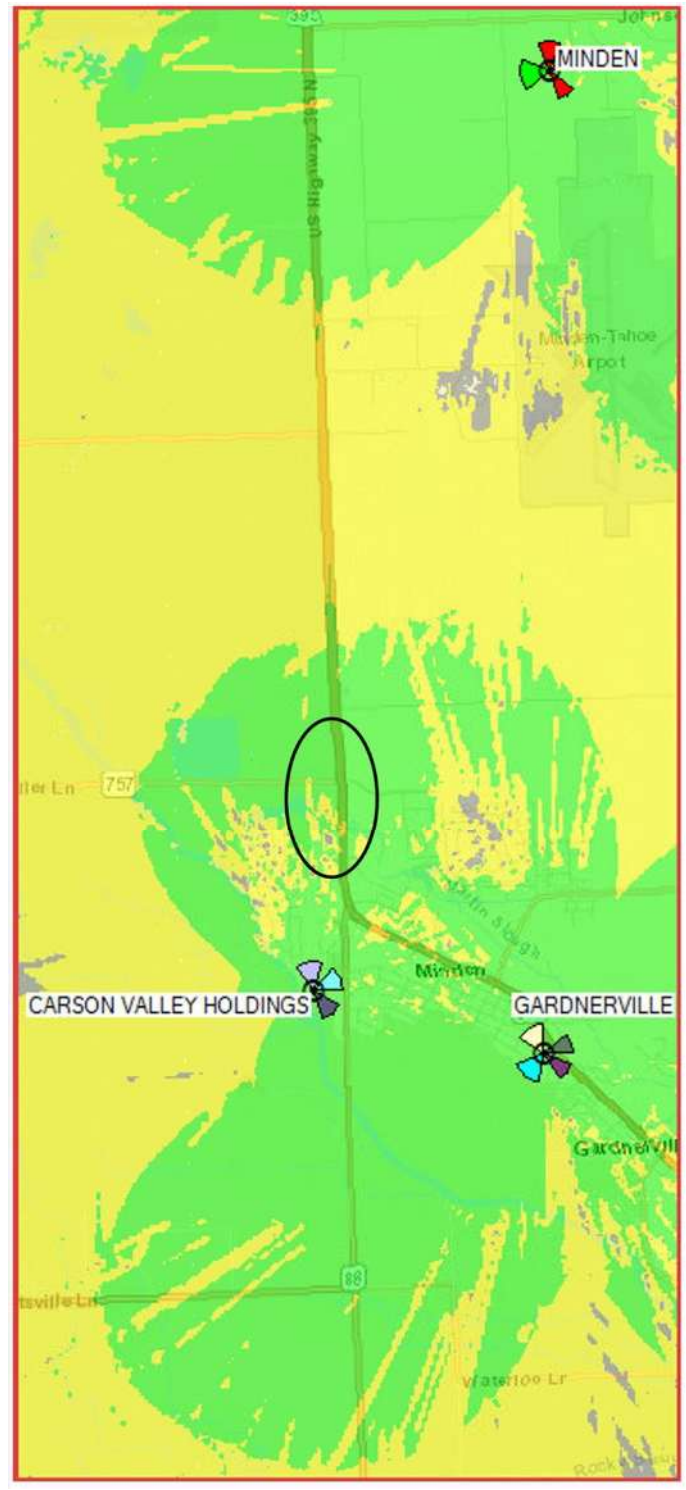
Address: 885 Mahogany Drive
Zoning: OC–Office Commercial
Elevation: 4,710 Feet

Verizon Wireless considered placement of a new tower on this commercial property 0.25 miles southwest of the Proposed Facility at a similar elevation. Due to the 60-foot height limit for telecommunications facilities in the OC–Office Commercial zone, the antenna centerline available at this location would be 56 feet, which is 20 feet less than the Proposed Facility at Fire Station 14. Verizon Wireless RF engineers determined that a facility at this location could not serve the Significant Gap due to distance and the low antenna centerline. As shown on the following coverage map, in-building coverage would be lacking in commercial areas along Highway 395, and residential areas west of Highways 88 and 395, with reduced coverage north of Minden.

A tower at least 80 feet in height would be required at this location. For a facility on this property at the fringe of development, demand would be concentrated on two antenna sectors, whereas the Proposed Facility is located near the center of the gap, where demand would be more evenly distributed among its three antenna sectors.

Per the Code, a taller facility exceeding the 60-foot height limit would require setbacks of 20% structure height from property lines, five times structure height (400 feet) from residentially-zoned property, and one mile from other telecommunications facilities. These setbacks would render a facility over 60 feet on this property to be infeasible, given the residentially-zoned property adjacent to the northwest property line. Even at the far south corner of the property, a new wireless facility equipment area could not meet both the property line and residential zone setbacks. Further, this property is less than one mile west of the AT&T monopole (Alternative 2). A facility on this property would require approval of variances and reductions that are not required for the Proposed Facility, which complies with the telecommunications facility height limit in its zone. This is neither a feasible nor less intrusive alternative.

Coverage from Facility at
Carson Valley Holdings
56-foot Antenna Centerline



RSRP Coverage
>= -85 dBm
>= --95 dBm
>= --105 dBm

Area of deficient coverage

14. Rand Trust

Address: Highway 88
Zoning: A-19–Agricultural
Elevation: 4,705-4,710 Feet

Verizon Wireless considered placement of a new tower on this large undeveloped agricultural property west of Highway 88 and due south of the Town of Minden limits, located 0.3 miles southwest of the Proposed Facility at a similar elevation. This alternative was suggested by County Commissioners. Verizon Wireless is currently investigating the feasibility of this location with the property owner.

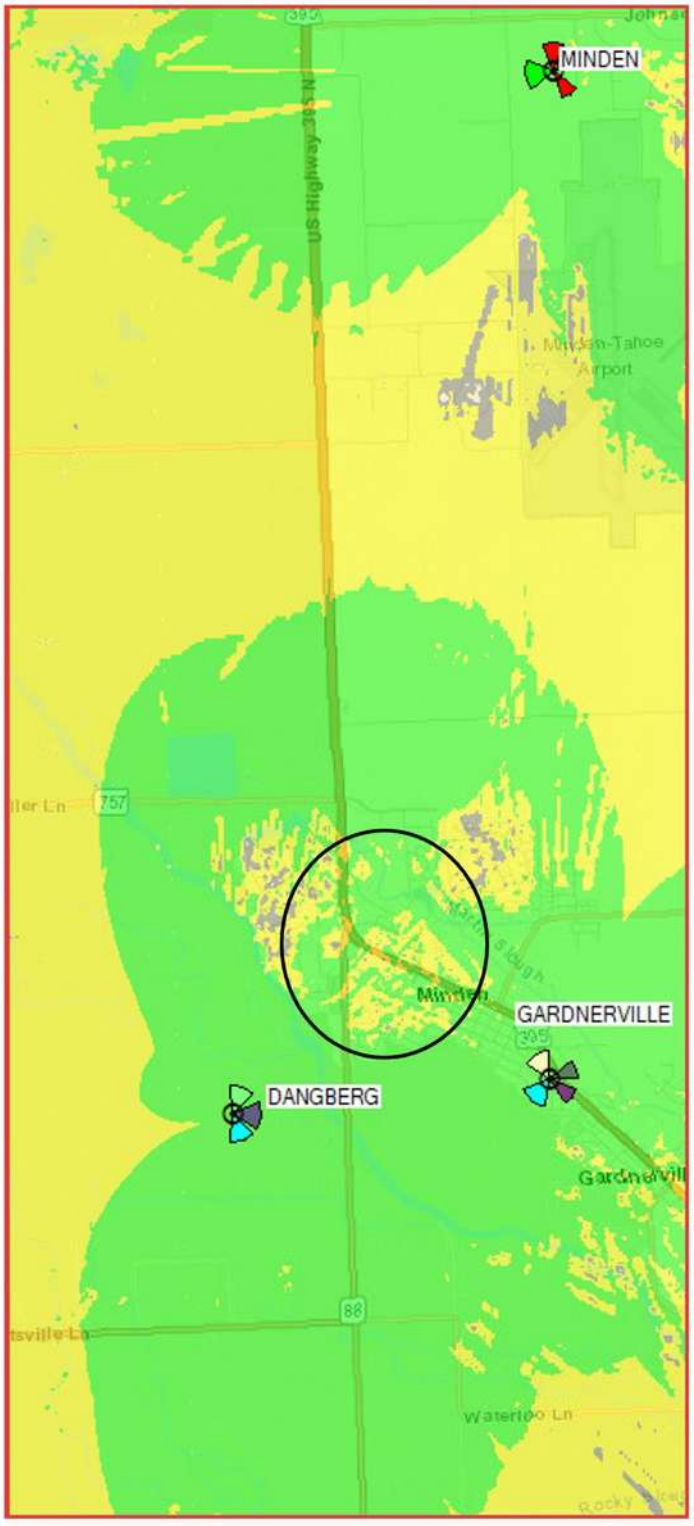
Located south beyond the coverage objective, this alternative would require a taller facility to achieve coverage similar to the Proposed Facility. A facility up to 100 feet in height is allowed in this A-19 zone, but may contribute to more aesthetic impact. With no adjacent buildings, a new wireless tower would be exposed on this vacant property, and may pose visual impacts as viewed from Highway 88 and residences to the northwest and east. In contrast, the Proposed Facility is located behind a fire station and surrounded by buildings, which screen it from the property frontage along County Road to the south as well as Highway 88 to the west.

For a facility on this property beyond the coverage objective, demand would be concentrated on two antenna sectors, whereas the Proposed Facility is located near the center of the gap, where demand would be more evenly distributed among its three antenna sectors.

15. Dangberg Home Historic Ranch Park
Address: 1450 Highway 88
Zoning: PF–Public Facilities
Elevation: 4,705 Feet

Verizon Wireless considered placement of a new tower on this commercial property 0.8 miles southwest of the Proposed Facility and 5 feet lower in elevation. Verizon Wireless RF engineers determined that a facility at this property with the same antenna centerline as the Proposed Facility cannot serve the Significant Gap due to distance. As shown on the following coverage map, in-building coverage would be lacking in residential and commercial areas along County Road and Highway 395, and residential areas west of Highways 88 and 395, with reduced coverage north of Minden. For a facility on this property well beyond the gap area, demand would be concentrated on two antenna sectors, whereas the Proposed Facility is located near the center of the gap, and demand would be more evenly distributed among its three antenna sectors. With very little development nearby to receive new in-building coverage, a new facility at this location would be an inefficient network design. This is not a feasible alternative.

Coverage from Facility at
Dangberg Home Historic Ranch Park
76-foot Antenna Centerline



RSRP Coverage
>= -85 dBm
>= --95 dBm
>= --105 dBm

Area of deficient coverage

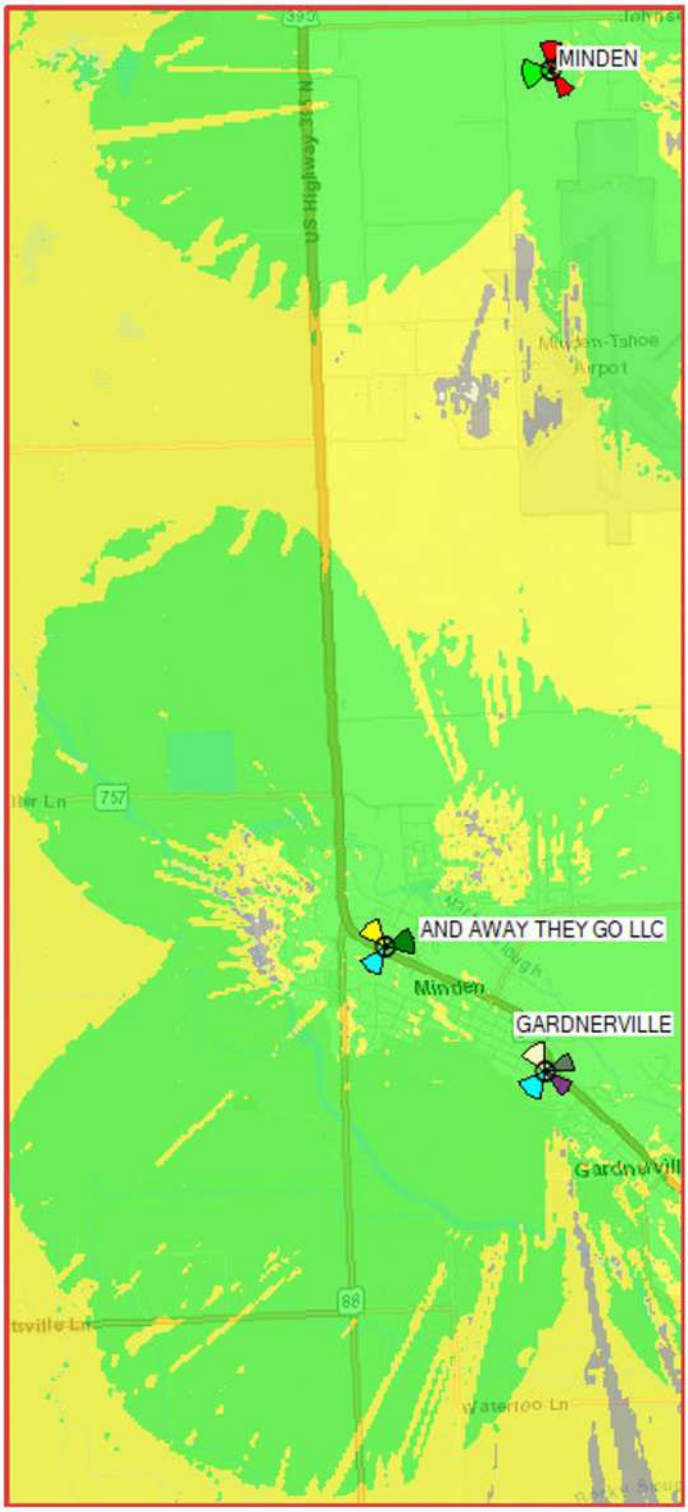
16. And Away They Go LLC

Address: 1675 Highway 395
Zoning: NC–Neighborhood Commercial
Elevation: 4,715 Feet

Verizon Wireless considered placement of a new tower on this vacant property 0.2 miles northeast of the Proposed Facility and 5 feet greater in elevation.

A tower would be limited to 60 feet in height in this commercial zone. Verizon Wireless RF engineers determined that a facility at this location with a 56-foot antenna centerline cannot serve the Significant Gap due to distance and low height. As shown on the following coverage map, in-building coverage would be lacking in residential areas west of Highways 88 and 395, on the Douglas High School campus, and areas along Highway 88. This is not a feasible alternative.

Coverage from Facility at
And Away They Go LLC Property
56-foot Antenna Centerline



RSRP Coverage
>= -85 dBm
>= --95 dBm
>= --105 dBm

Area of deficient coverage

17. Minden Gateway

Address: Highway 395 and Highway 88
Zoning: N/A
Elevation: 4,710 Feet

Verizon Wireless considered placement of a new tower at the Minden Gateway, 0.2 miles north of the Proposed Facility at the same elevation. This is within Nevada Department of Transportation right-of-way, and not a designated parcel. The area is used for a Town of Minden monument sign, landscaping, and pedestrian facilities. In a call initiated by Verizon Wireless representative Chris Hatch on January 31, 2025, Town Manager JD Frisby did not support placement of a wireless facility at the Minden Gateway location. This was confirmed in correspondence from Mr. Frisby dated February 14, 2025.

With no adjacent buildings, a new wireless tower would be exposed at this prominent intersection, posing visual impacts. In contrast, the Proposed Facility is located behind a fire station and surrounded by buildings, which screen it from the property frontage along County Road to the south as well as Highway 88 to the west. This cannot be considered a less intrusive alternative.

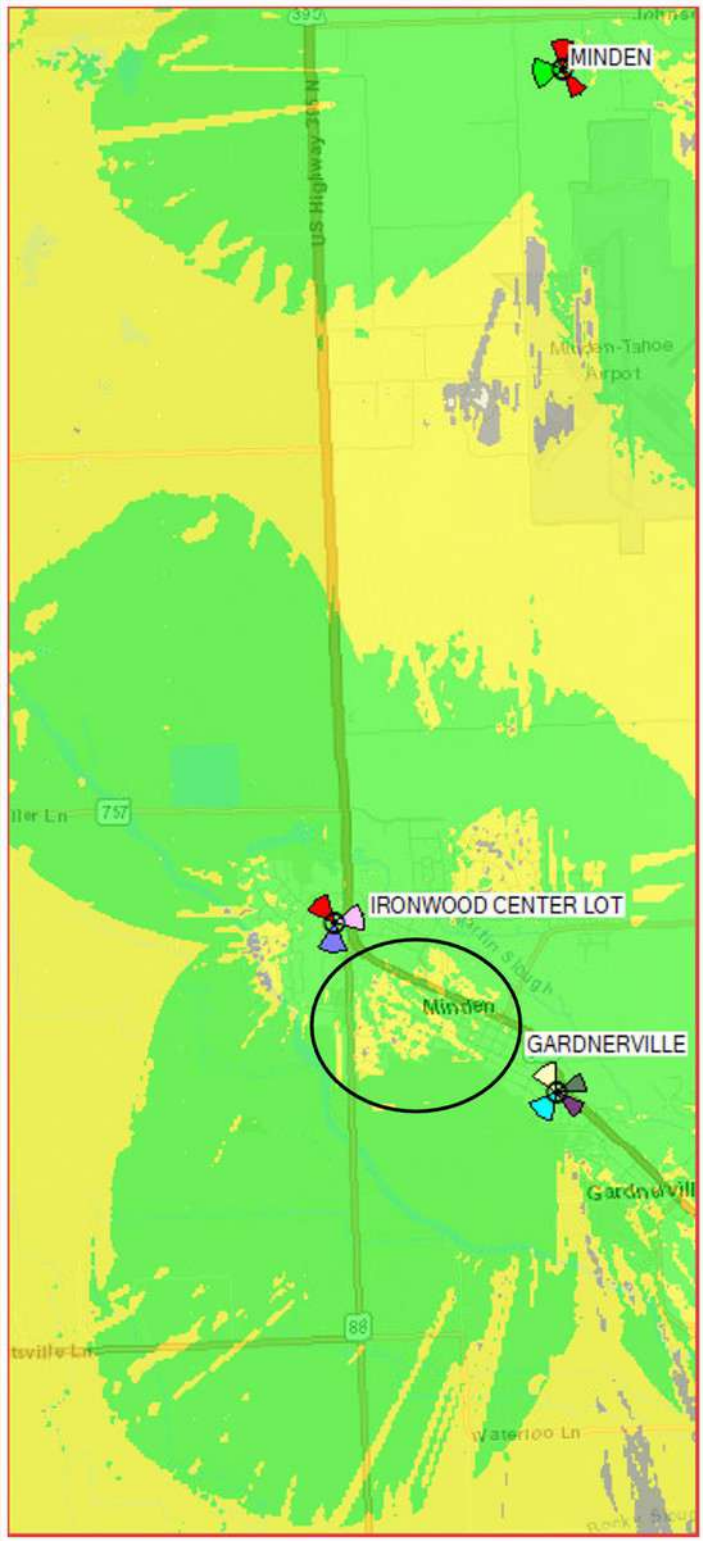
18. Ironwood Center and Cinema

Address: 1760 Highway 395, APNs 1320-30-211-093, 1320-30-211-104
Zoning: MUC–Mixed-Use Commercial
Elevation: 4,710 Feet

Verizon Wireless considered placement of a new tower on this commercial development 0.35 miles northwest of the Proposed Facility at a similar elevation. The central parking lot is surrounded by a various businesses, including the cinema parcel with adjacent green space, which is currently being purchased by Douglas County for use as a performing arts center.

A tower would be limited to 60 feet in height in this commercial zone. Verizon Wireless RF engineers determined that a facility near the center of the parking lot with a 56-foot antenna centerline cannot serve the Significant Gap due to distance and low height. As shown on the following coverage map, in-building coverage would be lacking in residential and commercial areas south of Highway 395, including the Fire Station 14 property. A facility in the green space due north of the cinema building would be even farther from those service objectives, and provide even less coverage. This is not a feasible alternative.

Coverage from Facility at
Ironwood Center and Cinema
56-foot Antenna Centerline



RSRP Coverage
>= -85 dBm
>= --95 dBm
>= --105 dBm

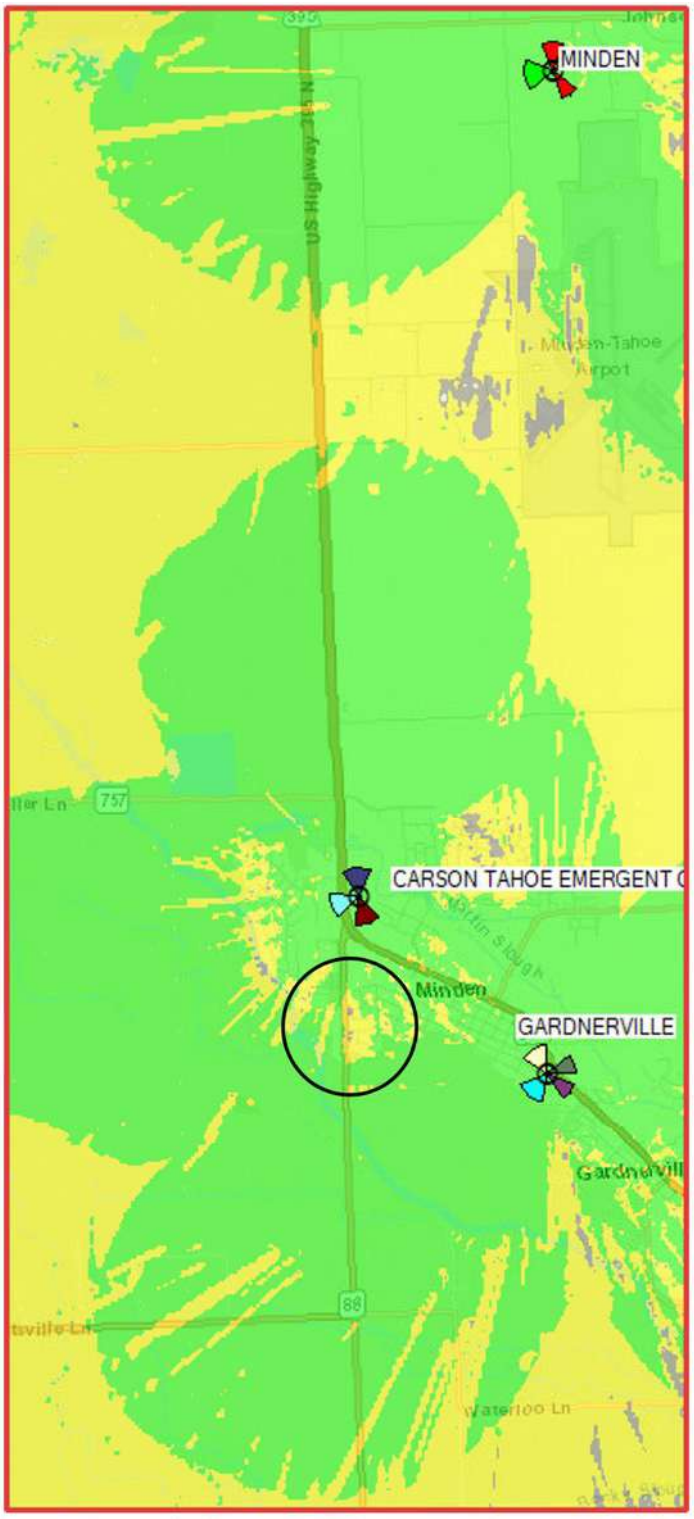
Area of deficient coverage

19. Carson Tahoe Emergent Care
Address: 925 Ironwood Drive
Zoning: NC–Neighborhood Commercial
Elevation: 4,710 Feet

Verizon Wireless considered placement of a new tower at the rear of this commercial property parking lot 0.4 miles north of the Proposed Facility at a similar elevation.

A tower would be limited to 60 feet in height in this commercial zone. Verizon Wireless RF engineers determined that a facility near the rear of this parking lot with a 56-foot antenna centerline cannot serve the Significant Gap due to distance and low height. As shown on the following coverage map, in-building coverage would be lacking in residential and commercial areas east and west of Highway 88 to the south and southwest, including a portion of the Douglas High School campus. This is not a feasible alternative.

Coverage from Facility at
Carson Tahoe Emergent Care Parking Lot
56-foot Antenna Centerline



RSRP Coverage
>= -85 dBm
>= --95 dBm
>= --105 dBm

Area of deficient coverage

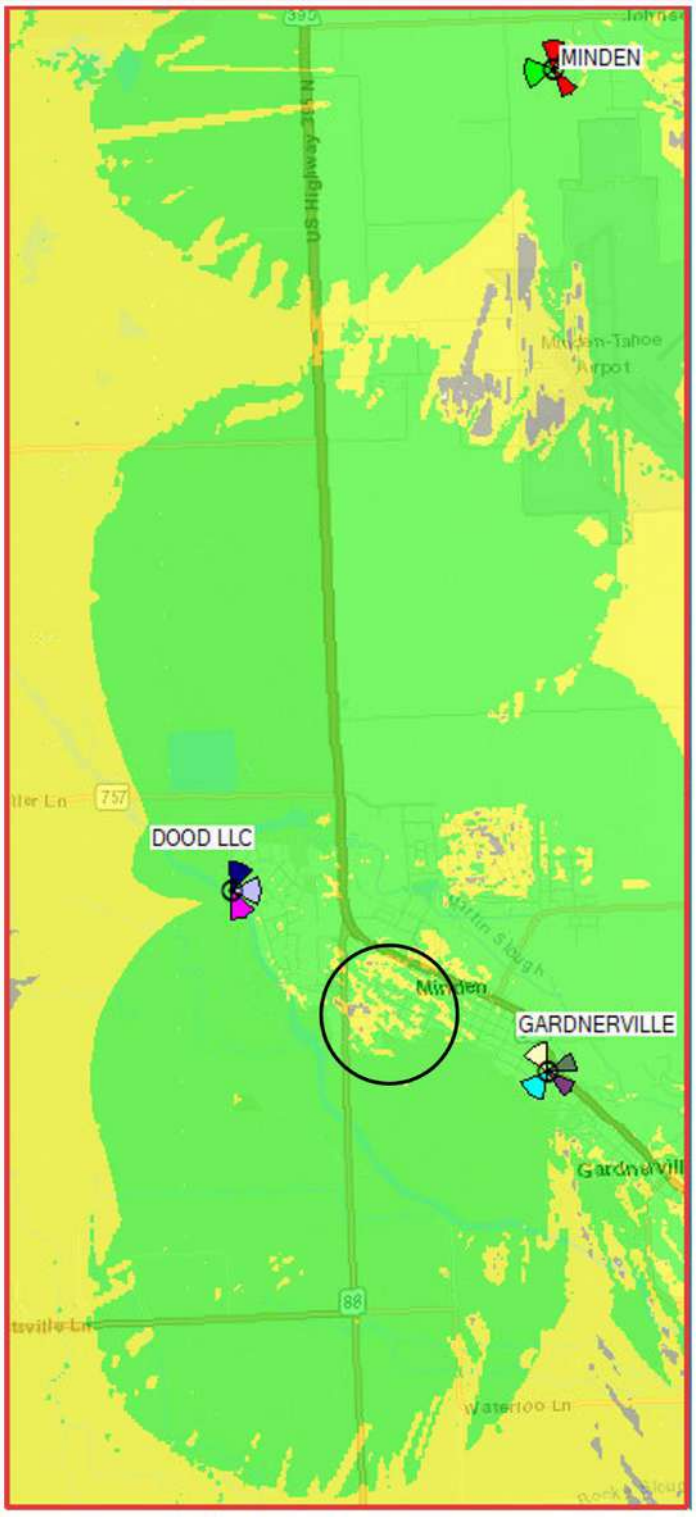
20. Dood LLC Ranch

Address: 795 Klauber Way
Zoning: A-19–Agriculture
Elevation: 4,695 Feet

Verizon Wireless considered placement of a new tower on this agricultural property 0.75 miles northwest of the Proposed Facility and 15 feet lower in elevation.

A tower could be 100 feet in height in this agricultural zone. However, Verizon Wireless RF engineers determined that a facility at this location with a 96-foot antenna centerline cannot serve the Significant Gap due to distance and low elevation. As shown on the following coverage map, in-building coverage would be lacking in residential and commercial areas north and south of Highway 395, including the Fire Station 14 property. For a facility on this property to the west of the gap area, with no development to its west, demand would be concentrated on two antenna sectors facing developed areas east and southeast. In contrast, the Proposed Facility is located near the center of the gap, and demand would be more evenly distributed among its three antenna sectors. This is not a feasible alternative.

Coverage from Facility at
Dood LLC Ranch
96-foot Antenna Centerline



RSRP Coverage
>= -85 dBm
>= --95 dBm
>= --105 dBm

Area of deficient coverage

21. Minden Gardnerville Sanitation District

Address: 1790 Highway 395
Zoning: PF–Public Facility
Elevation: 4,720 Feet

Verizon Wireless considered placement of a new tower on this property 0.6 miles north of the Proposed Facility and 10 feet greater in elevation. To pursue this alternative would add two years of delay due to the need to investigate an appropriate location on the property that would not interfere with District operations, secure a lease from the Sanitation District, design a new facility, and provide for necessary utilities. This location would lack the benefit of close cooperation with the Fire District in the placement of necessary emergency service and dispatch antennas and equipment.

Nonetheless, because local residents and officials raised this alternative, Verizon Wireless requested a preliminary review by the Sanitation District staff and Board of Directors. After the Board discussed the matter at its October 1, 2024 meeting, the District Manager informed Verizon Wireless by email on October 17, 2024 (below) that District staff could not support further work on the proposal. Lacking landlord interest, this is not a feasible alternative.

Correspondence from Minden Gardnerville Sanitation District
October 17, 2024

From: **Peter Baratti** <peter@mgsdistrict.org>
Date: Thu, Oct 17, 2024 at 4:12 PM
Subject: [E] MGSD Tower site.
To: Yvonne M Pinto <yvonne.pinto@verizonwireless.com>, Melissa Vios <Melissa.Vios@epicwireless.net>

Dear Ms. Vios and Ms. Pinto

As you know at the October 1, 2024 meeting of the Board of Trustees of the Minden Garnderville Sanitation District, the Trustees expressed numerous concerns regarding the proposed placement of a cell tower on the Minden Gardenerville Sanitation District Plant property. While the trustees expressed different concerns regarding the proposal, it is apparent that there are too many issues and problems regarding potential placement to justify further work or analysis by our staff, especially given the fact that the project is not a sanitation district related project over which MGSD has jurisdiction. You are, of course, free to file a formal application with the district but absent a change of circumstances it is doubtful that MGSD staff would be able to support any such application.

Thank you,

Peter V Baratti

District Manager

Minden Gardnerville Sanitation District

1790 U.S. HWY 395 N.

Minden, NV 89423

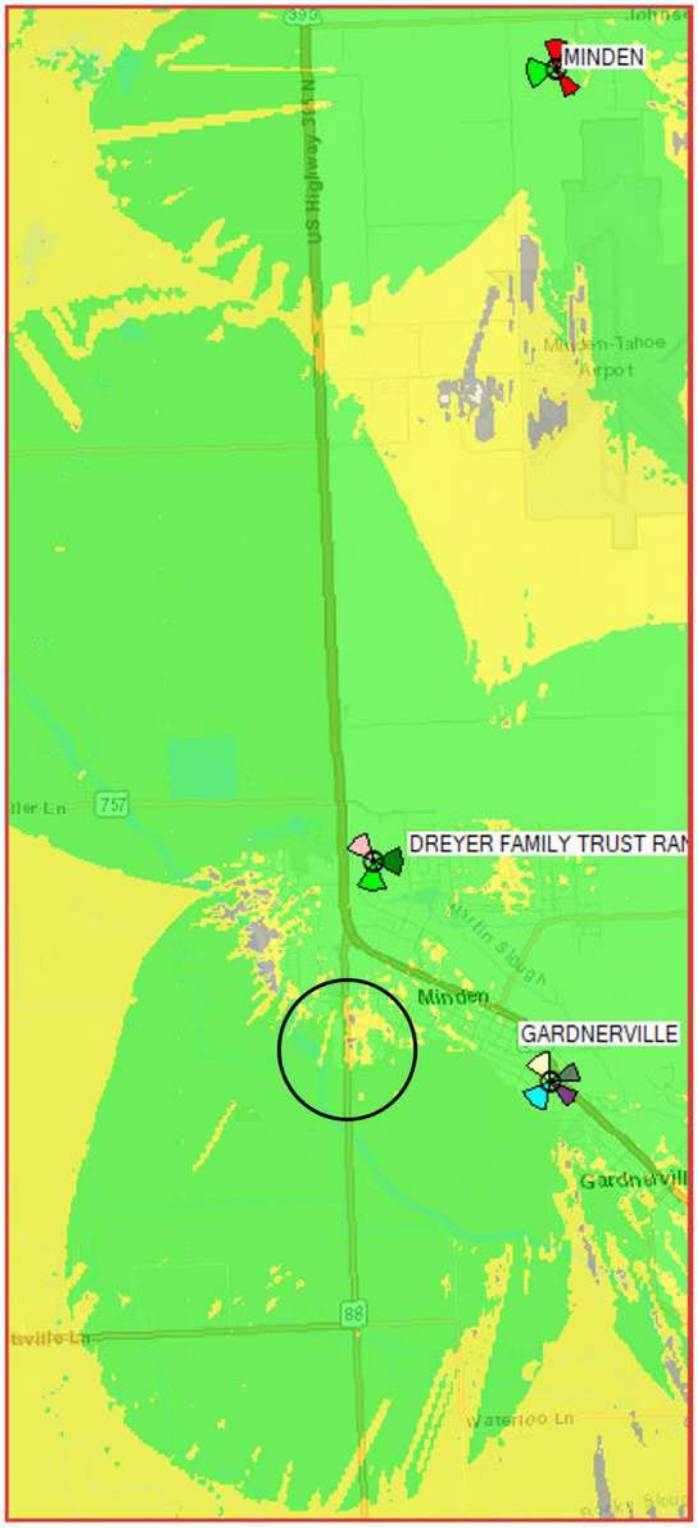
(775) 782-3546 - ofc

22. Dreyer Family Trust Ranch
Address: 1761 Highway 395
Zoning: A-19–Agriculture
Elevation: 4,700 Feet

Verizon Wireless considered placement of a new tower on this agricultural property 0.6 miles north of the Proposed Facility and 10 feet lower in elevation.

A tower could be 100 feet in height in this agricultural zone. However, Verizon Wireless RF engineers determined that a facility at this location with a 96-foot antenna centerline cannot serve the Significant Gap due to distance and lower elevation. As shown on the following coverage map, in-building coverage would be lacking in residential and commercial areas south of Highway 395, including the Fire Station 14 property. This is not a feasible alternative.

Coverage from Facility at
Dreyer Family Trust Ranch
96-foot Antenna Centerline



RSRP Coverage
>= -85 dBm
>= --95 dBm
>= --105 dBm

Area of deficient coverage

23. Bently Family Limited Partnership – Muller Parkway

Address: Muller Parkway
Zoning: A-19–Agricultural
Elevation: 4,700-4,715

Verizon Wireless considered the parcels south of Muller Parkway, due north of the Town of Minden limits, owned by the Bently Family Limited Partnership, located 1.0 mile south of the Proposed Facility at a similar elevation. This alternative was suggested by local residents.

Verizon Wireless contacted Bently Enterprises, LLC, an affiliate, regarding placement of a wireless facility on these parcels. In a February 13, 2025 email to Verizon Wireless representative Chris Hatch, Bently Enterprises, LLC Director of Real Estate & Legal Tyler Cassacia wrote, "These locations do not work for Bently." Lacking property owner interest, this is not a feasible alternative.

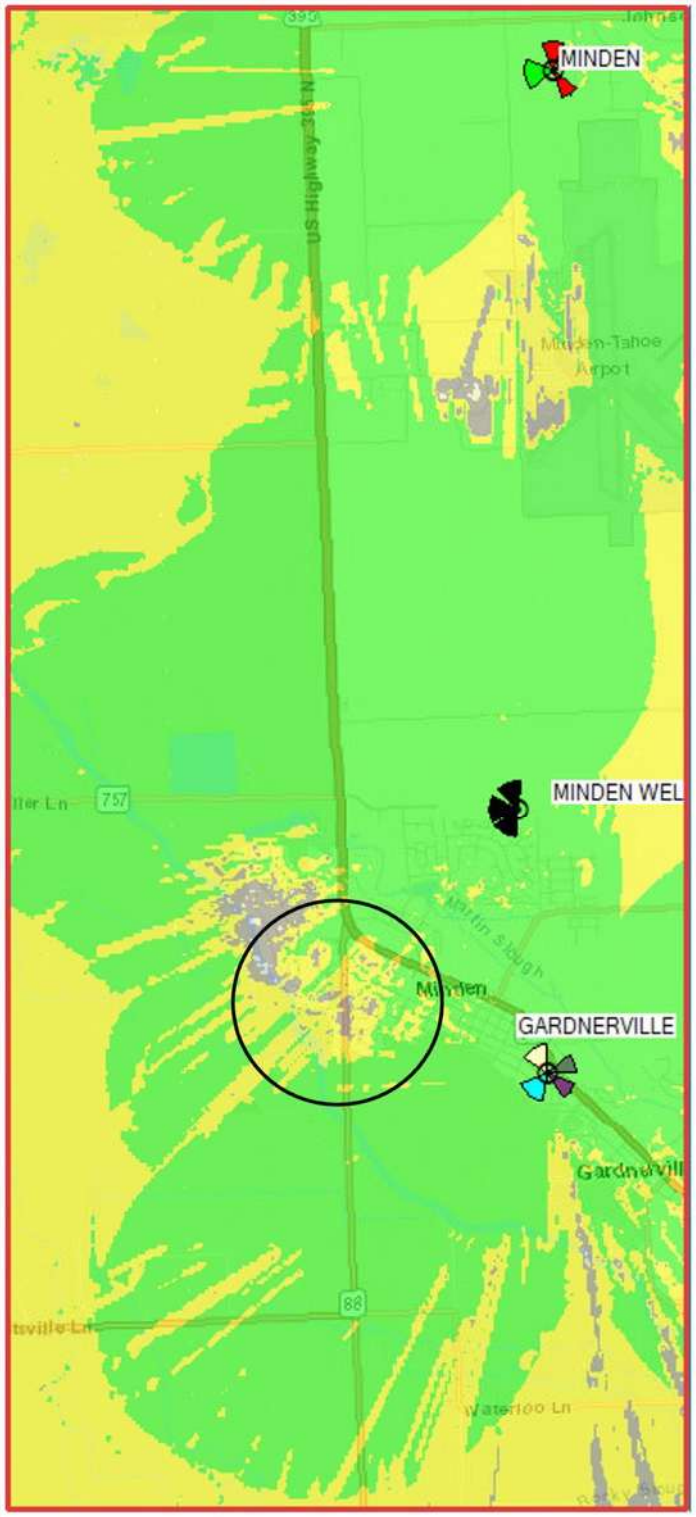
24. Minden Wellhead

Address: 1800 Heybourne Road
Zoning: PF–Public Facilities
Elevation: 4,720

Verizon Wireless considered this property owned by the Town of Minden and used for a water wellhead, located 1.2 miles northeast of the Proposed Facility and 10 feet greater in elevation. This location was suggested by a County Commissioner. Given existing infrastructure and access roads, there is limited space on this 1.1-acre parcel for a new wireless facility monopole and ground equipment area.

Verizon Wireless RF engineers determined that a facility at this location with a 76-foot antenna centerline cannot serve the Significant Gap due to distance. As shown on the following coverage map, in-building coverage would be lacking in much of west Minden west of Highways 395 and 88, and areas south of Highway 395 near the intersection of the highways, with areas lacking in-vehicle service. This is not a feasible alternative.

Coverage from Facility at
Minden Wellhead
76-foot Antenna Centerline



RSRP Coverage
>= -85 dBm
>= --95 dBm
>= --105 dBm

Area of deficient coverage

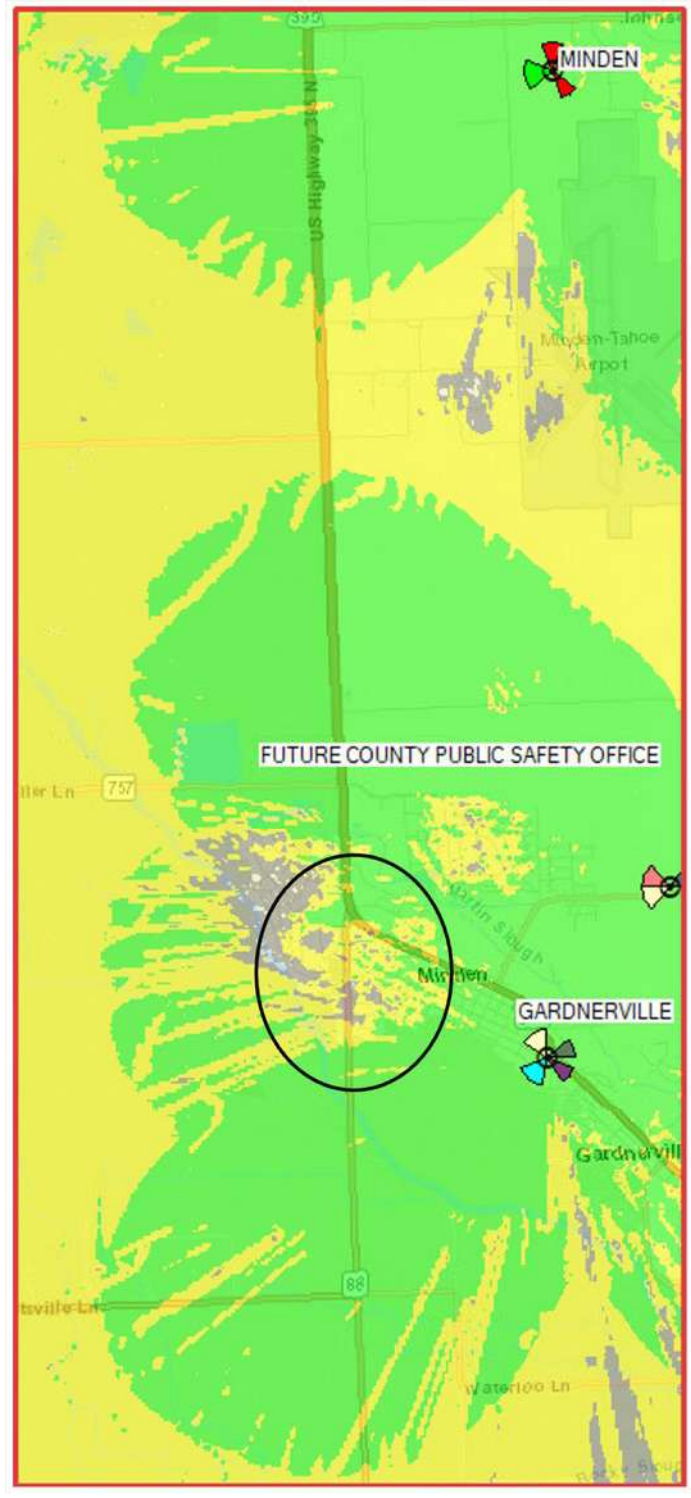
25. County Property, Buckeye Road

Address: 1280 Buckeye Road
Zoning: PF–Public Facilities
Elevation: 4,740

Verizon Wireless considered this vacant property located 1.6 miles east of the Proposed Facility and 30 feet greater in elevation. This property is owned by Douglas County and proposed for a future County Justice Center. This alternative was suggested by local residents.

Verizon Wireless RF engineers determined that a facility at this location with a 76-foot antenna centerline cannot serve the Significant Gap due to distance. As shown on the following coverage map, in-building coverage would be lacking in much of west Minden west of Highways 395 and 88, and areas south of Highway 395 near the intersection of the highways, with areas lacking in-vehicle service. In fact, this property is located farther east than the AT&T and T-Mobile monopoles, where a collocated facility at the same antenna centerline could not serve the gap (Alternatives 2 and 4). This is not a feasible alternative.

Coverage from Facility at
County Property, 1280 Buckeye Road
76-foot Antenna Centerline



RSRP Coverage
>= -85 dBm
>= --95 dBm
>= --105 dBm

Area of deficient coverage

26. Bently Family Limited Partnership – Stockyard Road

Address: 1089 Stockyard Road
Zoning: A-19–Agriculture
Elevation: 4,705-4,715

Verizon Wireless considered the this developed property straddling Stockyard Road owned by the Bently Family Limited Partnership, located 1.4 miles northeast of the Proposed Facility at a similar elevation. This alternative was suggested by local residents.

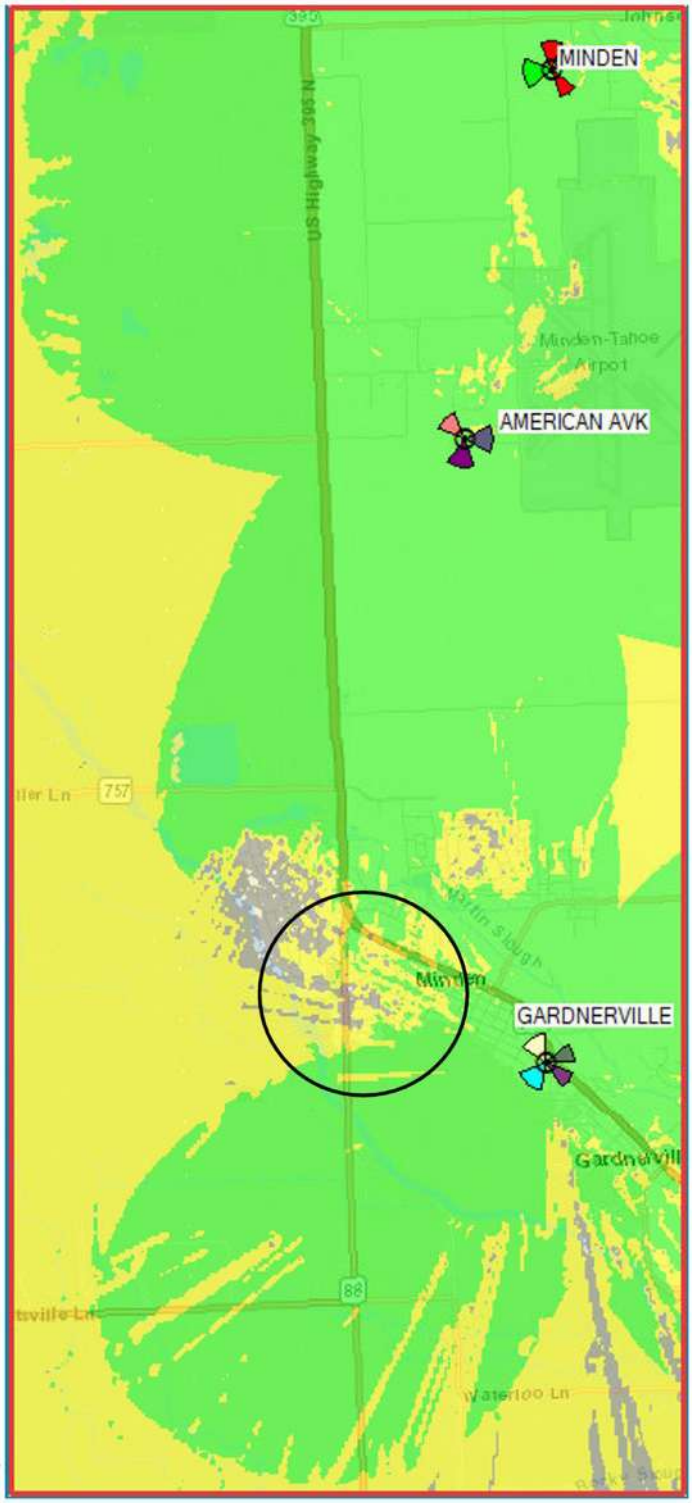
Verizon Wireless contacted Bently Enterprises, LLC, an affiliate. In a February 13, 2025 email to Verizon Wireless representative Chris Hatch, Bently Enterprises, LLC Director of Real Estate & Legal Tyler Cassacia wrote, "These locations do not work for Bently." Lacking property owner interest, this is not a feasible alternative.

27. American AVK Company
Address: 2155 Meridian Avenue
Zoning: LI–Light Industrial
Elevation: 4,705

Verizon Wireless considered this industrial property located 2.75 miles northeast of the Proposed Facility at a similar elevation. This alternative was suggested by a County Commissioner.

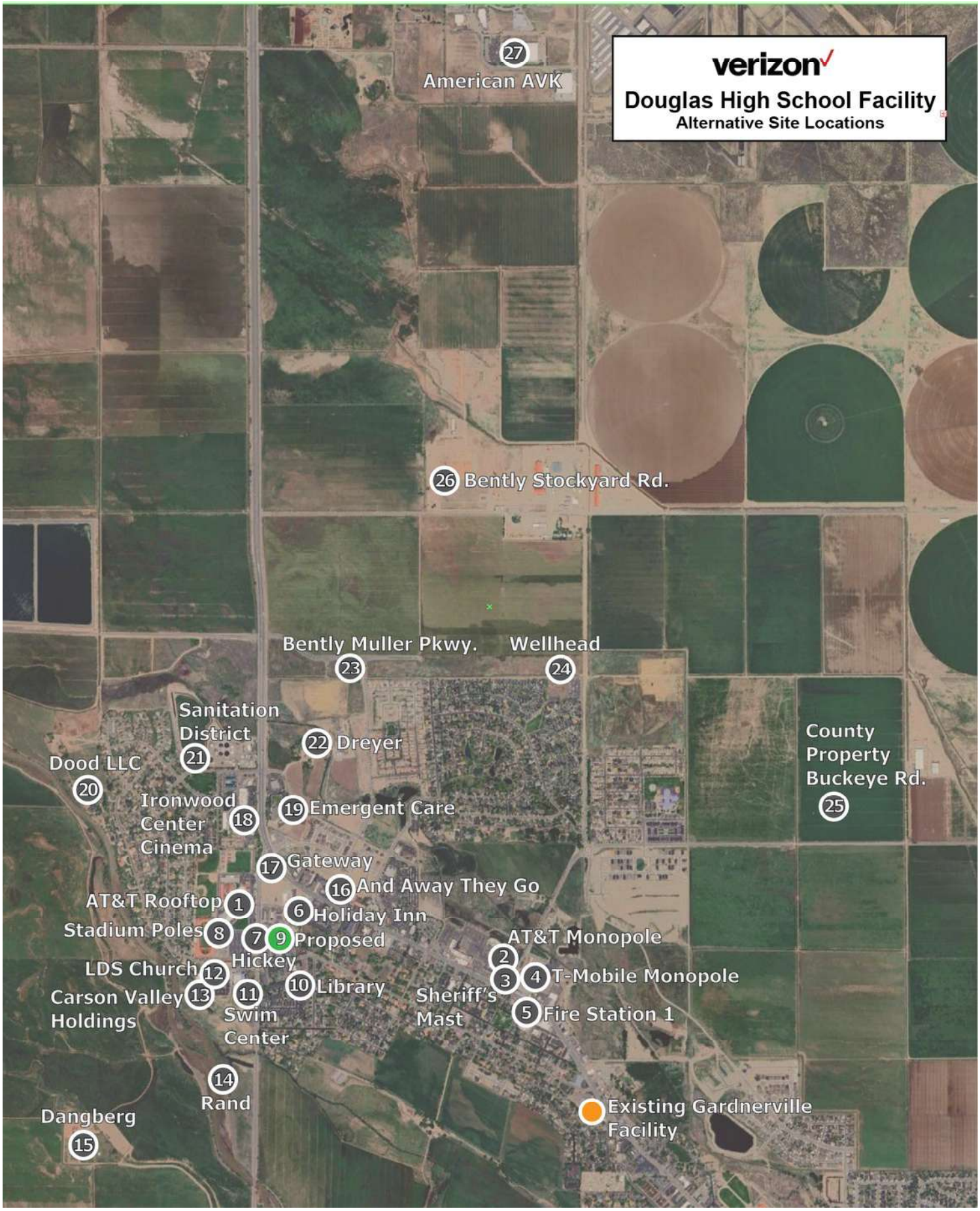
Verizon Wireless RF engineers determined that a facility at this location with a 76-foot antenna centerline cannot serve the Significant Gap due to distance. As shown on the following coverage map, in-building coverage would be lacking in a broad area, including west Minden west of Highways 395 and 88, areas around the intersection of the highways, and areas south of Highway 395. This is not a feasible alternative.

Coverage from Facility at
American AVK Company
76-foot Antenna Centerline



V. Conclusion

Verizon Wireless has considered 27 specific alternatives to fill the Significant Gap in service in the west Minden area. Based upon the values expressed in the Douglas County Consolidated Development Code, the Proposed Facility clearly constitutes the least intrusive feasible location for Verizon Wireless's new facility.


verizon
Douglas High School Facility
Alternative Site Locations
27 American AVK
26 Bently Stockyard Rd.
Bently Muller Pkwy. 23
Wellhead 24
Sanitation District 21
22 Dreyer
Dood LLC 20
Ironwood Center Cinema 18
19 Emergent Care
17 Gateway
16 And Away They Go
AT&T Rooftop 1
6 Holiday Inn
Stadium Poles 8
7 9 Proposed Hickey
LDS Church 12
Carson Valley Holdings 13
11 Swim Center
10 Library
Sheriff's Mast
AT&T Monopole 2
3 4 T-Mobile Monopole
5 Fire Station 1
14 Rand
Dangberg 15
Existing Gardnerville Facility
County Property Buckeye Rd. 25

MACKENZIE & ALBRITTON LLP
155 SANSOME STREET, SUITE 620
SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010

August 26, 2024

VIA EMAIL

Planning Commission
Douglas County
1594 Esmeralda Avenue
Minden, Nevada 89423

Re: Verizon Wireless's Proposed Facilities
Fire Station 6, 1450 Stephanie Way, Johnson Lane (DP24-0170)
Fire Station 14, 1699 County Road, Minden (DP24-0169)
Planning Commission Agenda, September 10, 2024

Dear Commissioners:

We write on behalf of Verizon Wireless to urge you to approve the design review applications for its proposed wireless facilities behind Fire Stations 6 and 14, a collaboration with the East Fork Fire Protection District (the "Proposed Facilities"). Located in PF– Public Facilities zones, these 80-foot monopole facilities will fill significant gaps in Verizon Wireless service coverage and network capacity in the Johnson Lane area and west Minden. Both monopoles will include room for collocation of antennas by two additional wireless carriers, minimizing the need for additional towers nearby. The Fire Protection District can mount antennas on each monopole, so the Proposed Facilities will also enhance communications for firefighters.

While the Town of Minden Board declined to recommend approval of the proposed facility behind Fire Station 14, its findings contradicted the Federal Telecommunication Act because they lacked substantial evidence and raised preempted concerns over radio frequency ("RF") emissions.

Local public safety officials support the Proposed Facilities, which will enhance communications for emergency personnel and accommodate installation of antennas by the Fire Protection District and other agencies. We urge you to approve the Proposed Facilities.

Project Description

Each of the Proposed Facilities will consist of Verizon Wireless antennas mounted on an 80-foot monopole tower. Each monopole and associated equipment,

including network cabinets, will be placed within a 900-square foot equipment area surrounded by a chain link fence. Electric and telecommunication utilities serving the facilities will be trenched underground. Each of the Proposed Facilities will include a standby diesel generator to ensure continued operation and emergency services communication during power outages.

There will be vertical space available on each monopole for collocation of antennas by up to two more wireless carriers, minimizing the need for additional towers in the County in the future. Additionally, the Fire Protection District can mount an antenna on each monopole per its lease. At Station 6 in Johnson Lane, an existing pole currently supporting a Fire Protection District antenna can be removed.

The Proposed Facilities Will Enhance Verizon Wireless Service and Public Safety Communications.

In 2022, the County Economic Development department and the Douglas County School District contacted Verizon Wireless regarding service issues in the County, including the Douglas High School campus. At the same time, the Federal Communications Commission ("FCC") received complaints about inadequate service in west Minden, and relayed these concerns to Verizon Wireless. Verizon Wireless RF design engineers identified significant gaps in service in several County areas, including Johnson Lane and west Minden, as described in the statements by engineer Maher Zayouna, which have been provided to the County.

The proposed facility behind Station 6 will provide new, reliable in-building coverage to an area of 5.9 square miles in the Johnson Lane area, including residential neighborhoods with a population of 2,425. It will also provide enhanced service to surrounding Bureau of Land Management ("BLM") property used for recreation.

The proposed facility behind Station 14 will provide new, reliable in-building coverage to an area of 8.4 square miles in the west Minden area, including residential neighborhoods a with population of 1,370, commercial areas, and the Douglas High School campus with 1,600 students and hundreds of staff members. It will also provide new, reliable in-vehicle service where lacking along Highway 88 south of Minden as well as other local roads.

New, reliable Verizon Wireless coverage will help ensure reliable communication for local residents, visitors, and emergency personnel. County Emergency Communications Manager Brent Finster expressed his support for the Proposed Facilities in the attached letter to Deputy Fire Chief Larry Goss, citing improved 911 access and the potential to expand the County radio system used by the Sheriff's office and other agencies.

Further, as provided in the lease unanimously approved by the Fire Protection District Board, the District can mount antennas on each monopole. There also will be space for additional public safety agencies to mount antennas, such as the County Office of Emergency Management. Both of the Proposed Facilities will include a backup generator to provide continued service during emergencies.

The Fire Stations Are the Ideal Locations for the Proposed Facilities.

Verizon Wireless evaluated numerous locations for each of the Proposed Facilities, as described in the Alternatives Analysis for each facility provided to the County.

For the facility behind Station 6 in Johnson Lane, Verizon Wireless evaluated 10 other locations, which were discounted due to insufficiency of existing structures to support wireless equipment, environmental impacts of new structures on undisturbed land, BLM regulatory requirements, or inability to serve the significant gap in coverage in the Johnson Lane area.

For the facility behind Station 14 in Minden, Verizon Wireless evaluated 12 other locations, which were discounted due to restrictive height limits or setbacks, lack of landlord interest, lack of available ground space, or inability to serve the significant gap in coverage in west Minden.

In sum, the Proposed Facilities are the least intrusive, feasible means to fill significant gaps in Verizon Wireless service in Douglas County.

The Proposed Facilities Comply with the FCC's Radio Frequency Exposure Guidelines.

The FCC regulates RF exposure nationwide, and has adopted maximum exposure limits for areas accessible by the general public. 47 C.F.R. § 1.1310. The independent reports prepared by an engineer with Waterford Consultants and provided to the County confirm that the maximum RF exposure at ground level from the Proposed Facilities will fall well under the FCC's public exposure limit.

For the facility at Station 6, the maximum RF exposure will be only 0.96 percent of the FCC's public exposure limit at any nearby building. For the facility at Station 14, the maximum RF exposure will be 64.25 percent of the public exposure limit at any nearby building. According to the reports, "These theoretical results represent maximum-case predictions as all RF emitters are assumed to be operating at 100% duty cycle."

According to the Federal Telecommunications Act, a local government or instrumentality thereof cannot consider the environmental effects of RF emissions in a permit decision if a proposed wireless facility complies with the FCC's RF exposure

guidelines. 47 U.S.C. § 332(c)(7)(B)(iv). Because the Proposed Facilities will comply, the County cannot consider RF emissions as a decision factor.

The Town of Minden Board's Denial of Recommendation of Approval of the Facility at Station 14 Was Inconsistent with the Telecommunications Act.

At its August 20, 2024 meeting, the Town of Minden Board declined to recommend approval of Verizon Wireless's proposed facility at Station 14, citing visual impacts and health concerns. Both of these findings are inconsistent with the federal Telecommunications Act. As discussed during the meeting, the *Minden Design Guidelines* do not address wireless facilities, and the proposed facility complies with Douglas County's wireless facility regulations, which favor a monopole design and allow an 80-foot facility in the PF–Public Facilities zone.

The Telecommunications Act requires that a local government's denial of a wireless facility application must be based on "substantial evidence." *See* 47 U.S.C. § 332(c)(7)(B)(iii). As interpreted under controlling federal court decisions, this means that denial must be based on requirements set forth in local regulations and supported by evidence in the record. *See Metro PCS, Inc. v. City and County of San Francisco,* 400 F.3d 715, 725 (9th Cir. 2005) (denial of application must be "authorized by applicable local regulations and supported by a reasonable amount of evidence").

Because the proposed facility behind Station 14 complies with specific County wireless facility regulations, a denial based on vague visual impact concerns and not supported by local codes would lack substantial evidence.

During the meeting, Town Board members alluded to concern over RF emissions raised by members of the public, summarized as "growing health concerns" in the Town Manager's denial letter. However, as noted above, a denial based on concern over RF emissions would directly violate the Telecommunications Act, which preempts local governments from considering the environmental effects of RF emissions if a proposed facility complies with FCC guidelines. 47 U.S.C. § 332(c)(7)(B)(iv).

Conclusion

Verizon Wireless has worked diligently with the East Fork Fire Protection District to locate and design new wireless facilities to improve service and enhance public safety in the Johnson Lane area and west Minden. We encourage the County to approve the design review permits for the Proposed Facilities.

Very truly yours,

Paul B. Albritton

Attachment

cc: Mark Jackson, Esq.
Linda Doherty

Support for Verizon Tower Projects

Chief Goss -

Unfortunately, I am unable to attend the Board meeting today. However, I wanted to provide you with this email of support for the planning you are undergoing with Verizon regarding new towers at Station 6 and Station 14. There are two benefits I see with these towers. The immediate advantage will be improved Verizon cellular coverage which ultimately provides improved access to 9-1-1 by those persons attempting to report an emergency situation. Secondarily, towers at these locations could be put into the mix in our RF engineering study for potential use to expand and improve coverage of the Douglas County land mobile radio (LMR) system. The Douglas LMR system provides service for the Douglas County Sheriff's Office, Washoe Tribe Police Department, Tahoe-Douglas Fire Protection District, and of course, the East Fork Fire Protection District.

We look forward to working with East Fork FPD and Verizon on the implementation of these towers.

Respectfully,

Brent Finster
Emergency Communications Manager
Douglas County Department of Emergency Management

Public Record: 01/16/2024
https://eastforkfire.org/wp-content/uploads/BofDirectors/January.16.2024/PCItem8.pdf

verizon

DOUGLAS HS

1699 COUNTY ROAD, MINDEN, NV 89423
MDG LOCATION ID: 5000926250
PROJECT ID: 16977613

PROJECT DESCRIPTION

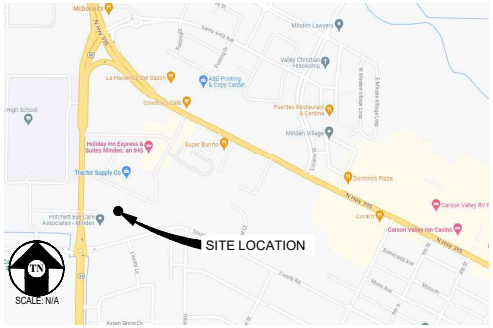
A (N) VERIZON WIRELESS UNMANNED TELECOMMUNICATION FACILITY CONSISTING OF INSTALLING:

- (N) 30'-0"x30'-0" (900 SQ FT) LEASE AREA
- (N) 80' TALL MONOPOLE
- (12) (N) VERIZON WIRELESS ANTENNAS ON (N) MOUNTS
- (12) (N) RRH UNITS @ ANTENNAS
- (N) SURGE SUPPRESSORS, @ ANTENNAS & @ EQUIPMENT
- (3) (N) OUTDOOR EQUIPMENT CABINETS
- (N) STANDBY GENERATOR W/ FUEL TANK
- (N) POWER & FIBER TO SITE
- (1) (F) 2' MICROWAVE DISH

PROJECT INFORMATION

SITE NAME:	DOUGLAS HS	SITE ACQUISITION COMPANY:	EPIC WIRELESS GROUP 605 COOLIDGE DRIVE, SUITE 100 FOLSOM, CA 95630
MDG LOCATION ID#:	5000926250		
COUNTY:	DOUGLAS	LEASING CONTACT:	ATTN: CHRIS HATCH (916) 243-5440 CHRIS.HATCH@EPICWIRELESS.NET
JURISDICTION:	DOUGLAS COUNTY		
APN:	1320-30-802-004	ZONING CONTACT:	ATTN: CHRIS HATCH (916) 243-5440 CHRIS.HATCH@EPICWIRELESS.NET
SITE ADDRESS:	1699 COUNTY ROAD MINDEN, NV 89423		
CURRENT ZONING:	PF (PUBLIC FACILITY)	CONSTRUCTION CONTACT:	ATTN: BRETT EWING (916) 844-9324 BRETT.EWING@EPICWIRELESS.NET
CONSTRUCTION TYPE:	V-B		
OCCUPANCY TYPE:	U, (UNMANNED COMMUNICATIONS FACILITY)		
POWER:	NV ENERGY		
LATITUDE:	N 38° 57' 25.84" NAD 83 N 38.957178° NAD 83		
LONGITUDE:	W 119° 46' 41.78" NAD 83 W 119.778272° NAD 83		
GROUND ELEVATION:	±4711' AMSL		
BASE FLOOD ELEVATION:	4712' AMSL		
PROPERTY OWNER:	EAST FORK FIRE & PARAMEDIC DIST. 1694 COUNTY ROAD MINDEN, NV 89423		
APPLICANT:	VERIZON WIRELESS 2770 SHADELANDS DRIVE, BLDG 11 WALNUT CREEK, CA 94598		

VICINITY MAP



CODE COMPLIANCE

ALL WORK & MATERIALS SHALL BE PERFORMED & INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

1. 2018 INTERNATIONAL BUILDING CODE AND NECESSARY ADMINISTRATIVE PROVISIONS
2. 2018 INTERNATIONAL RESIDENTIAL CODE AND NECESSARY ADMINISTRATIVE PROVISIONS
3. 2018 INTERNATIONAL EXISTING BUILDING CODE AND NECESSARY ADMINISTRATIVE PROVISIONS
4. 2018 INTERNATIONAL ENERGY CONSERVATION CODE
5. 2018 INTERNATIONAL FUEL GAS CODE
6. 2018 INTERNATIONAL MECHANICAL CODE AND NECESSARY ADMINISTRATIVE PROVISIONS
7. 2018 UNIFORM PLUMBING CODE AND NECESSARY ADMINISTRATIVE PROVISIONS
8. 2018 UNIFORM MECHANICAL CODE AND NECESSARY ADMINISTRATIVE PROVISIONS
9. 2017 NATIONAL ELECTRICAL CODE
10. 2018 INTERNATIONAL FIRE CODE
11. 2012 WILDLAND URBAN INTERFACE CODE
12. 2018 NORTHERN NEVADA AMENDMENTS
13. CITY/COUNTY ORDINANCES
14. ANSI/EIA-TIA-222-H

ALONG WITH ANY OTHER APPLICABLE LOCAL & STATE LAWS AND REGULATIONS.

SHEET INDEX

SHEET	DESCRIPTION	REV
T-1.1	TITLE SHEET	-
C-1	TOPOGRAPHIC SURVEY	-
A-1.1	OVERALL SITE PLAN	-
A-1.2	ENLARGED SITE PLAN	-
A-1.3	EQUIPMENT PLAN	-
A-2.1	ANTENNA PLAN	-
A-3.1	ELEVATIONS	-
A-3.2	ELEVATION	-
A-4.1	DETAILS	-
E-1.1	ELECTRICAL PLAN	-

GRADING PLANS BY OTHERS (DATED 06/25/24)

C-2 CONCEPTUAL GRADING AND DRAINAGE PLAN -

Issued For:

DOUGLAS HS

1699 COUNTY ROAD
MINDEN, NV 89423

PREPARED FOR

verizon
2770 SHADELANDS DR, BLDG 11
WALNUT CREEK, CA 94598

Vendor:

EPIC WIRELESS GROUP LLC
Connecting a Wireless World

SITE NO:	5000926250
PROJECT NO:	16977613
DRAWN BY:	SEAD
CHECKED BY:	S. SAVIG
APPROVED BY:	-

ISSUE STATUS

REV	DATE	DESCRIPTION	CAD
9	07/19/24	CLIENT REV	T.T.
8	05/28/24	CLIENT REV	S.V.
7	05/06/24	CLIENT REV	T.T.
6	01/18/24	CLIENT REV	S.D.
5	01/11/24	CLIENT REV	S.D.
4	08/02/23	CLIENT REV	S.D.
3	07/05/23	CLIENT REV	C.T.C
2	06/20/23	ZD 100%	D.H.
1	05/23/23	CLIENT REV	D.H.
0	05/17/23	ZD 90%	-

Licensee:

PRELIMINARY:
NOT FOR
CONSTRUCTION

KEVIN R. SORENSEN
S4469

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

ENGINEER:

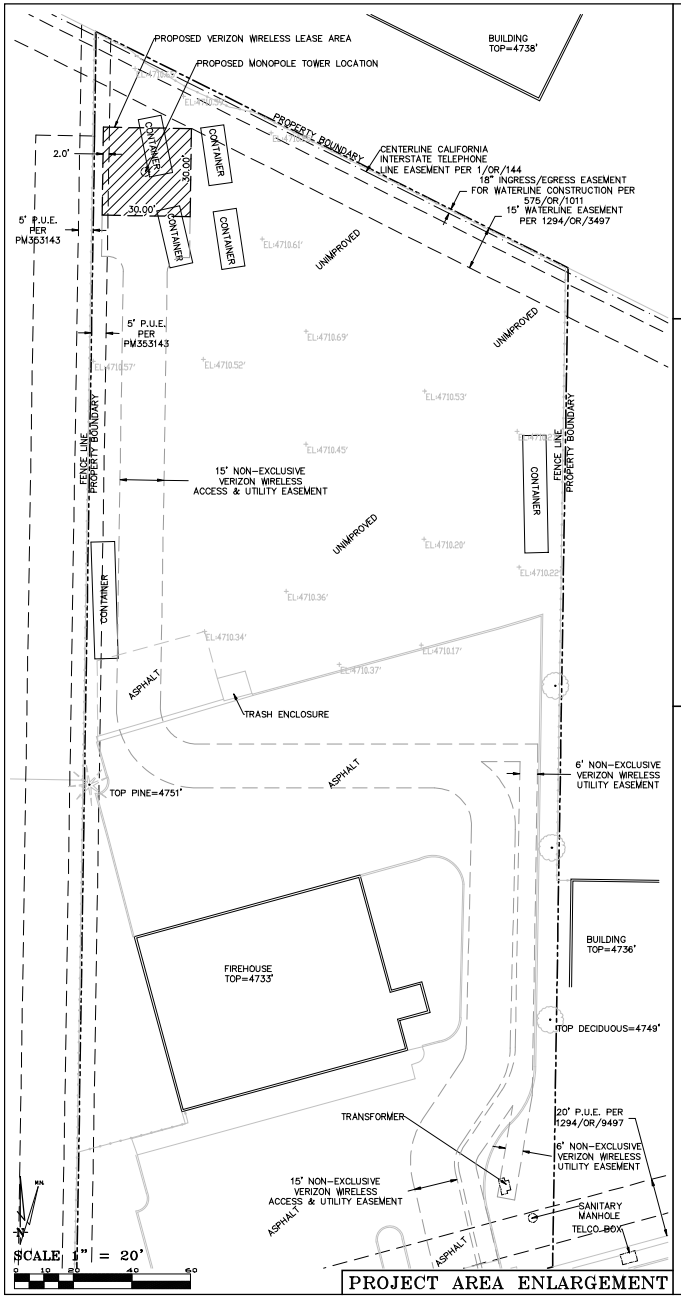
Streamline Engineering and Design, Inc.
8445 Sierra College Blvd, Suite E Granite Bay, CA 95746
Contact: Kevin Sorensen Phone: 916-660-1930
E-Mail: kevin@streamlineeng.com Fax: 916-660-1941

SHEET TITLE:

TITLE SHEET

SHEET NUMBER:

T-1.1



DATE OF SURVEY: 05-09-23

SURVEYED BY OR UNDER DIRECTION OF: KENNETH D. GEIL, P.L.S. 13385

LOCATED IN THE COUNTY OF DOUGLAS, STATE OF NEVADA

BEARINGS SHOWN ARE BASED UPON MONUMENTS FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY.

ELEVATIONS SHOWN ON THIS PLAN ARE BASED UPON U.S.G.S. N.A.V.D. 88 DATUM. ABOVE MEAN SEA LEVEL.

N.G.V.D. 1929 CORRECTION: SUBTRACT 3.69' FROM ELEVATIONS SHOWN.

CONTOUR INTERVAL: N/A

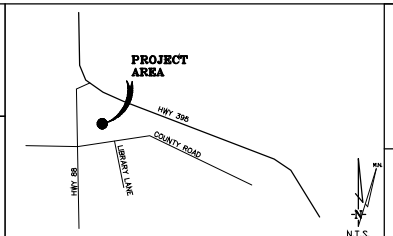
CONTRACTOR IS RESPONSIBLE TO VERIFY LEASE AREA PRIOR TO CONSTRUCTION.

ASSESSOR'S PARCEL NUMBER: 1320-30-802-004

OWNER(S): EAST FORK FIRE & PARAMEDIC DIST.
1694 COUNTY ROAD
MINDEN, NV 89423

BOUNDARY SHOWN IS BASED ON MONUMENTATION FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY LINES AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION FOUND DURING THE FIELD SURVEY. NO EASEMENTS WERE RESEARCHED OR PLOTTED. PROPERTY LINES AND LINES OF TITLE WERE NOT INVESTIGATED NOR SURVEYED. NO PROPERTY MONUMENTS WERE SET.

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF GEIL ENGINEERING AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE AND CARRIER FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM GEIL ENGINEERING TITLE TO THESE PLANS AND/OR SPECIFICATIONS SHALL REMAIN WITH GEIL ENGINEERING WITHOUT PREJUDICE AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.



Geil Engineering
Engineering * Surveying * Planning
1226 High Street
Auburn, California 95603-5015
Phone: (530) 885-0426 * Fax: (530) 823-1309

Verizon Wireless

Project Name: Douglas HS

Project Site Location: 1699 County Road
Minden, NV 89423
Douglas County

Date of Observation: 05-09-23

Equipment/Procedure Used to Obtain Coordinates: Trimble Pathfinder Pro XL post processed with Pathfinder Office software.

Type of Antenna Mount: Proposed Monopole

Coordinates (NAD83)
Latitude: N 38° 57' 25.84" N 38.957178°
Longitude: W 119° 46' 41.78" W 119.778272°

ELEVATION of Ground at Structure (NAVD88) 4711' AMSL

CERTIFICATION: I, the undersigned, do hereby certify elevation listed above is based on a field survey done under my supervision and that the accuracy of those elevations meet or exceed 1-A Standards as defined in the FAA ASAC Information Sheet 91:003, and that they are true and accurate to the best of my knowledge and belief.

Kenneth D. Geil Nevada PLS 13385

Lease Area Description

All that certain lease area being a portion of that certain parcel labeled "APN:25-050-65 1.50 ACRES" as is shown on that certain Parcel Map PM-2011 filed for record as Document No. 374040, 1195/OR/248, Official Records of Douglas County, Nevada and being a portion of SE 1/4 of Section 30, Township 13 North, Range 20 East, M.D.B. & M., being more particularly described as follows:

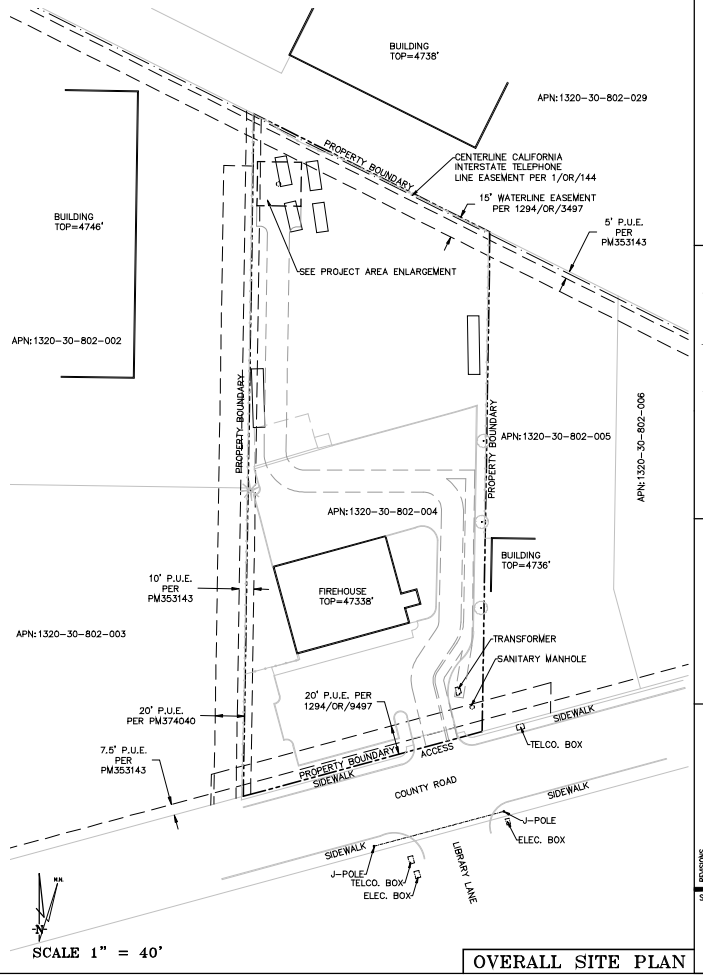
Commencing at a 5/8" bar and cap stamped PLS6899 set for the Northwest corner of the above referenced parcel; thence from said point of commencement South 04°22'44" East 32.66 feet to the True Point of Beginning; thence from said point of beginning South 89°06'30" East 30.00 feet; thence South 00°53'30" West 30.00 feet; thence North 89°06'30" West 30.00 feet; thence North 00°53'30" East 30.00 feet to the point of beginning.

Together with a non-exclusive easement for access and utility purposes fifteen (15) feet in width the centerline of which is described as follows: beginning at the midpoint on the South boundary of the above described lease area and running thence South 00°53'30" West 6.54 feet to a point hereafter defined as Point "A"; thence continuing South 00°53'30" West 160.71 feet; thence through a tangent curve to the left having a central radius of 20.00 feet and running through an arc distance of 31.73 feet; thence tangent to the last curve East 81.00 feet to a point hereafter defined as Point "B"; thence through a tangent curve to the right having a central radius of 20.00 feet and running through an arc distance of 31.88 feet; thence tangent to the last curve South 01°20'34" West 75.49 feet; thence through a tangent curve to the right having a central radius of 20.00 feet and running through an arc distance of 11.43 feet; thence tangent to the last curve South 34°05'27" West 21.64 feet; thence through a tangent curve to the left having a central radius of 20.00 feet and running through an arc distance of 16.53 feet; thence tangent to the last curve South 13°16'15" East 39.66 feet more or less to the public right of way more commonly known as County Road.

Also together with a non-exclusive easement for access and utility purposes fifteen (15) feet in width the centerline of which is described as follows: beginning at Point "A" as previously defined and running thence Easterly and Westerly parallel to the South line of the above described lease area for a distance of 15.00 feet.

Also together with a non-exclusive easement for utility purposes six (6) feet in width the centerline of which is described as follows: beginning at Point "B" as previously defined and running thence North 70°10'31" East 13.27 feet; thence East 19.60 feet; thence South 00°55'05" West 100.41 feet to a point hereafter defined as Point "C"; thence continuing South 00°55'05" West 16.16 feet; thence South 09°33'00" West 35.85 feet more or less to the existing transformer.

Also together with a non-exclusive easement for utility purposes six (6) feet in width the centerline of which is described as follows: beginning at Point "C" as previously defined and running thence through a tangent curve to the right having a central radius of 30.00 feet and running through an arc distance of 17.37 feet; thence tangent to the last curve South 34°05'27" West 22.94 feet; thence through a tangent curve to the left having a central radius of 8.17 feet and running through an arc distance of 6.75 feet; thence tangent to the last curve South 13°16'15" East 39.66 feet more or less to the public right of way.



DEPT	APPROVED	DATE
A&C		
RE		
RF		
INT		
EE_IN		
OPS		
EE_OUT		

Surveyor

GEIL ENGINEERING
ENGINEERING * SURVEYING * PLANNING
1226 HIGH STREET
AUBURN, CALIFORNIA 95603
Phone: (530) 885-0426
Fax: (530) 823-1309

verizon

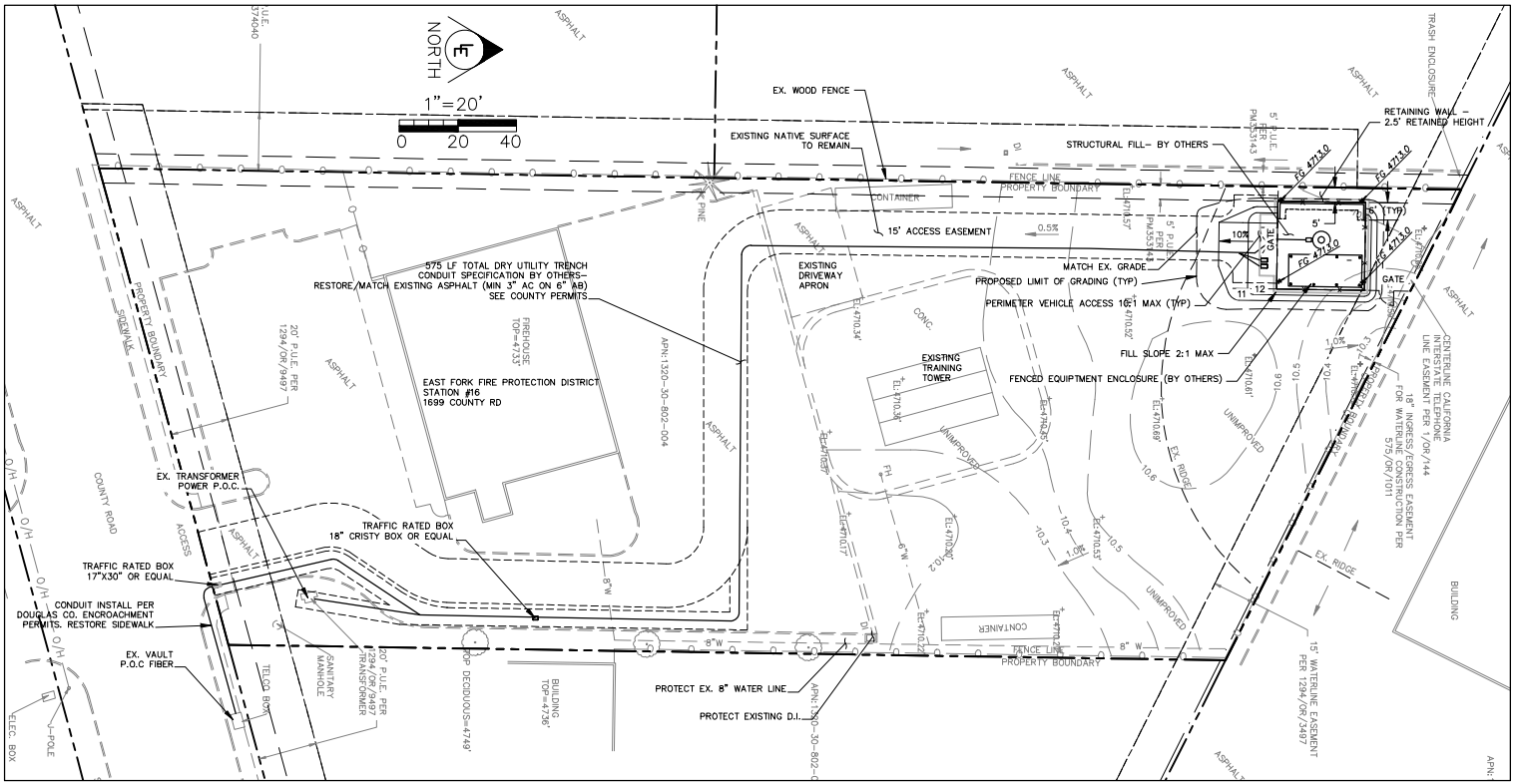
DOUGLAS HS
1699 COUNTY ROAD
MINDEN, NV 89423

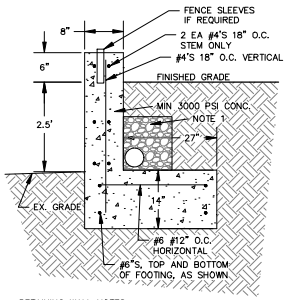
PLOT PLAN AND SITE TOPOGRAPHY

REVISIONS			
05-10-23 N. ROHDE	REV	DRAWING SUBMITTAL	REV
05-19-23 N. ROHDE	REV	TITLE WORK	REV
06-07-24 N. ROHDE	REV	LEASE AREA MOD.	REV
07-19-24 N. ROHDE	REV	REDLINES	REV
	REV		REV

Sheet

C-1





RETAINING WALL NOTES:

1. PROVIDE 4" PERFORATED PIPE DRAIN WITH DRAIN ROCK WRAPPED IN NON-WOVEN GEOTEXTILE
2. PLACE ON UNDISTURBED SOIL
3. CONCRETE PER ORANGE BOOK
4. WRAP ALL BARS MIN 18" AT WALL CORNERS

2.5' RETAINING WALL

CONTACT INFORMATION

PROJECT CIVIL ENGINEER:
MICHAEL LEFRANCOIS, PE
775-413-5055
MLEFRANCOIS@L-ENG.COM

PROJECT INFORMATION:

LOCATION:
ADDRESS: 1699 COUNTY RD, MINDEN NV
APN: 1320-30-802-004
SUBDIVISION:
LOT SIZE:
ELEVATION: 4713

PROPERTY OWNER:
EAST FORK FIRE & PARAMEDIC DIST.
1694 COUNTY RD
MINDEN, NV 89423

DOUGLAS COUNTY NOTES:

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE, OSHA REQUIREMENTS FOR EXCAVATION, AND SPECIAL REQUIREMENTS OF THE PERMIT. VIOLATIONS WILL RESULT IN THE STOPPAGE OF ALL WORK UNTIL THE VIOLATION IS CORRECTED.
2. NO WORK SHALL BE STARTED WITHOUT FIRST NOTIFYING THE COUNTY ENGINEERING INSPECTOR AT (775) 782- 6237 AT LEAST 2 WORKING DAYS BEFORE WORK IS COMMENCED.
3. SLOPES SHALL BE NO STEEPER THAN 2 HORIZONTAL TO 1 VERTICAL, OR AS DETERMINED BY THE GEOTECHNICAL ENGINEER AND APPROVED BY THE COUNTY.
4. FILLS SHALL BE PLACED IN ACCORDANCE WITH THE REQUIREMENTS OF THE 'STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.'
5. ALL WORK AND MATERIALS SHALL CONFORM TO THE CURRENT STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION ('ORANGE BOOK'). ALL WORK AND MATERIALS NOT IN CONFORMANCE WITH THESE AMENDED SPECIFICATIONS AND DETAILS ARE SUBJECT TO REMOVAL AND REPLACEMENT AT THE CONTRACTOR'S EXPENSE.
6. ONE WEEK PRIOR TO THE COMMENCEMENT OF ANY WORK, CONSTRUCTION OR INSTALLATIONS ASSOCIATED WITH THIS PERMIT, THE PERMITTEE SHALL NOTIFY THE DOUGLAS COUNTY INSPECTOR AT (775)782-6237OF INTENT TO BEGIN AND REQUEST/SCHEDULE PRECONSTRUCTION MEETING AT THE PROJECT SITE WITH DOUGLAS COUNTY CONSTRUCTION INSPECTOR. FAILURE TO PROVIDE PROPER INSPECTION NOTIFICATION AS PRESCRIBED ABOVE SHALL RESULT IN THIS PERMIT BECOMING INVALID AND WORK BEING STOPPED.
7. CONTRACTOR'S SHALL COMPLY WITH THE REQUIREMENTS TO OBTAIN THE NECESSARY SITE IMPROVEMENT PERMITS AND SHALL COMPLY WITH THE SITE IMPROVEMENT PERMIT CONDITIONS AS FOUND ON THE BACK OF THE PERMIT FORM.
8. THE APPROVED PLAN, PERMIT AND INSPECTION RECORD MUST BE ON THE JOB SITE AT ALL TIMES.
9. DOUGLAS COUNTY PARKS AND RECREATION, COMMUNICATIONS, AND SHERIFF'S OFFICE IS NOT REPRESENTED BY USA DIGS. WHEN THE CONTRACTOR EXCAVATES NEAR OR ADJACENT TO ANY OF THESE FACILITIES/PROPERTIES, THE CONTRACTOR SHALL CONTACT THE ADMINISTRATOR OF APPLICABLE DEPARTMENT AT PHONE NUMBER SHOWN ON COUNTY WEBSITE TO REQUEST ASSISTANCE IN LOCATING ALL THEIR UNDERGROUND FACILITIES. THIS REQUIREMENT MAY ALSO APPLY TO ANY OTHER COUNTY FACILITY/PROPERTY.
10. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING THE RELOCATION OF ALL UTILITIES, POWER POLES, IRRIGATION DRY-UPS, RESETS REMOVALS BY OTHERS, ETC.
11. THE CONTRACTORS SHALL LOCATE ALL UTILITIES PRIOR TO EXCAVATION AND AVOID DAMAGE TO SAME. CALL 811 FOR USA DIGS TWO WORKING DAYS PRIOR TO DIGGING.
12. CONTRACTORS SHALL COMPLY WITH THE PROVISIONS FOR TRAFFIC CONTROL AND BARRICADING PER THE APPROVED TRAFFIC CONTROL PLANS.
13. IF A FIRE HYDRANT IS NEEDED TO OBTAIN CONSTRUCTION WATER, THE CONTRACTOR SHALL OBTAIN A FIRE HYDRANT METER FROM DOUGLAS COUNTY PUBLIC WORKS OR APPLICABLE WATER PURVEYOR AND PAY ALL APPLICABLE FEES AND CHARGES.
14. IF DURING THE CONSTRUCTION OF A PUBLIC FACILITY, THE CONTRACTOR FAILS TO OR IS UNABLE TO COMPLY WITH A REQUEST TO THE ENGINEERING INSPECTOR, AND IT IS NECESSARY FOR COUNTY FORCES TO DO WORK THAT IS NORMALLY THE CONTRACTOR'S RESPONSIBILITY, THE COUNTY SHALL BE JUSTIFIED IN BILLING THE CONTRACTOR. EACH INCIDENT REQUIRING WORK BY COUNTY FORCES SHALL BE COVERED BY A SEPARATE BILLING AT THE CURRENT APPLICABLE RATES.
15. THE CONTRACTOR IS ADVISED THAT DAMAGE TO PUBLIC SERVICES OR SYSTEMS AS A RESULT OF THIS PROJECT SHALL BE REPAIRED BY THE CONTRACTOR AND INSPECTED BY THE ENGINEERING INSPECTOR. UNLESS OTHERWISE APPROVED BY THE COUNTY, ALL REPAIRS SHALL BE DONE WITHIN 24 HOURS. THE CONTRACTOR IS ADVISED THAT ANY COSTS RELATED TO REPAIR OR REPLACEMENT OF DAMAGED PUBLIC SERVICES AND SYSTEMS AS A RESULT OF CONTRACTOR'S ACTIVITIES SHALL BE BORNE BY THE CONTRACTOR.

PLAN NOTES

1. DATE OF SURVEY: 05-09-23 BY GEIL ENGINEERING
2. SURVEYORS NOTE: BOUNDARY SHOWN IS BASED ON MONUMENTATION FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY LINES AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION FOUND DURING THE FIELD SURVEY. NO EASEMENTS WERE RESEARCHED OR PLOTTED. PROPERTY LINES AND LINES OF TITLE WERE NOT INVESTIGATED NOR SURVEYED. NO PROPERTY MONUMENTS WERE SET.
3. CONTOURS SHOWN 0.1' INTERVAL WERE SUPPLEMENTED FOR GENERAL INFORMATION
4. DATA MAY BE SUPPLEMENTED FROM DOUGLAS COUNTY GIS FEATURES
5. ELEVATIONS SHOWN ON THIS PLAN ARE BASED ON USGS NAVD 88 DATUM ABOVE MEAN SEAL LEVEL
6. CONTRACTOR TO VERIFY LEASE AREA PRIOR TO CONSTRUCTION.
7. ALL SITE IMPROVEMENTS TO BE CONSTRUCTED IN ACCORDANCE WITH DOUGLAS COUNTY CODE AND DOUGLAS COUNTY DESIGN CRITERIA AND ORANGE BOOK STANDARDS, AS APPLICABLE.
8. NO GEOTECHNICAL STUDY WAS PROVIDED.
9. DESIGN OF TELECOMMUNICATION FACILITIES AND STRUCTURES IS BY OTHERS.

ENGINEERS NOTES:

1. THE ENGINEER ASSUMES NO RESPONSIBILITY BEYOND THE ADEQUACY OF HIS DESIGN CONTAINED HEREIN.
2. THE CONTRACTOR IS RESPONSIBLE FOR PROTECTION TO ALL UNDERGROUND UTILITIES, WHETHER NEW OR EXISTING, DURING CONSTRUCTION AND COMPACTION. CALL 811 UTILITY LOCATION SERVICE IN ADVANCE OF CONSTRUCTION.
3. THE CONTRACTOR SHALL EXPOSE AND CHECK ELEVATIONS OF EXISTING UTILITIES AND CLEARANCES OF UTILITY CROSSINGS BEFORE CONSTRUCTING NEW PIPELINES.
4. TRENCH EXCAVATION AND BACKFILL SHALL CONFORM TO THE DETAILS SHOWN ON THESE PLANS AND THE REQUIREMENTS OF THE APPROPRIATE UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE BACKFILL REQUIREMENTS OF COUNTY AND ALL UTILITY COMPANIES.
5. OBSTRUCTIONS AND UTILITIES INDICATED ARE FOR INFORMATION ONLY. NOT ALL UTILITIES MAY BE SHOWN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH WITH THE APPROPRIATE AGENCIES. NEITHER THE OWNER NOR THE ENGINEER ASSUMES RESPONSIBILITY THAT THE OBSTRUCTIONS INDICATED WILL BE ENCOUNTERED.
6. CONTRACTOR TO PROTECT IN-PLACE ANY UTILITIES, PIPES, OR OTHER IMPROVEMENTS IN THE WORK AREA. ANY DAMAGES TO EXISTING IMPROVEMENTS SHALL BE REPAIRED AND/OR REPLACED IN GOOD WORKING ORDER. ANY INTERRUPTIONS TO BUILDING SERVICES (SEWER, WATER, ELECTRICITY, ETC.) SHALL BE COORDINATED WITH THE OWNER'S REPRESENTATIVE.
7. IRRIGATION SYSTEMS ENCOUNTERED DURING CONSTRUCTION SHALL BE MAINTAINED IN WORKING CONDITION. IF PIPES NEED TO BE CUT AND REMOVED, TEMPORARY BYPASS PIPES SHALL BE INSTALLED. NO SECTIONS OF THE IRRIGATION SYSTEM SHALL BE RENDERED INOPERABLE WITHOUT PRIOR APPROVAL OF THE OWNER.
8. PERMANENT REPAIRS ON ANY DISTURBED IRRIGATION PIPING, VALVES, OR SPRINKLER HEADS SHALL BE MADE PRIOR TO PROJECT COMPLETION.
9. EMERGENCY ACCESS SHALL BE MAINTAINED AT ALL TIMES. CONTRACTOR SHALL KEEP A MINIMUM OF TWO TRENCH PLATES (SUFFICIENT TO ACCOMMODATE FIRE APPARATUS) ON SITE DURING TRENCHING ACTIVIES.
10. ADEQUATE FENCING, BARRICADES, AND RAMPS SHALL BE PROVIDED FOR PEDESTRIAN SAFETY.

FOR PERMIT REVIEW ONLY

LEFRANCOIS ENGINEERING
288 VILLAGE BLVD, STE 5
MAIL: PO BOX 5023
INCLINE VILLAGE, NV 89450
ADMIN@L-ENG.COM *
775-413-5033

VERIZON DOUGLAS HS FACILITY

MICHAEL LEFRANCOIS, PE — Exp. 12/31/25 — CIVIL — STATE OF NEVADA — No. 20151 — PROFESSIONAL ENGINEER — 07/17/24

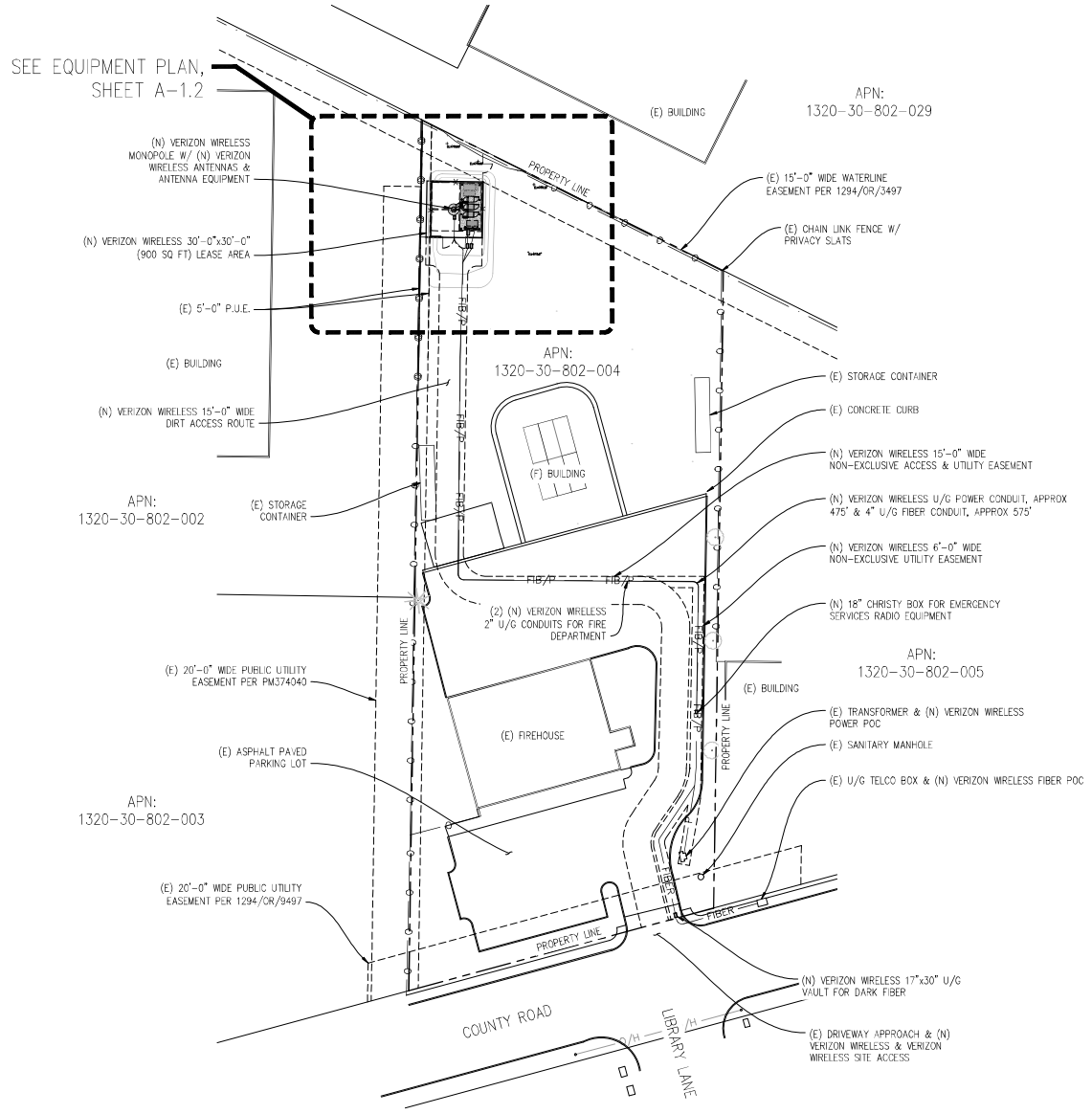
CONCEPTUAL GRADING AND DRAINAGE PLAN

NOTES:
DRAWN BY: MTL
07/17/2024

C-2

PAGE 1 OF 1

C:\Users\Mike.lefrancois\OneDrive - Lefrancois Engineering\Projects\Active Projects\124 Epic Wireless - Douglas HS\CAD\C1-DOUGLAS HS.dwg, 7/17/2024 11:37:42 AM



OVERALL SITE PLAN

1"=30'-0"

0 15' 30' 60' 90' 150'

Issued For:

DOUGLAS HS

1699 COUNTY ROAD
MINDEN, NV 89423

PREPARED FOR

verizon

2770 SHADELANDS DR, BLDG 11
WALNUT CREEK, CA 94598

Vendor:

EPIC WIRELESS GROUP LLC
Connecting a Wireless World

SITE NO:	5000926250
PROJECT NO:	16977613
DRAWN BY:	SEAD
CHECKED BY:	S. SAVIG
APPROVED BY:	-

ISSUE STATUS

REV	DATE	DESCRIPTION	CAD
9	07/19/24	CLIENT REV	T.T.
8	05/28/24	CLIENT REV	S.V.
7	05/06/24	CLIENT REV	T.T.
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5	01/11/24	CLIENT REV	S.D.
4	08/02/23	CLIENT REV	S.D.
3	07/05/23	CLIENT REV	C.T.C
2	06/20/23	ZD 100%	D.H.
1	05/23/23	CLIENT REV	D.H.
0	05/17/23	ZD 90%	-

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KEVIN R. SORENSEN
S4469

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ENGINEER:

Streamline Engineering and Design Inc.

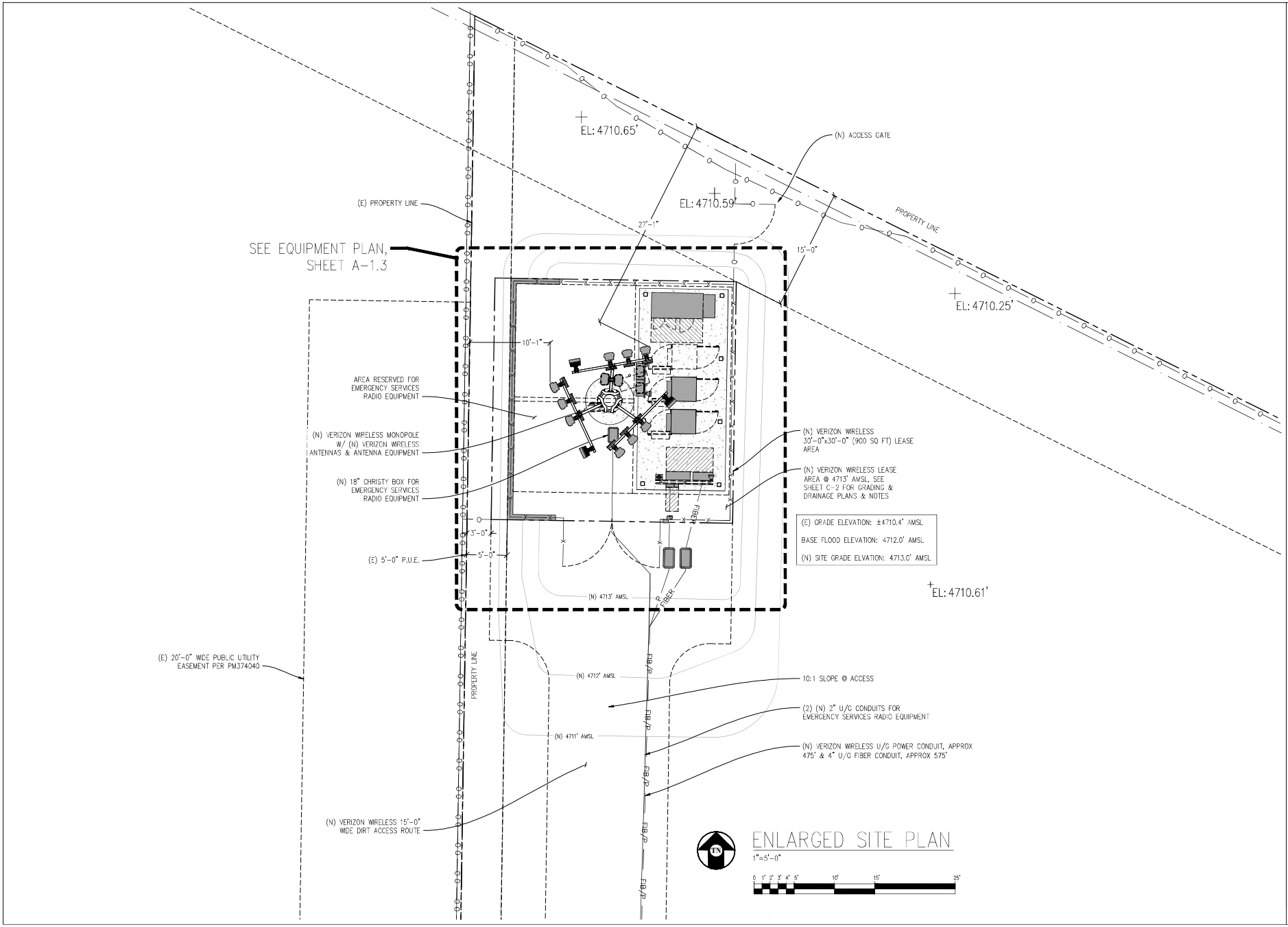
8445 Sierra College Blvd, Suite E Granite Bay, CA 95746
Contact: Kevin Sorensen Phone: 916-660-1930
E-Mail: kevin@streamlineeng.com Fax: 916-660-1941

SHEET TITLE:

OVERALL SITE PLAN

SHEET NUMBER:

A-1.1



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2	06/20/23	ZD 100%	D.H.
1	05/23/23	CLIENT REV	D.H.
0	05/17/23	ZD 90%	-

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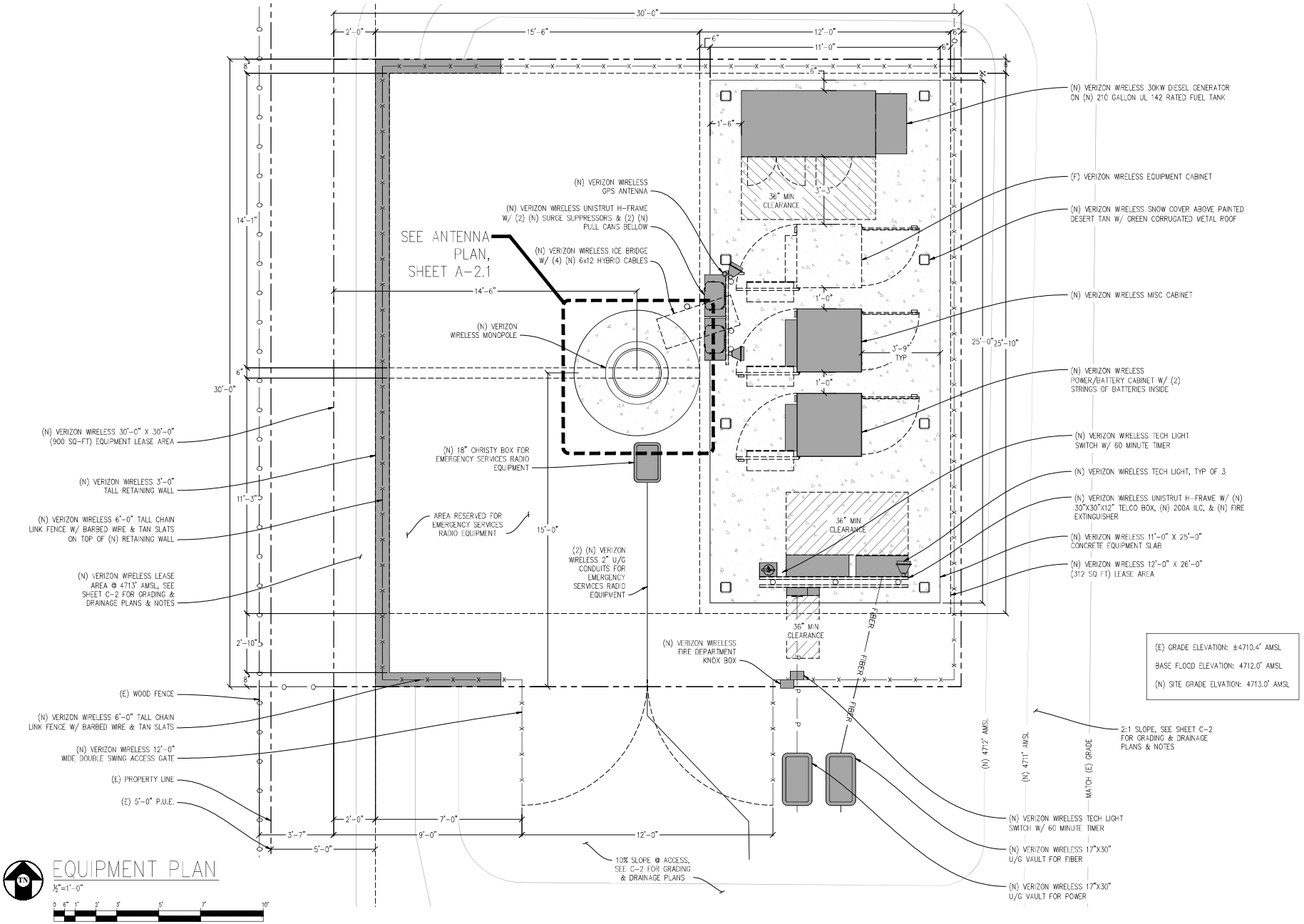
E-Mail: kevin@streamlineeng.com Fax: 916-660-1941

SHEET TITLE:

ENLARGED SITE PLAN

SHEET NUMBER:

A-1.2



EQUIPMENT PLAN

½"=1'-0"

0 6" 1' 2' 3' 5' 7' 10'

Issued For:

DOUGLAS HS

1699 COUNTY ROAD
MINDEN, NV 89423

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verizon

2770 SHADELANDS DR, BLDG 11
WALNUT CREEK, CA 94598

Vendor:

EPIC WIRELESS GROUP LLC
Connecting a Wireless World

SITE NO:	5000926250
PROJECT NO:	16977613
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CHECKED BY:	S. SAVIG
APPROVED BY:	-

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3	07/05/23	CLIENT REV	C.T.C
2	06/20/23	ZD 100%	D.H.
1	05/23/23	CLIENT REV	D.H.
0	05/17/23	ZD 90%	-

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SHEET TITLE:

EQUIPMENT PLAN

SHEET NUMBER:

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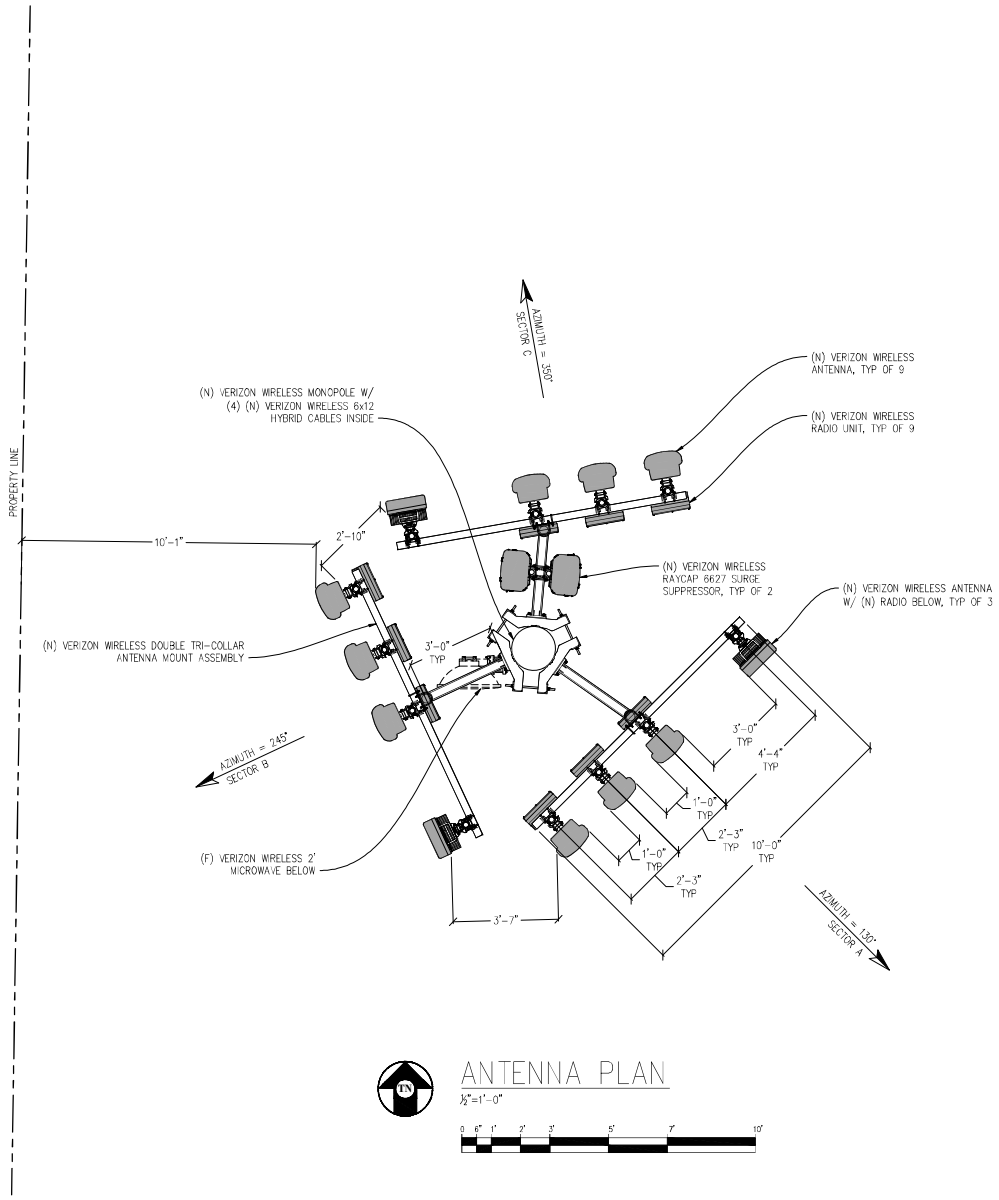

ANTENNA PLAN

½"=1'-0"

0 6" 1' 2' 3' 5' 7' 10'

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1699 COUNTY ROAD
MINDEN, NV 89423

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0	05/17/23	ZD 90%	-

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SHEET TITLE:

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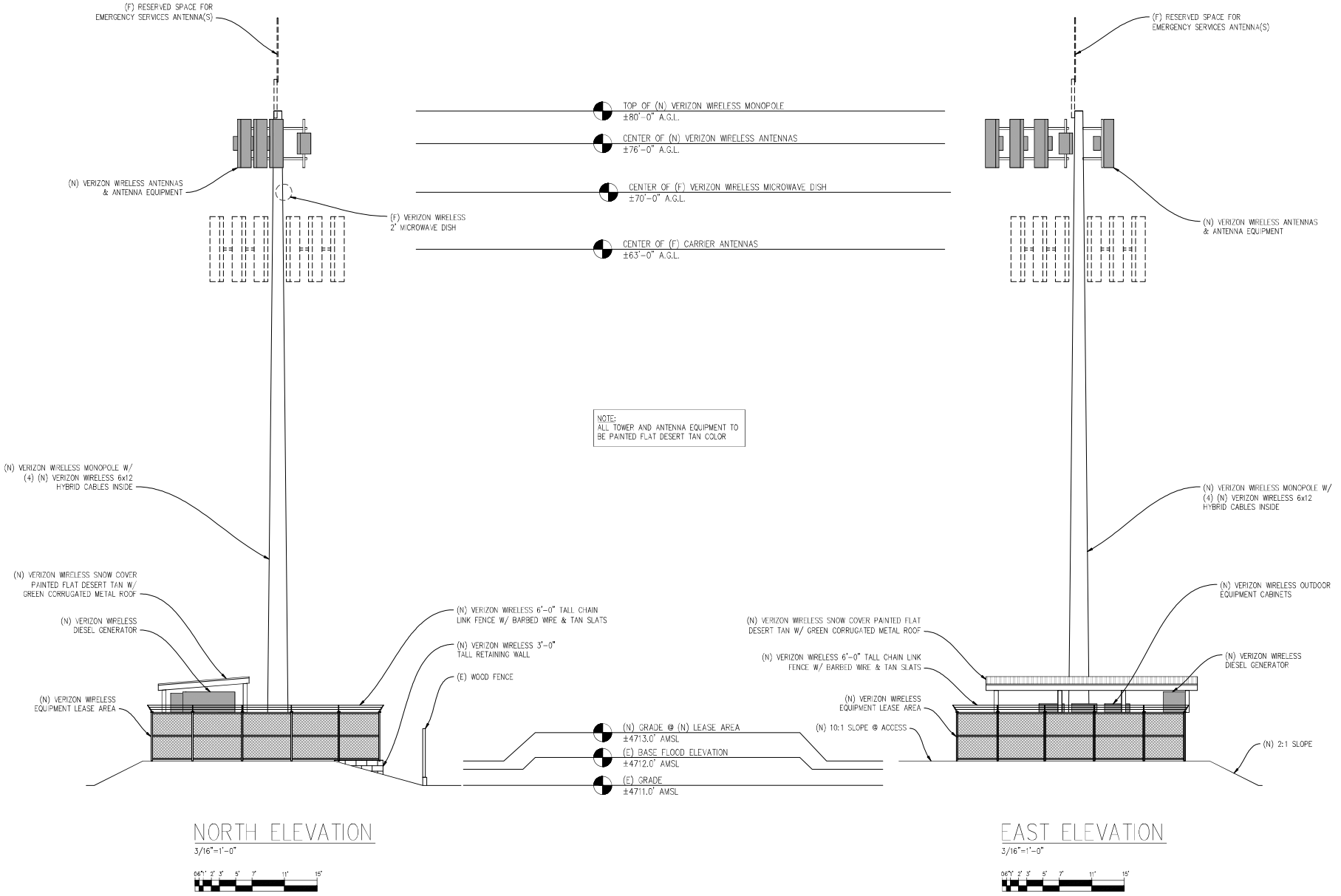
SHEET NUMBER:

A-2.1



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WALNUT CREEK, CA 94598

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SITE NO:	5000926250
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0	05/17/23	ZD 90%	-

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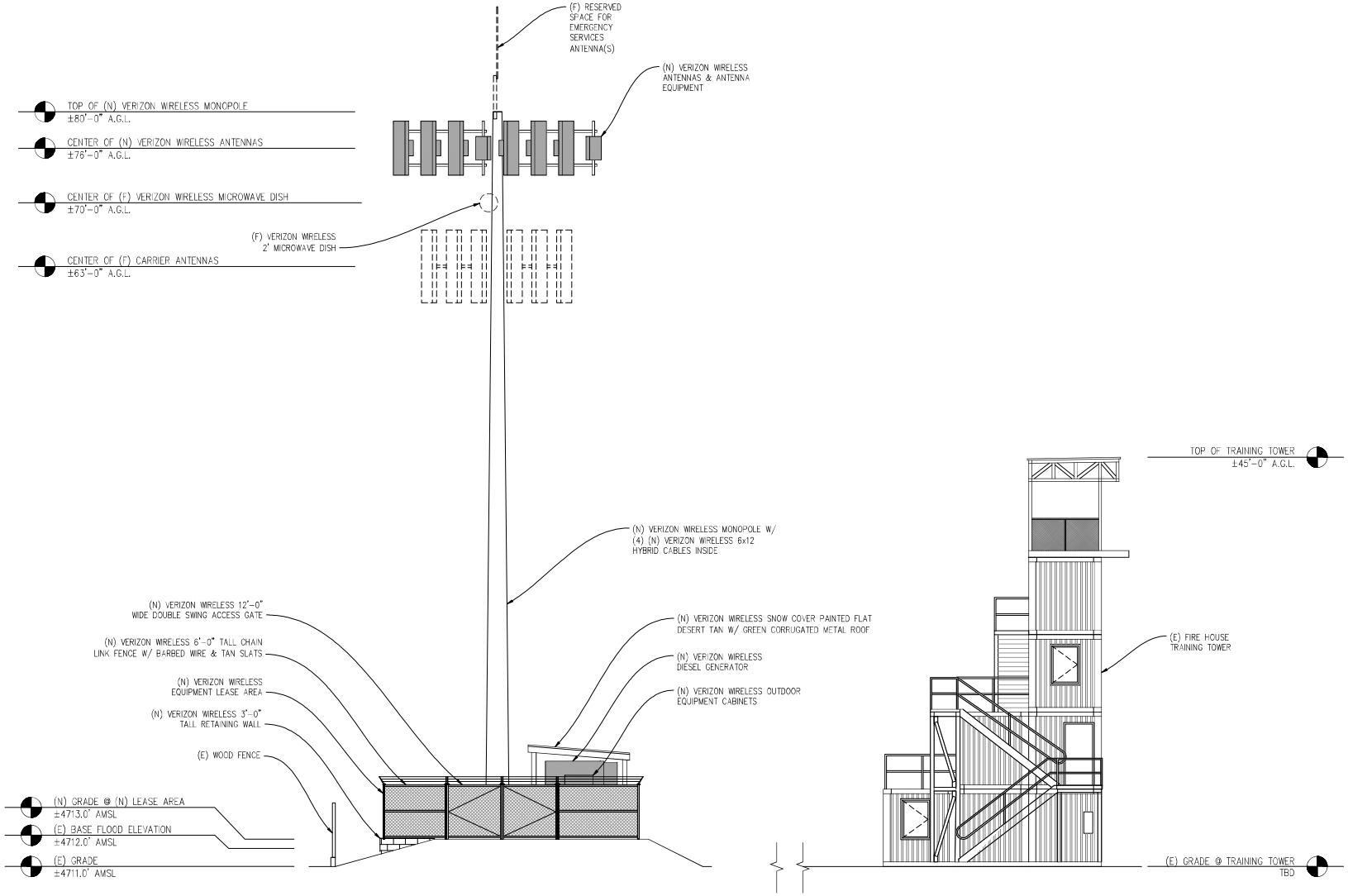
SHEET TITLE:

ELEVATIONS

SHEET NUMBER:

A-3.1



SOUTH ELEVATION

3/16"=1'-0"

0 6" 1' 2' 3' 5' 7' 11' 15'

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4	08/02/23	CLIENT REV	S.D.
3	07/05/23	CLIENT REV	C.T.C
2	06/20/23	ZD 100%	D.H.
1	05/23/23	CLIENT REV	D.H.
0	05/17/23	ZD 90%	-

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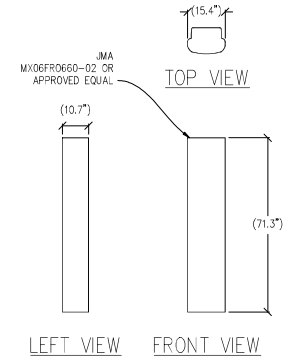
SHEET TITLE:

ELEVATION

SHEET NUMBER:

A-3.2



1 ANTENNA DETAIL
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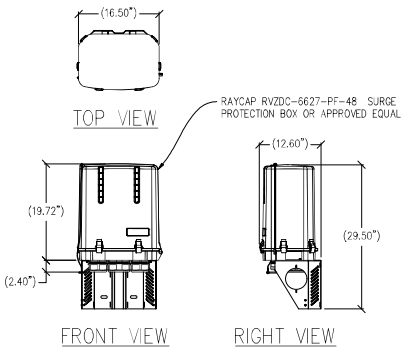

2 SURGE PROTECTION BOX
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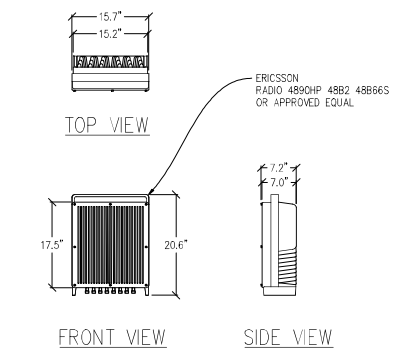

3 RADIO 4890HP DETAIL
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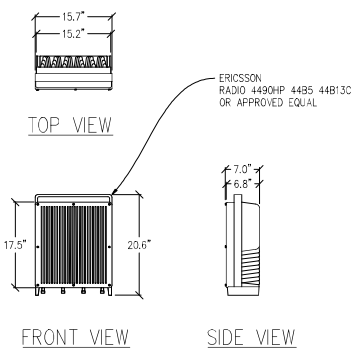

4 RADIO 4490HP DETAIL
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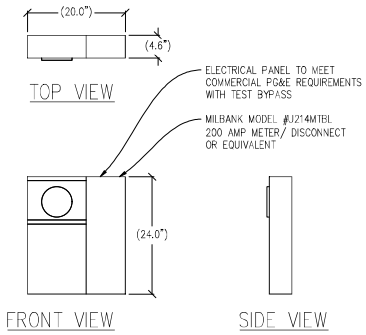

5 METER DETAIL
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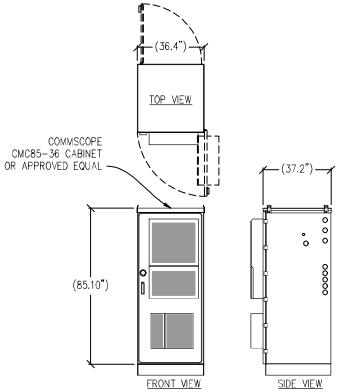

6 CABINET DETAIL
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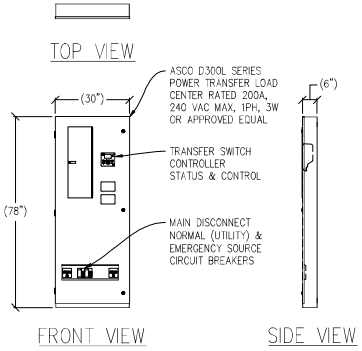
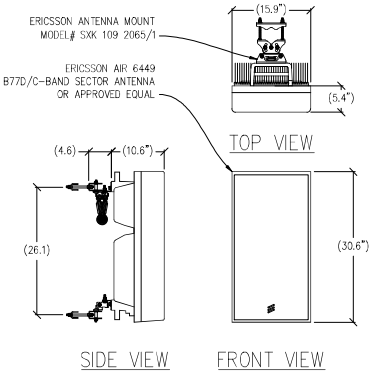


7 ILC DETAIL
½"=1'-0"



8 ANTENNA DETAIL
1"=1'-0" MAX WEIGHT W/ MOUNT: 86 LBS

Issued For:

DOUGLAS HS

1699 COUNTY ROAD
MINDEN, NV 89423

PREPARED FOR

verizon

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WALNUT CREEK, CA 94598

Vendor:

EPIC WIRELESS GROUP LLC
Connecting a Wireless World

SITE NO:	5000926250
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DRAWN BY:	SEAD
CHECKED BY:	S. SAVIG
APPROVED BY:	-

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4	08/02/23	CLIENT REV	S.D.
3	07/05/23	CLIENT REV	C.T.C
2	06/20/23	ZD 100%	D.H.
1	05/23/23	CLIENT REV	D.H.
0	05/17/23	ZD 90%	-

Licensee:

PRELIMINARY:
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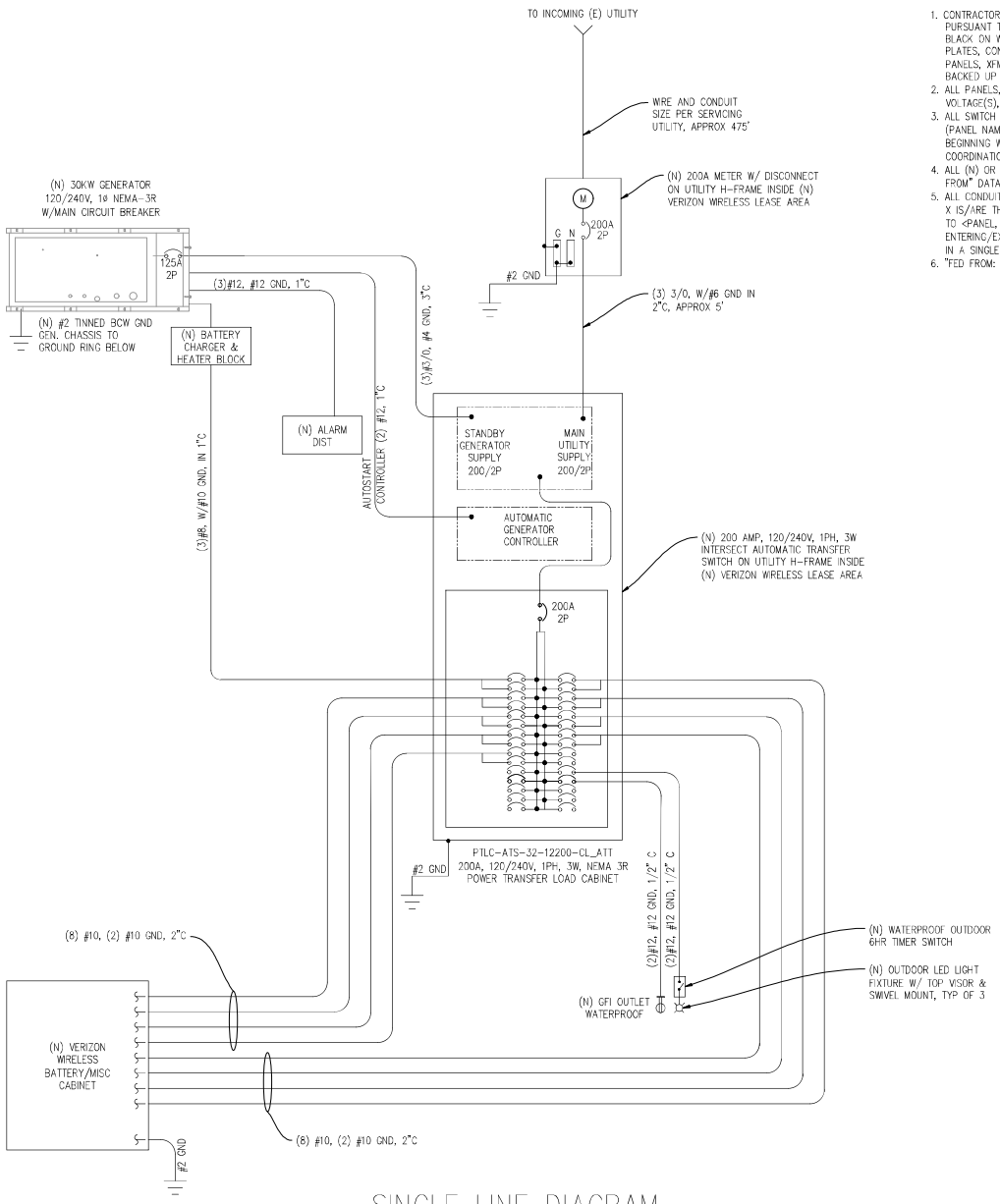
SHEET TITLE:

DETAILS

SHEET NUMBER:

A-4.1



SINGLE LINE DIAGRAM

ELECTRICAL LABELING REQUIREMENTS

1. CONTRACTOR SHALL LABEL ALL ELECTRICAL DEVICES INSTALLED OR ALTERED PURSUANT TO THIS CONTRACT PER THE FOLLOWING. LABELS SHALL BE PERMANENT BLACK ON WHITE PEEL & STICK LABEL MAKER TYPE FOR ALL SWITCH & OUTLET PLATES, CONDUITS AND CEILING FIXTURES, AND SHALL BE PHENOLIC TAG TYPE FOR PANELS, XFMR's, PULL BOXES, ETC.; PHENOLIC TAGS SHALL BE RED IN COLOR WHERE BACKED UP BY GENERATOR
2. ALL PANELS, XFMR's AND PULL BOXES SHALL BE LABELED WITH DEVICE 'NAME', VOLTAGE(S), RATING FOR XFMR's, AND "FED FROM" DATA.
3. ALL SWITCH & OUTLET PLATES SHALL BE LABELED WITH "FED FROM" CIRCUIT DATA (PANEL NAME & CIRCUIT#); ALL GANG SWITCHES SHALL BEAR SWITCH NUMBERS BEGINNING W/#1 ON LEFT OF THE MAIN LIGHTING SWITCH FOR EACH ROOM FOR COORDINATION W/FIXTURE LABELS.
4. ALL (N) OR RETROFITTED LIGHTING FIXTURES SHALL BE LABELLED WITH THE "FED FROM" DATA (SWITCH#)
5. ALL CONDUITS EXITING A PANEL BOARD SHALL BE LABELED "CIRCUIT(S) 'X'..." WHERE X IS/ARE THE BREAKER#(S). CONDUITS EXITING XFMR'S SHALL BE LABELED "FEEDER TO <PANEL, DEVICE>", E.G. "FEEDER TO PANEL <panel name>. CONDUITS ENTERING/EXITING A ROOM OR FLOOR SHALL BE LABELED AT THE ENTRY & EXIT (OR IN A SINGLE LOCATION IF OBVIOUS) W/"FED FROM..." & "TO PANEL/XFMR/..."DATA.
6. "FED FROM: DATA = <panel name> <brkr#> EG: "PANEL X/1,3,5")

ELECTRIC LEGEND

- (M) METER
- CIRCUIT BREAKER
- SERVICE GROUND
- WIRED CONNECTION
- TIMER SWITCH, WATERPROOF
- OUTDOOR LIGHT
- GFI OUTLET, WATERPROOF

ELECTRICAL NOTES

1. ALL ELECTRICAL WORK SHALL CONFORM TO THE 2017 IEC AS WELL AS ALL ADOPTED STANDARDS, APPLICABLE STATE AND LOCAL CODES.
2. CONTRACTOR SHALL FURNISH AND INSTALL ALL CONDUIT, CONDUCTORS, PULL BOXES, TRANSFORMER PADS, POLE RISERS, AND PERFORM ALL TRENCHING AND BACKFILLING REQUIRED IN THE PLANS.
3. ALL ELECTRICAL ITEMS SHALL BE U.L. APPROVED OR LISTED AND PROCURED PER PLAN SPECIFICATIONS.
4. ALL CIRCUIT BREAKERS, FUSES, AND ELECTRICAL EQUIPMENT SHALL HAVE AN INTERRUPTION RATING NOT LESS THAN THE MAXIMUM SHORT CIRCUIT CURRENT TO WHICH THEY MAY BE SUBJECTED WITH A MINIMUM OF 10,000 A.I.C. OR AS REQUIRED.
5. THE ENTIRE ELECTRICAL INSTALLATION SHALL BE GROUNDED AS REQUIRED BY ALL APPLICABLE CODES.
6. ELECTRICAL WIRING SHALL BE COPPER #12 AWG MIN WITH TYPE THHN, THWN-2 OR THW-2, INSULATION RATED FOR 90°C DRY OR 70°C WET.
7. ALL OUTDOOR EQUIPMENT SHALL HAVE NEMA 3R ENCLOSURE.
8. ALL BURIED WIRE SHALL RUN THROUGH SCHEDULE 40 PVC CONDUIT UNLESS OTHERWISE NOTED.
9. A GROUND WIRE IS TO BE PULLED IN ALL CONDUITS.
10. WHERE ELECTRICAL WIRING OCCURS OUTSIDE A STRUCTURE AND HAS THE POTENTIAL FOR EXPOSURE TO WEATHER, WIRING SHALL BE IN WATERTIGHT GALVANIZED RIGID STEEL OR FLEXIBLE CONDUIT.
11. WHERE PLANS CALL FOR A NEW ELECTRICAL SERVICE, PRIOR TO SUBMITTING BID, CONTRACTOR SHALL VERIFY PLAN DETAILS WITH THE UTILITY'S SERVICE PLAN & REQ'MTS INCLUDING SERVICE VOLTAGE, METER LOCATION, MAIN DISCONNECTING MEANS, AND AIC REQ'MT, AND SHALL OBTAIN CLARIFICATION FROM THE PROJECT ENGINEER ON ANY DEVIATIONS FOUND IN THESE PLANS.
12. WHERE THESE PLANS SHOW A DC POWER PLANT, THE INSTALLATION OPERATING AT LESS THAN 50 VDC UNGROUNDED, 2-WIRE, SHALL COMPLY WITH ARTICLE 720, AS FOLLOWS:
    A. POWER PLANT SHALL BE SUPPLIED BY THE WIRELESS CARRIER AS A PULL-TAG ITEM AND INSTALLED BY THE CONTRACTOR.
    B. CONDUCTORS SHALL NOT BE SMALLER THAN #12 AWG COPPER MIN, CONDUCTORS FOR BRANCH CIRCUITS SUPPLYING MORE THAN ONE APPLIANCE SHALL BE 10 AWG CU MIN; CONTRACTOR SHALL SIZE CONDUCTORS BASED ON MFGR'S DATA FOR THE APPLIANCES SERVED.
    C. THERE ARE NO DC RECEPTACLES OR LUMINARIES ALLOWED ON THIS PROJECT. ALL CIRCUITS SHALL ORIGINATE AT AN INTEGRATED DOUBLE LUG TAP OR SOCKET TERMINATION ON AN INTEGRATED DC CIRCUIT BREAKER AT AN INDIVIDUAL RECTIFIER MODULE AND TERMINATE AT THE SPECIALIZED LUG ON THE RESPECTIVE APPLIANCE AS A SINGLE RUN OF WIRE WITHOUT SPLICES. ALL DC WIRING SHALL BE LABELLED AT THE DC PLANT WITH THE APPLIANCE SERVED AND THE DC VOLTAGE.
    D. ALL CABLING SHALL BE INSTALLED IN A NEAT AND WORKMAN LIKE MANNER AND SUPPORTED BY BUILDING STRUCTURE, E.G. (N) CABLE TRAY OVERHEAD, IN SUCH A MANNER THAT THE CABLE WILL NOT BE DAMAGED BY NORMAL USE.

NEW PANEL SCHEDULE

NAMEPLATE : PANEL A			SC LEVEL : 65,000				VOLTS: 120V/240V, 1ø		
LOCATION : OUTSIDE							BUS AMPS: 200A		
MOUNTING : H-FRAME							MAIN CB: 200A		
øA	øB		BKR AMP/ POLE	CIRCUIT NO		BKR AMP/ POLE		øA	øB
LOAD VA	LOAD VA	LOAD DESCRIPTION					LOAD DESCRIPTION	LOAD VA	LOAD VA
				1	2	30/2	(N) BATTERY/MISC CABINET	1320	
				3	4	" "	" "		1320
3840		(N) BATTERY CHARGER & HTR	40/2	5	6	30/2	" "	1320	
	3840	" "	" "	7	8	" "	" "		1320
1320		(N) BATTERY/MISC CABINET	30/2	9	10	30/2	" "	1320	
	1320	" "	" "	11	12	" "	" "		1320
1320		" "	30/2	13	14	30/2	" "	1320	
	1320	" "	" "	15	16	" "	" "		1320
1320		" "	30/2	17	18	–	BLANK		
	1320	" "	" "	19	20	–	" "		
1320		" "	30/2	21	22	–	" "		
	1320	" "	" "	23	24	–	" "		
		BLANK	–	25	26	–	" "		
		" "	–	27	28	20/1	LIGHT		300
		" "	–	29	30	20/1	GFI RECEPTACLE	180	
9120	9120	PHASE TOTALS					PHASE TOTALS	5460	5580
TOTAL VA =	29280	TOTAL AMPS =	122						

Issued For:

DOUGLAS HS

1699 COUNTY ROAD
MINDEN, NV 89423

PREPARED FOR

verizon

2770 SHADELANDS DR, BLDG 11
WALNUT CREEK, CA 94598

Vendor:

EPIC WIRELESS GROUP LLC
Connecting a Wireless World

SITE NO:	5000926250
PROJECT NO:	16977613
DRAWN BY:	SEAD
CHECKED BY:	S. SAVIG
APPROVED BY:	-

ISSUE STATUS

REV	DATE	DESCRIPTION	CAD
9	07/19/24	CLIENT REV	T.T.
8	05/28/24	CLIENT REV	S.V.
7	05/06/24	CLIENT REV	T.T.
6	01/18/24	CLIENT REV	S.D.
5	01/11/24	CLIENT REV	S.D.
4	08/02/23	CLIENT REV	S.D.
3	07/05/23	CLIENT REV	C.T.C
2	06/20/23	ZD 100%	D.H.
1	05/23/23	CLIENT REV	D.H.
0	05/17/23	ZD 90%	-

Licensee:

PRELIMINARY: NOT FOR CONSTRUCTION

KEVIN R. SORENSEN
S4469

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

ENGINEER:

Streamline Engineering and Design, Inc.
8445 Sierra College Blvd, Suite E Granite Bay, CA 95746
Contact: Kevin Sorensen Phone 916.660-1330
E-Mail: kevin@streamlineeng.com Fax: 916-660-1941

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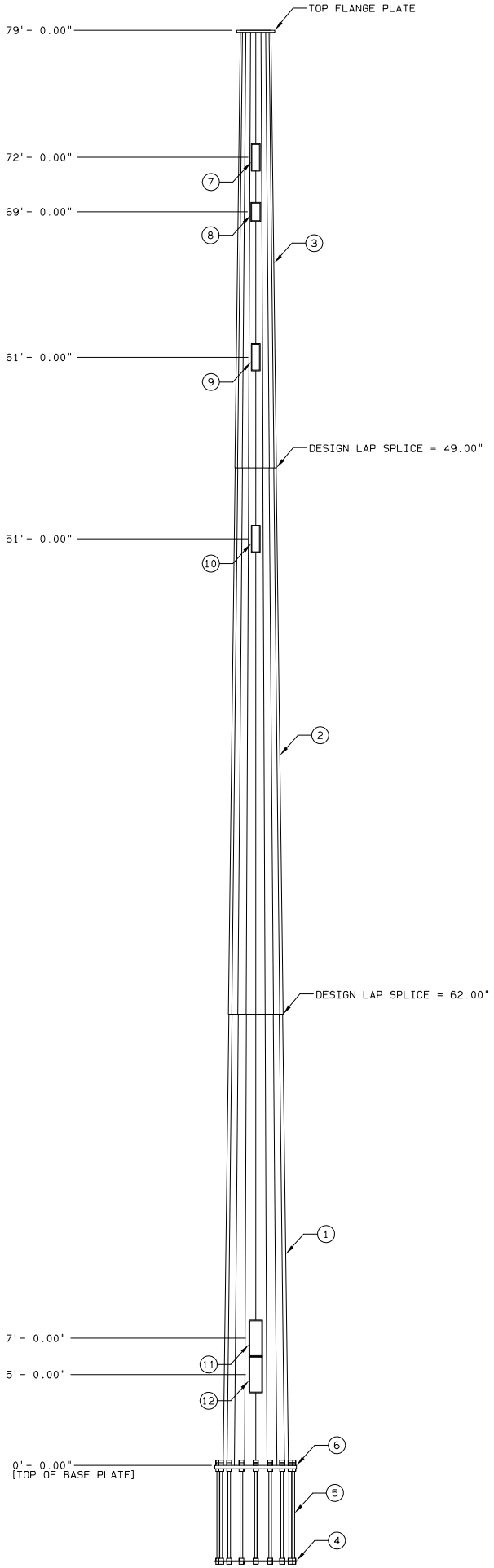
SHEET TITLE:

ELECTRICAL PLAN

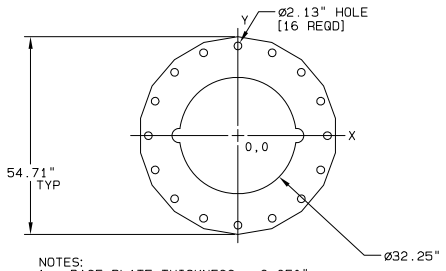
SHEET NUMBER:

E-1.1



ITEM ID	NO. REQD	FEATURES	UNIT WEIGHT (LBS)	WEIGHT (LBS)
1	1	SECTION A VALMONT S-22 0.375" THK (A572 GR65)	4,606	4,606
2	1	SECTION B VALMONT S-22 0.313" THK (A572 GR65)	3,512	3,512
3	1	SECTION C VALMONT S-22 0.188" THK (A572 GR65)	1,142	1,142
4	1	BOTTOM CAGE PLATE	90	90
5	16	1.75" ANCHOR BOLT, LENGTH=5.50' A615 GR75	64	1,015
6	1	BASE PLATE VALMONT S-56 2.250" THK (A572 GR50)	904	904
	1	TOP CAGE PLATE (REMOVE BEFORE SETTING POLE)	90	90
	1	SAFETY CLIMBING CABLE (LENGTH = 69.00')	72	72
	3	GROUNDING LUG	2	6
	1	TOP FLANGE PLATE	155	155
		GALVANIZING	212	212
	109	STEP AND CLIP (VALMONT STANDARD)	1	109
7	3	HAND HOLE STD (6" x 18") @ 0°, 120°, 240°	18	54
8	2	HAND HOLE STD (6" x 12") @ 0°, 180°	11	22
9	3	HAND HOLE STD (6" x 18") @ 0°, 120°, 240°	18	54
10	3	HAND HOLE STD (6" x 18") @ 0°, 120°, 240°	18	54
11	2	HAND HOLE HVY (9" x 24") @ 90°, 270°	52	104
12	2	HAND HOLE HVY (9" x 24") @ 0°, 180°	52	104
	1	POLE CAP	22	22

HOLE COORDS [INCHES]	
X-COORD	Y-COORD
24.75	0.00
22.87	9.47
17.50	17.50
9.47	22.87
0.00	24.75



NOTES:
1. BASE PLATE THICKNESS = 2.250"
2. BASE PLATE ALLOWABLE STRESS [KSI] = 50
3. ANGLES ARE MEASURED CLOCKWISE FROM 0 DEGREES
4. BOLT CIRCLE DIAMETER = 49.50"
5. CAGE TEMPLATE DIAMETER = 53.00"

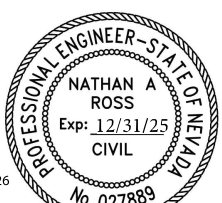
BASE PLATE / ANCHORAGE CHARACTERISTICS

NOTES:

1. FACTORED BASE REACTIONS
   MOMENT = 22,283 IN-KIPS
   SHEAR = 29,301 #
   VERTICAL = 30,178 #
2. GALVANIZED PER ASTM A-123.
3. DESIGN CRITERIA: TIA-222-H
4. THIS STRUCTURE HAS BEEN DESIGNED FOR THE FOLLOWING LOADING:
   EXPOSURE CATEGORY = C
   TOPOGRAPHY CATEGORY = 1
   RISK CATEGORY = II
   SITE ELEVATION = 4711 FT
   EARTHQUAKE SPECTRAL RESPONSE ACCELERATION AT SHORT PERIODS SS = 1.97
   EARTHQUAKE SPECTRAL RESPONSE ACCELERATION AT ONE SECOND S1 = 0.71
   EARTHQUAKE SITE CLASS = D
   WIND LOAD CASES ARE BASED ON 3 SECOND GUST AND 700 YEAR MRI
   A. CASE 1: WIND = 120 MPH WIND SPEED
   B. CASE 2: WIND = 60 MPH WIND SPEED
   C. CASE 3: SEISMIC
   D. CASE 4: SEISMIC
   E. EQUIPMENT

DESCRIPTION	ABP MTG HT. (FT)	ABP CENTROID HT. (FT)	WITHOUT ICE EPA (FT**2)	WITHOUT ICE WT (LBS)	WITH ICE EPA (FT**2)	WITH ICE WT (LBS)
1-42,000 SQ IN EPA	75.00	75.00	239.17	5833	239.17	5833
1-30,000 SQ IN EPA	64.00	64.00	170.83	4167	170.83	4167
1-30,000 SQ IN EPA	54.00	54.00	170.83	4167	170.83	4167
1-LIGHTING	79.00	79.00	5.00	50	13.75	138
1-5/8" X 5' LIGHTNING RODS	79.00	81.50	0.47	21	0.47	21
2-6' H.P MICROWAVE DISH (W/PM)	69.00	69.00	76.54	744	76.54	744

5. FEEDLINES ARE PLACED INTERIOR TO THE POLE SHAFT (UNLESS NOTED OTHERWISE)
6. TOTAL POLE HEIGHT IS 80 FT AGL
7. ELEVATIONS ARE MEASURED FROM TOP OF BASE PLATE (APPROX. 1 FT AGL)
8. 18 SIDED SHAFT
9. SHIELDING FACTOR OF 0.82 IS USED
10. POLE TO BE PAINTED
11. DESIGNED TO MEET THE REQUIREMENTS OF DOUGLAS COUNTY
12. ALTHOUGH RARE, VIBRATIONS SEVERE ENOUGH TO CAUSE DAMAGE CAN OCCASIONALLY OCCUR IN STRUCTURES OF ALL TYPES. BECAUSE THEY ARE INFLUENCED BY MANY INTERACTING VARIABLES, VIBRATIONS ARE GENERALLY UNPREDICTABLE. THE USER'S MAINTENANCE PROGRAM SHOULD INCLUDE OBSERVATION FOR EXCESSIVE VIBRATION AND EXAMINATION FOR ANY STRUCTURAL DAMAGE OR BOLT LOOSENING. THE VALMONT WARRANTY SPECIFICALLY EXCLUDES FATIGUE FAILURE OR SIMILAR PHENOMENA RESULTING FROM INDUCED VIBRATION, HARMONIC OSCILLATION OR RESONANCE ASSOCIATED WITH MOVEMENT OF AIR CURRENTS AROUND THE PRODUCT.



Nathan A Ross Date: 2024.08.26 16:37:20 -07'00'

SECTION INFORMATION					
ITEM ID	LENGTH	BASE OD	TOP OD	THK	MATL
1	30'- 0.00"	43.00"	33.91"	0.375"	A572 65 KSI
2	34'- 2.00"	36.10"	25.75"	0.313"	A572 65 KSI
3	24'- 1.00"	27.36"	20.06"	0.188"	A572 65 KSI

ORDER	PROJECT	FILE ID	SCALE	DATE	ENGR
626426	626426	626426-P1NE	NONE	08/23/24	CR71

DESCRIPTION
THE TOWERS, LLC 79.0' POLE, SITE: US-NV-5060 DOUGLAS HS - MINDEN, NV

valmont

PierCon Solutions LLC
Specialists in Wireless Systems

Independent Radio Frequency Report Regarding a Proposed **Verizon – Douglas High School** Wireless Facility

Site ID: "Douglas High School"

1699 County Rd

Minden, NV 89423

Douglas County

Prepared for
Verizon Wireless

By

PierCon Solutions, LLC
March 26, 2025

10 PARK PLACE BUILDING 6C SUITE 402, BUTLER, NJ 07405 PHONE 973-628-9330

TABLE OF CONTENTS

1 PURPOSE AND SCOPE 3
2 GENERAL OVERVIEW 3
3 SERVICE & PERFORMANCE GOALS 4
4 RADIO FREQUENCY ENGINEERING ACTIVITIES PERFORMED 5
5 VERIZON'S EXISTING NETWORK IN THE AREA SURROUNDING THE SUBJECT SITE 6
6 INDEPENDENT DRIVE TEST ANALYSIS 6
7 KEY PERFORMANCE INDICATORS 9
8 VERIZON'S PROPOSED SOLUTION 16
8.1 ALTERNATIVE SITES 17
8.3 ALTERNATIVE TECHNOLOGIES 18
8.3 LEAST INTRUSIVE 19
9 CONCLUSION 19
10 APPENDIX 1 - EXHIBITS 22
11 APPENDIX 2 – 3GPP LTE LINK BUDGET 91

1 PURPOSE AND SCOPE

PierCon Solutions LLC, an engineering firm specializing in wireless communications, performed an independent analysis regarding the radiofrequency engineering aspects of the proposal by Verizon Wireless to construct and operate a wireless telecommunications facility consisting of 12 antennas (4 per sector) at 1699 County Road, Minden NV. The purpose of this site is to remedy a significant gap in service in Verizon's network.

In preparation for conducting this analysis, PierCon Solutions obtained applicable engineering data from Verizon Wireless, conducted an independent drive test of the surrounding areas, and considered the potential for alternative site locations.

The following report results from a thorough independent study and analysis (from a radiofrequency engineering perspective) of the applicant's proposal and provides justification for the site in consideration of Douglas County's stated zoning goals and restrictions.

2 GENERAL OVERVIEW

Verizon Wireless is a commercial wireless communications service provider licensed by the Federal Communications Commission (FCC) to provide wireless service in various frequency bands throughout Minden and Douglas County, NV. The frequency bands to which Verizon Wireless is licensed are the 700, 850, 1900, 2100, and 3700 MHz frequency bands. The wireless telecommunications facility proposed in this application is to provide reliable service for voice and data in the form of 4G[1] LTE and 5G[2] technology, deploying all licensed frequency bands and technologies available. Table 1 below provides the Verizon Wireless licensed frequencies and bandwidths in Douglas County:

Table 1

Frequency Band	Bandwidth
700 MHz	10 MHz
850 MHz	10 MHz
1900 MHz	5 MHz
2100 MHz	20 MHz
3700-3900 MHz	200 MHz

[1] 4G technology known as Long Term Evolution (LTE) is a wireless communications standard developed by the 3rd Generation Partnership Project (3GPP) that is designed to provide up to 30x the speeds of 3G networks for mobile devices such as smartphones, tablets, netbooks, notebooks and wireless hotspots. The LTE specification provides theoretical downlink peak rates of 300 Mbit/s, uplink peak rates of 75 Mbit/s and QoS provisions permitting a transfer latency of less than 5 ms in the radio access network. Current industry standard is to provide a minimum downlink user throughput of 5 Mbps. LTE is the current wireless technology allowing for high speed data, support of data demanding applications, implementation of the internet of things (IoT) and the foundation for 5G networks.

[2] The Fifth Generation of Mobile Telephony, or 5G, or 5GS, is the system defined by 3GPP from Release 15, functionally frozen in June 2018 and fully specified by September 2019. 5G improves on the 4G services over several areas such as: (1) Enhanced Mobile Broadband (eMBB) offering higher data rates up to 50 Mbps downlink outdoor and 1 Gbps for indoor (5GLAN); (2) Critical Communications (CC) and Ultra Reliable and Low Latency Communications (URLLC) includes remote control of process automation, 99.9999% reliability, user experience data rate of 100 Mbps and end-to-end latency of 50 ms. (3) Massive Internet of Things (mIoT) through supporting very high traffic densities of devices. (4) Flexible Network Operations such as network slicing, network capability exposure, scalability, diverse mobility, security, efficient content delivery and migration and interworking.

As can be seen from Table 1, Verizon is licensed for total of 20 MHz of "Low-Band" bandwidth in the 700 MHz and 850 MHz frequency bands. These frequency bands are commonly referred to as Low-Band frequencies and will be referred to as such in this report. Additionally, Verizon is licensed for a total of 225 MHz of "Mid-Band" bandwidth in the 1900 MHz, 2100 MHz and 3700 MHz bands. These frequency bands are commonly referred to as Mid-Band frequencies and will be referred to as such in this report.

Each frequency band has different performance characteristics for both coverage and capacity. From a coverage perspective, the lower frequency bands (700 & 850 MHz) cover a greater distance and are less attenuated by trees and terrain, while the higher frequency bands (1900, 2100, 3700 MHz) cover a lesser distance and are more attenuated by trees and terrain. From a coverage perspective if the 700 MHz (lowest) frequency band demonstrates a gap in coverage then all higher frequency bands (850 MHz, 1900 MHz, 2100 MHz, etc.) will demonstrate greater gaps in coverage. From a capacity perspective, each frequency band offers a finite amount of spectrum bandwidth. It is through this bandwidth that capacity and throughput is supported. A well designed wireless network is required to provide both reliable coverage levels and sufficient bandwidth, maximizing the spectrum and bandwidths that have been procured for use from the FCC. The purpose of the proposed site is to remedy a significant gap in service due to a lack of reliable signal levels.

Long-Term Evolution (LTE), also known as 4G, is the current technology standard. Migration to 5G, which is the next generation network, is currently in progress. When engaging in a voice call, the user device will connect to the public switched telephone network (PSTN) through a gateway in order to complete a call to a non-LTE or non-5G device. For example, a person making an emergency E911 call from a mobile device to a public safety operator on a landline, such emergency calls will be routed through the PSTN.

3 SERVICE & PERFORMANCE GOALS

Service and performance goals are necessary to provide reliable wireless services across all of Verizon's FCC licensed frequency bands and technologies. Service and performance goals include providing adequate coverage and capacity for voice and data services, preparing to provide future services, and otherwise improving service capabilities.

Service goals are designed to provide all customers with a positive wireless voice and data experience. Simply put, a positive wireless experience includes the customer connecting to the network on the first try, staying connected throughout the session, and the customer ending the session when ready. For positive experiences with data connections (e.g., internet browsing) the speed is as fast as the technology allows. Unreliable service, meaning service levels that do not meet service and performance goals, causes a negative experience: customers cannot place calls when they want to; when they are connected, voice call quality does not meet customer expectations; or the call simply drops off (disconnects) without notice.

Unreliable service that fails to meet service and performance goals, which include voice and/or data services, can occur if there is: (i) a lack of reliable signal, including poor signal quality; and/or (ii) a lack of a dominant[3] serving transmitter causing unreliable services; and/or (iii) a lack of system capacity, or in terms of LTE, insufficient throughput, for any of Verizon's services and across all of Verizon's licensed frequency bands. Providing quality in-building voice and data services, with sufficient system capacity and high-speed data rates, is critical to Verizon's customers and is essential to Verizon's ability to compete effectively with its competitors in a fair and balanced legal and regulatory environment.

[3] Dominance refers to the best or strongest whereas server refers to a particular transmitter. Additional information is provided in the Key Performance Indicator (KPI) Analysis section on page 10 of this report.

Verizon's service and performance goals for this area are to provide reliable in-building residential and in-building commercial wireless service. The information provided in this report demonstrates that the existing wireless sites do not provide adequate signal strength to the area, causing a significant gap in coverage.

Verizon's specific design and performance requirements are to:

- Provide reliable commercial in-building coverage to businesses located along Route 88, Route 395 and County Road, including the Douglas High School. Reliable commercial in-building coverage is defined as a reference signal receive power (RSRP)[4] of -85 dBm or greater.
- Provide reliable residential in-building coverage to residential homes east and west of Route 88, from south of County Road to Inwood Drive. Reliable residential in-building coverage is defined as a reference signal receive power (RSRP) less than -85 dBm but greater than or equal to -95 dBm.
- Provide for service that meets or exceeds various metrics with regards to key performance indicators, related to drop call rates, access failure rates, downlink throughput, and utilization rates to name a few.

4 RADIO FREQUENCY ENGINEERING ACTIVITIES PERFORMED

The following items were performed, reviewed, and considered in preparation of this report:

- Performed an independent drive test of the subject and surrounding area
- Reviewed Radio Frequency coverage maps with respect to the RF design and objective within and surrounding Minden
- Obtained Verizon Key Performance Indicator (KPI) information for the existing sites
- Reviewed USGS Topographical Maps of Minden and surrounding areas
- Performed Google Earth aerial and street view analysis
- Reviewed the location and design of adjacent existing wireless communications facilities
- Reviewed proposed and possible alternate site locations
- Created maps, tables and charts illustrating pertinent site performance information

[4] Verizon Wireless' minimum design signal levels used for reliable in-building residential and reliable in-building commercial service are consistent with the 3rd Generation Partnership Project (3GPP) published values. Attached as Appendix 2 is a link budget demonstrating the necessary criteria and the cited standard references

5 VERIZON'S EXISTING NETWORK IN THE AREA SURROUNDING THE SUBJECT SITE

Attached as Exhibit A is a Verizon Site Table. The site table includes the Site Name, Frequency Bands / Technology, Antenna Height (ft.), Sector Azimuths, Latitude, Longitude, and Type. This Site Table can be referenced to any of the plots and exhibits contained herein.

Attached as Exhibit B is Verizon's Site Distance Map. Exhibit B depicts the locations of the surrounding sites and the proposed site as well as the distance away from the proposed site. As can be seen from Exhibit B, Verizon has four sites currently operating in the area. A review of the separation distances reveals an average distance of 6.9 miles between each existing macro site. Exhibit B demonstrates the distance between the proposed site and the surrounding sites as 5.9 miles to the Dagget Peak Site, 4.7 miles to the Minden Site, 4.7 miles to the Pinenut Road Site, and 1.1 miles to Gardnerville Site. Note, the Gardnerville Site is an installation involving an antenna height of 53 feet and thus provides limited coverage to the area.

Exhibit B demonstrates that the Proposed Site is in a logical location. The location is a similar average distance of 5.5 miles from the existing on-air sites, and is centrally located within the Service Gap Area.

6 INDEPENDENT DRIVE TEST ANALYSIS

In this report, I utilized actual drive test maps to scientifically and reliably demonstrate that there is a significant Service Gap in accordance with industry methodology and standards.

Drive tests are a means to evaluate existing coverage. Drive tests are used to produce maps ("Drive Test Maps"), which demonstrate actual signal levels along roadways that are traveled by specially equipped scan test vehicles. In a drive test, the signals from the surrounding on-air sites are collected by a receive antenna mounted to the roof of the drive test vehicle. The data collected by the receive antenna is then processed by computer equipment within the drive test vehicle. The coordinates and signal strength of each collection point are recorded by the computer equipment and ultimately depicted on a Drive Test Map. Literally thousands of data points are collected during a drive test over the roadways driven by the drive test vehicle to ensure that a complete and statistically relevant number of data points can be evaluated.

PierCon Solutions performed an independent drive test of the wireless carrier networks in and around the Douglas High School on February 18th, 2025. This test was conducted using a calibrated PCTEL IBFLEX scanning receiver, capable of scanning frequencies from 600 MHz to 6 GHz. Equipment was connected to a laptop computer, including a GPS antenna and multi-band receive antenna mounted on the rooftop of the vehicle. The vehicle was driven along the drive route in the vicinity of the subject site and surrounding areas which is represented by the drive test plots. The drive test factors signal from all Verizon's facilities currently on air.

LTE (4G) networks utilize reference signal power (RSRP) to define coverage. Industry has determined that an RSRP of equal to or greater than -85 dBm is necessary for reliable commercial in-building LTE service, an RSRP of less than -85 dBm but equal to or greater than -95 dBm is necessary for reliable residential in-building LTE service, and a RSRP of less than -95 dBm but greater than or equal to -105 dBm is necessary for reliable in-vehicle LTE service. Although in-vehicle levels are shown, in the modern wireless service market, reliable residential in-building service is necessary.

The drive test analysis performed by PierCon Solutions focuses on the in-building residential and in-building commercial signal levels centered around the Douglas High School and immediate area, and the statistics provided in

this report are specific to these levels and area. PierCon Solutions has also reviewed the Verizon Wireless RF report[5] submitted to Douglas County, (which encompasses a broader area) and provides comment where appropriate.

Low-Band Drive Test Analysis
Attached as Exhibit C is a: Verizon Wireless 700 MHz LTE (4G) Drive Test Map that demonstrates the results of a drive test performed for the purpose of evaluating existing 4G (LTE) coverage in the vicinity of the Proposed Site. The map represents 4G (LTE) reference signal strength in the 700 MHz band. The blue circles on the Drive Test Map represent reliable 4G (LTE) in-building commercial coverage that is greater than or equal to an RSRP of -85 dBm, the green circles on the Drive Test Map represent reliable 4G (LTE) in-building residential coverage that is greater than or equal to -95 dBm RSRP and less than -85 dBm RSRP, the yellow circles on the Drive Test Map represent reliable 4G (LTE) in-vehicle coverage that is greater than or equal to -105 dBm RSRP and less than -95 dBm RSRP. Verizon's goal is to provide reliable LTE in-building commercial and residential service to the Service Gap area.

Attached hereto as Exhibit C1 is a modified Exhibit C, which includes the Service Gap, represented by a red hashed polygon overlayed with Verizon's 4G 700 MHz drive test data. Exhibit C1 demonstrates that seamless, ubiquitous coverage does not exist, nor does it meet Verizon's standard for the provision of in-building residential coverage and in-building commercial coverage within areas of the Service Gap boundary.

The Service Gap, represented on Exhibit C1 by the red hashed polygon, is approximately 0.75 square mile and includes commercial buildings (including the Douglas High School) and the residential neighborhoods to the north and south of the Proposed Site. Additional gaps also include 0.6 miles along Route 395 from 10th Street to the Route 88 intersection, and another 0.5 miles along County Road from 10th Avenue to Route 88. According to the 2020 US Census data there are approximately 1,285 residents living in the Service Gap area[6].

As noted earlier, a gap in coverage on the 700 MHz frequency band, demonstrated by a lack of inbuilding RSRP levels, will demonstrate even greater gaps in coverage in the higher frequency bands.

Mid-Band Drive Test Analysis
Attached as Exhibit D is a: Verizon Wireless 2100[7] MHz LTE (4G) Drive Test Map that demonstrates the results of a drive test performed for the purpose of evaluating existing 4G (LTE) coverage in the vicinity of the Proposed Site. The map represents 4G (LTE) reference signal strength in the 2100 MHz band. The blue circles on the Drive Test Map represent reliable 4G (LTE) in-building commercial coverage that is greater than or equal to an RSRP of -85 dBm, the green circles on the Drive Test Map represent reliable 4G (LTE) in-building residential coverage that is greater than or equal to -95 dBm RSRP and less than -85 dBm RSRP, the yellow circles on the Drive Test Map represent reliable 4G (LTE) in-vehicle coverage that is greater than or equal to -105 dBm RSRP and less than -95 dBm RSRP. Verizon's goal is to provide reliable LTE in-building commercial and residential service to the Service Gap area

Attached hereto as Exhibit D1 is a modified Exhibit D, which includes the Service Gap, represented by a red hashed polygon overlayed with Verizon's 4G 2100 MHz drive test data. Exhibit D1 demonstrates that seamless, ubiquitous coverage does not exist, nor does it meet Verizon's standard for the provision of in-building residential coverage and in-building commercial coverage within the Service Gap boundary.

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[5] Verizon Wireless RF report titled Statement in Support of Verizon Wireless's Proposed Facility 1699 County Road, Minden (Revised), dated November 26, 2024. Referred to as "Verizon report" in this document.

[6] Verizon report (page 1) identifies 8.4 square miles and population of 1,370 as gap area, with reference to provided coverage map on page 5 figure 2, which represents a much larger geographic area between the Gardnerville and Minden sites, including highways and in-vehicle coverage which are in addition to the gaps identified in the PierCon analysis.

[7] The 2100 MHz band is utilized to represent the mid-band frequencies inclusive of 1900 MHz and 2100 MHz as their propagation characteristics are very similar.

The Service Gap, represented on Exhibit D1 by the red hashed polygon, is approximately 1.4 square mile and includes commercial buildings (including the Douglas High School) and the residential neighborhoods to the north and south of the Subject Site. Additional gaps also include 0.6 miles along Route 395 from 10th Street to the Route 88 intersection, and another 0.5 miles along County Road from 10th Avenue to Route 88. According to the 2020 US Census data there are approximately 2,017 residents living in the Service Gap area.

The lack of mid-band (1900 & 2100 MHz) RSRP is due to the propagation characteristics of the frequency range combined with the existing site distances away from the Service Gap Area. As noted earlier, the propagation characteristics of the mid-band frequencies are that the signal doesn't travel as far, however the mid-band frequencies provide more bandwidth to support quality services, such as greater capacity, and higher throughput rates as compared to the low-band frequencies.

Mid C-Band Drive Test Analysis

Attached as Exhibit E is a: Verizon Wireless 3700[8] MHz LTE (5G) Drive Test Map that demonstrates the results of a drive test performed for the purpose of evaluating existing 5G (LTE) coverage in the vicinity of the Proposed Site. The map represents 5G (LTE) reference signal strength in the 3700 MHz band. The blue circles on the Drive Test Map represent reliable 5G (LTE) in-building commercial coverage that is greater than or equal to an RSRP of -85 dBm, the green circles on the Drive Test Map represent reliable 5G (LTE) in-building residential coverage that is greater than or equal to -95 dBm RSRP and less than -85 dBm RSRP, the yellow circles on the Drive Test Map represent reliable 5G (LTE) in-vehicle coverage that is greater than or equal to -105 dBm RSRP and less than -95 dBm RSRP. Verizon's goal is to provide reliable LTE in-building commercial and in-building residential service to the Service Gap area.

Attached hereto as Exhibit E1 is a modified Exhibit E, which includes the Service Gap, represented by a red hashed polygon overlayed with Verizon's 5G 3700 MHz drive test data. Exhibit E1 demonstrates that seamless, ubiquitous coverage does not exist, nor does it meet Verizon's standard for the provision of in-building residential coverage and in-building commercial coverage within the Service Gap boundary.

The Service Gap, represented on Exhibit E1 by the red hashed polygon, is approximately 1.5 square mile and includes commercial buildings (including the Douglas High School) and the residential neighborhoods to the north and south of the Proposed Site. Additional gaps also include 0.6 miles along Route 395 from 10th Street to the Route 88 intersection, and another 0.5 miles along County Road from 10th Avenue to Route 88. According to the 2020 US Census data there are approximately 2,310 residents living in the Service Gap area.

The lack of mid C-band (3700 MHz) RSRP[9] is due to the propagation characteristics of the frequency range combined with the existing site distances away from the Service Gap Area. Note, while Verizon currently has deployed beam-forming to improve their C-Band performance it is understood that even with more advanced beam forming techniques the coverage range may only improve to the equivalent of the 1900 & 2100 MHz bands. These bands already demonstrate a significant 1.4 square mile gap. Therefore, additional beamforming techniques will not eliminate the significant gap in service at the proposed locations identified herein.

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[8] The 3700 MHz band, known as C-Band, due to its higher frequency range has even more limitation with regard to coverage range. Additional C-Band offers 200 MHz of bandwidth which will require more overall power to penetrate buildings. Utilization of beamforming techniques, which are currently employed by Verizon, can help extend the coverage range to mimic the range of the 1900 & 2100 MHz bands. Therefore, even with advanced beamforming techniques the mid-band significant gap would still exist and be no less than what is currently represented by the 2100 MHz band gap defined herein.

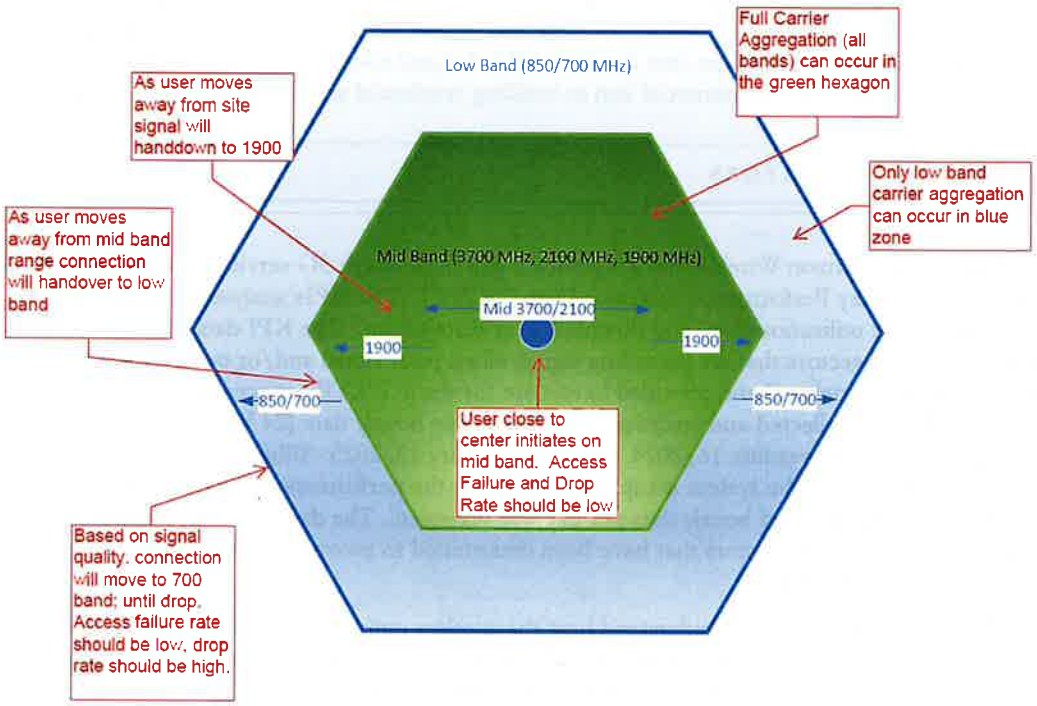
[9] Verizon's design levels are much less stringent than what the Third Generation Partnership Project (3GPP) & European Telecommunications Standards Institute (ETSI) standards body would calculate when factoring a 100 MHz channel bandwidth. For every doubling of bandwidth, the expectation should be an additional 3 dB of signal power required to overcome the distribution of power across the bandwidth. Therefore, if a 20 MHz mid-band channel requires -95 dBm for inbuilding residential service, then mathematically a 7-8 dB stronger signal would be required to ensure equivalent service levels when utilizing a 100 MHz channel in the C-Band 3,700 MHz frequency range. What this translates to is Verizon's C-Band coverage is already maximized if not overstated.

Based upon the drive test map data collected and analyzed, Verizon is unable to meet the service goals with respect to coverage as specified in section 3 of this report. Specifically, the drive test maps indicate the existence of significant gaps in 4G & 5G LTE reliable in-building residential coverage and significant gaps in reliable in-building commercial coverage. The drive test data also demonstrates that the 3700 MHz C band coverage from existing sites is very limited, and significant gaps exist for in-building commercial and in-building residential areas as described previously.

7 KEY PERFORMANCE INDICATORS

In addition to confirming that Verizon Wireless has a significant gap in its 4G & 5G service with Drive Test Maps, we have also evaluated Verizon's Key Performance Indicator Data ("KPIs"). The KPIs analyzed herein consist of drop call failure rates, user downlink utilization data, and downlink user throughput. The KPI data that is relevant is based upon the surrounding sites and sectors that are providing signal, albeit poor signal and/or poor signal quality, to the significant gap area. The KPIs analyzed and provided herein are for the 4G/LTE services in each of the frequency bands referenced. The KPI data collected and analyzed consists of daily hourly data (24 hours). The hourly daily data consists of a 90-day period from November 16, 2024, through February 13, 2025. While it is typical to evaluate the KPIs during the busy hour to ensure the system is capable of meeting the performance criteria while under the stress of network usage, a complete 24 hour set of hourly data per day was reviewed. The data analyzed and provided herein in the form of charts are for the sites and sectors that have been determined to provide the best (not necessarily adequate) serving signal within the Service Gap areas.

When reviewing KPI data, it is important to understand how the wireless connection operates from one frequency band to another. As noted earlier in this report, the propagation characteristics and capacity within each band differ. A 4G/5G LTE connection is based upon signal quality and where adequate signal is available, is prioritized to the mid-band higher capacity frequencies. For example, if a wireless user is within good signal range of a nearby cell site, the user's device will connect on a mid-band frequency and as the user moves away from the facility, the user's device will continuously be updated with neighboring cell signal quality information. As the signal quality degrades on the current connected frequency band, the connection will move to the next better quality frequency band. The logical connection flow is illustrated in the diagram below:



In regard to the diagram above, the green shaded hexagon area represents the coverage range of the mid-band frequencies. The blue (and green) shaded hexagon area represents the coverage range of the low-band frequencies. As a user moves away from a serving sector, the LTE connection will transition from 3700/2100 MHz down to a 1900 MHz connection. This will occur, up, and until, the signal quality on the last mid-band frequency needs to transition to a low-band frequency. This transfer is called a handover or hand-down.

The diagram above can also be used to understand carrier aggregation. Carrier aggregation is a feature of LTE that allows a user device to utilize resources from multiple different frequency bands (low-band and mid-band) at the same time. This feature allows for increased capacity and throughput. However, for carrier aggregation to work, there must be adequate signal strength and quality from all the frequencies. From the graphic above, for example, if the mid-band coverage isn't adequate, carrier aggregation can only be supported on the low-band frequencies. If the low-band frequency coverage is provided from the cell edges of the surrounding sites, for example, with no dominant server, then the signal quality will be poor, and even with carrier aggregation on low-band, the service will be inadequate.

Key Performance Indicator (KPI) Analysis

Each of Verizon's active sites are monitored continuously for various performance metrics which are known as key performance indicators or KPIs. In order to determine which sites and sectors the KPIs are coming from the RF engineer must determine what are the dominant serving transmitters in the area of the gap. This is often referred to as a "dominant server". Dominance refers to the best or strongest whereas server refers to a particular transmitter. As noted, previously each site includes a series of antennas which are oriented in a particular direction. Each antenna is connected to a transmitter at the base of the structure. The antennas and transmitters together provide signal to a given area.

An analogy of a dominant server can be likened to how radio broadcast stations operate. Broadcast stations re-use frequencies a significant distance apart from one another, such as between two cities or states. For example, the Carson City, Nevada "K-Love" Christian Contemporary Station (93.1 MHz) operates around the Carson City area while the KYMT-FM "The Mountain" Rock Station out of Las Vegas, Nevada also operates on the 93.1 MHz frequency. While you are in the Carson City area the K-Love broadcast signal strength is dominant (much stronger) over the The

Mountain radio broadcast signal from Las Vegas, NV, which is operating on the same frequency only over four hundred miles away. This allows you to listen to one broadcast, utilizing the same frequency as another, without interference, since one has dominance over the other. However, if you were to drive from Carson City towards Las Vegas, at some point you would be in an overlap area, where both broadcast stations' signals are at a similar signal strength (lack of dominance).

In this situation there would be no dominant broadcast station and instead you would experience interference where two radio stations (Rock and Christian music) may be received at the same time and similar signal strengths. This would be an interference zone and not usable or enjoyable during this overlap area. As you continue to drive towards Las Vegas, the broadcast signal from The Mountain will get stronger and eventually become dominant allowing you to overcome the interference from the Carson City area. This is an example of how dominant signal operates, over the same frequency, with large, high-power broadcast stations.

LTE networks operate in a similar fashion; however, they transmit on the same frequency more often and at much closer distances. To minimize this interference zone, LTE 4G/5G networks require sectorization with narrow antenna patterns, careful planning, and minimization of signal overlap from adjacent antennas and sites, all with the intent of providing a dominant serving signal to a given area. In areas where there is no dominant serving signal, high levels of interference exist, causing dropped calls, poor performance, and inefficient use of the spectrum resources. Radio frequency engineers utilize best server plots to demonstrate the existence or non-existence of a dominant server.

From the drive test data, we are able to extract the sites and sectors that are providing various levels of serving signal to the gap area[10].

Table 2 below represents the relevant sites and sectors that have been determined to provide some level of best transmitter (dominance) signal to various areas of the coverage gap. The KPIs from these sites are analyzed in the section to follow.

Table 2		
SITE & SECTOR	Low-Band %	Mid-Band %
Gardnerville – Delta Sector	64%	63%
Daggett Peak – Alpha Sector	9%	N/A
Daggett Peak – Beta Sector	17%	15%
Minden Sector – Delta Sector	N/A	4%
Pinenut Road – Gamma Sector	N/A	13%

From the table above the Gardnerville Delta Sector provides the majority of the signal in the area. Therefore, the Gardnerville Delta Sector KPIs will be the most applicable. Please refer to Exhibit F (Low-Band Best Serving Transmitter), and Exhibit G (Mid-Band Best Serving Transmitter) for a graphical representation of the areas of signal from the surrounding sites and sectors in the table above.

Since there are several sectors providing various percentage of serving signal in the area means there is no one "dominant" transmitter. Since Gardnerville is incapable of covering the entire gap, signal from sites five to six miles away is leaking into the area. This situation (lack of a dominant serving signal) creates poor signal quality due to users connecting to the coverage edges of sites far away. To remedy this situation a new site and dominant server for the gap area is required.

[10] The Verizon report provides graphical representations of the best serving transmitters in the area of the gap on pages 11 and 16 over a much larger geographic area. PierCon found the presence of signal from multiple sites and sectors in the area of the gap, notably the Gardnerville Delta (Northwest) sector, the Dagget Peak Alpha (North) and Beta (South) sectors, and the Pinenut Road Gamma (West) sector, which is consistent with the drive test data results found in the Verizon report for low-band.

As shown above, there is a lack of a dominant serving signal in the gap area, and this creates poor signal quality. To demonstrate poor signal quality LTE utilizes a metric which reports the ratio of signal strength over the total interference and noise, known as SINR. SINR measures the quality of the received signal by comparing the desired signal strength to the combined strength of interference and noise, with higher values indicating a better, clearer connection. A higher SINR means the user device can more easily and accurately decode the data it receives. A strong desired signal (high SINR) leads to faster speeds, fewer dropped calls, and a better overall user experience. Conversely, a low SINR indicates a weak signal, high interference, due to lack of a dominant server, and leads to higher amounts of dropped calls.

To demonstrate the poor signal quality, Signal to Noise and Interference Ratio (SINR) data is provided in Exhibits F1 and G1. Exhibits F1 and G1 attached provide drive test (SINR) Maps for the Low-Band and Mid-Band, respectively, with the service gaps identified in red dashed lines.

The green circles on both exhibits represent SINR values greater than or equal to 20 dB, the yellow circles represent SINR values greater than or equal to 12.5 dB and less than 20 dB, the grey circles represent SINR values greater than or equal to 0 dB and less than 12.5 dB, and the black circles represent SINR values less that 0 dB. Verizon's performance objective is to provide a minimum SINR value of 12.5 dB. This value is consistent with industry design standards. Maintaining an SINR above 12.5 dB ensures optimal LTE performance on Verizon's network.

As expected, both the Low-Band and Mid-Band SINR maps show large areas with SINR values less than the minimum design level required. At Low-Band, 83% of the drive test area has a SINR value less than 12.5 dB, and virtually all of the service gap area shows a SINR value less than 12.5 dB, with 41% of the area showing SINR values less than or equal to zero[11]. Of particular note is that although the Low-Band frequency demonstrated much better signal levels (RSRP), than the Mid-Band frequency, the signal quality (SINR) is extremely poor due to the interference levels and the lack of a dominant serving transmitter. Consistent with the broadcast station analogy the Low-Band gap is better represented by the poor signal quality, SINR maps, which represents the actual user experience. Therefore, in this situation, signal quality is more relevant than signal strength with regard to the size of the Low-Band gap.

At Mid-Band, 87% of the drive test area has a SINR value less than 12.5 dB, and virtually all of the service gap area shows a SINR value less than 12.5 dB, with 41% of the area showing SINR values less than or equal to zero.

As expected, exhibits F1 and G1 demonstrate poor signal quality as represented by the SINR maps in the service gap areas, indicating the interference levels are high in the Low-Band frequencies (lack of dominant transmitter) and the signal levels are low in the Mid-Band frequencies (see Exhibit D), hence a significant gap in service.

Since the Low-Band frequencies cover a greater range it is expected that their overlap (interference zones) will be higher than the Mid-Band frequencies. Likewise, since the Mid-Band frequencies cover a shorter distance the signal levels will be weaker in the gap area.

The following KPI data is expected to demonstrate higher level of drop rates, higher utilization, and poor throughput, to be more prevalent on the Low-Band frequencies. This is due to the fact that user connections will transfer or "hand-down" and connect to the Low-Band frequencies when they get out of range of the Mid-Band frequencies.

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[11] The Verizon report (pg 9) found 61% of the area driven measured SINR of zero dB or lower, and 1% of the area driven with a SINR of 13 dB or greater, compared to 41% SINR of zero dB or lower and 12% SINR greater than 12.5 dB measured by PierCon for a smaller drive test area. Drive test measurements in both cases indicate the gap area does not meet the minimum design SINR threshold.

Refer to Appendix 2 where zero dB SINR is the 85% cell edge criteria only, and not an acceptable level for all coverage area not at the cell edge.

Drop Call Rate[12] (KPI) Analysis

The drop call rate from the KPI charts provided in Exhibit H (pages 26 to 36 of the Exhibits) indicate, as expected, the highest rate of drop calls in Low-Band frequencies. This is due to the lack of mid-band signal suitable for use forcing all wireless traffic onto the Low-Band frequencies which eventually drop. A description of each drop call rate chart from the applicable sectors is as follows:

- Gardnerville Delta – Provides Low-Band signal to 64% of the significant gap area as illustrated on Exhibit F and 63% of mid-band signal as illustrated on Exhibit G.
    - The 700 MHz chart (page 26 of the Exhibits) indicates that the drop rate exceeded 1% for nearly the entire 90 day time period. This demonstrates that while 700 MHz provides the greatest range of coverage the system is experiencing an excessive amount of drop calls.
    - The 850 MHz chart (page 27 of the Exhibits) indicates that the drop rate exceeded 1% for approximately 75% of the 90 day time period. This demonstrates that the 850 MHz band, similar to the 700 MHz band is experiencing an excessive amount of drop calls.
    - The 1900 MHz chart, (page 28 of the Exhibits) indicates that the drop rate exceeded 1% for approximately 20% of the 90 day time period. This is expected as connections get moved to the Low-Band frequencies the majority of drop calls will occur on the 700 & 850 MHz bands.
    - The 2100 MHz chart, (page 29 of the Exhibits) indicates that the drop rate exceeded 1% for approximately 12% of the 90 day time period. This is expected as connections get moved to the Low-Band frequencies the majority of drop calls will occur on the 700 & 850 MHz bands.
    - The 3700 MHz chart (page 30 of the Exhibits) indicates that the drop rate exceeded 1% for approximately 11% of the entire 90 day time period. This is expected as connections get moved to the Low-Band frequencies the majority of drop calls will occur on the 700 & 850 MHz bands.
- Daggett Peak Beta - Provides Low-Band signal to 17% of the significant gap area as illustrated on Exhibit F and 15% of mid-band signal as illustrated on Exhibit G.
    - The 700 MHz chart, (page 31 of the Exhibits) indicates that the drop rate exceeded 1% for nearly the entire 90 day time period. This demonstrates that while 700 MHz provides the greatest range of coverage the system is experiencing an excessive amount of drop calls.
    - The 850 MHz chart, (page 32 of the Exhibits) indicates that the drop rate exceeded 1% for nearly the entire 90 day time period. This demonstrates that the 850 MHz band, similar to the 700 MHz band is experiencing an excessive amount of drop calls.
    - The 2100 MHz chart, (page 33 of the Exhibits) indicates that the drop rate exceeded 1% for approximately 31% of the 90 day time period. This is expected as connections get moved to the Low-Band frequencies the majority of drop calls will occur on the 700 & 850 MHz bands.
- Pinenut Road Gamma - Provides Mid-Band signal to 13% of the significant gap area as illustrated on Exhibit G.
    - The 1900 MHz chart, (page 34 of the Exhibits) indicates that the drop rate exceeded 1% for 50% of the 90 day time period. This demonstrates that while 700 MHz provides the greatest range of coverage the system is experiencing an excessive amount of drop calls.

[12] In LTE networks, the dropped call rate (DCR) refers to the percentage of calls that are unexpectedly terminated or dropped due to network issues, rather than a user hanging up. The International Telecommunication Union (ITU) recommends a data drop rate of 1% or less.

- The 2100 MHz chart, (page 35 of the Exhibits) indicates that the drop rate exceeded 1% for approximately 4% of the 90 day time period. This is expected as connections get moved to the Low-Band frequencies the majority of drop calls will occur on the 700 & 850 MHz bands.
- The 3700 MHz chart, (page 36 of the Exhibits) indicates that the drop rate exceeded 1% for approximately 3% of the 90 day time period. This is expected as connections get moved to the Low-Band frequencies the majority of drop calls will occur on the 700 & 850 MHz bands.

The summary of the drop call data demonstrates the highest rate of drop calls occur on the Low-Band frequencies. This does not mean that the Mid-Band frequencies are performing better. This only means that the users are being handed down to a Low-Band frequency as the Mid-Band frequency runs out of range, therefore no drop is recorded on the Mid-Band frequency. Eventually the connection drops due to poor signal quality on the Low-Band signal, hence the higher drop rates on Low-Band.

Downlink Physical Resource Block Utilization (Capacity) Analysis

The downlink utilization from the KPI data analyzed, based on the daily hourly (24hr) data, for the entire 90-day time period analyzed from November 16, 2024, through February 13, 2025, indicated several sectors with periods of exceeding the 70% utilization (capacity) criteria[13]. See attached charts in Exhibit I (pages 38 to 47 of the Exhibits). The following sectors and frequency bands are as follows:

- Gardnerville Delta 700 MHz – Utilization above design level threshold approximately 30% of the 90 day time period and currently experiencing capacity issues[14]. Due to the extreme lack of mid-band signal in the area all connections are being processed on the low-band frequencies which is causing the higher utilization.
- Gardnerville Delta 850 MHz - Utilization above design level threshold approximately 30% of the 90 day time period and currently experiencing capacity issues. Due to the extreme lack of mid-band signal in the area all connections are being processed on the low-band frequencies which is causing the higher utilization.
- Gardnerville Delta 1900 MHz – Utilization meets the design criteria, however due to lack of mid-band coverage levels connections are transitioning to low-band where congestion is occurring and the drop rate is excessive.
- Garnerville Delta 2100 MHz – Utilization meets the design criteria most of the time, however due to lack of mid-band coverage levels connections are transitioning to low-band where congestion is occurring and the drop rate is excessive.
- Gardnerville Delta 3700 MHz – Utilization meets the design criteria, however due to lack of mid-band coverage levels connections are transitioning to low-band where congestion is occurring and the drop rate is excessive.
- Daggett Peak Beta 850 MHz – Utilization above design level threshold approximately 7% of the 90 day time period but meets the design standard the majority of the period. Due to the extreme lack of mid-band signal in

[13] The 70% utilization value is used as an indicator that a site may be approaching its performance limitation, and for the performance engineer to evaluate other KPI statistics to determine the necessity to enhance the network capacity to optimize performance. The 70% utilization value is also used to allow time for the wireless provider to research, plan, and implement a solution.

[14] LTE capacity issues, often manifesting as slow speeds or dropped connections, arise from factors like network congestion, signal interference, and poor coverage, impacting user experience and data throughput. The Verizon report page 1 uses the term "experiencing capacity exhaustion" for the Gardnerville Delta sector, citing poor service levels, high TTI occupancy, and low data throughput (pages 19-20). PierCon concurs with the poor service level description and has found correlation between consistent higher utilization percentages and the lower downlink throughputs.

the area all connections are being processed on the low-band frequencies which is causing the higher utilization.

- Daggett Peak Beta 2100 MHz – Utilization exceeded the 70% design level threshold for nearly the entire 90 day time period, and currently experiencing capacity issues. This sector is completely exhausted[15] and cannot support mid-band traffic in this area.
- Pinenut Road Gamma 1900 MHz - Utilization exceeded the 70% design level threshold for nearly 80% of the entire 90 day time period, and currently experiencing capacity issues. A significant number of drop calls are also occurring due to lack of capacity.
- Pinenut Road Gamma 2100 MHz - Utilization exceeded the 70% design level threshold for almost the entire 90 day time period, and currently experiencing capacity issues, contributing to the current excessive drop call rate.
- Pinenut Road Gamma 3700 MHz – Utilization exceeded the 70% design level threshold for almost the entire 90 day time period, and currently experiencing capacity issues, contributing to the current excessive drop call rate.

Since there is no dominant server (increased interference) within the service gap area, users are connected to the cell edges (mostly on Low-Band) from the surrounding sites several miles away. During the busy hour, resources become less available due to increased interference (no dominance) and noise (usage), which in turn creates a higher rate of drop calls particularly in the Service Gap area due to low RSRP signal and/or poor signal quality on all bands.

Downlink Utilization versus Throughout

Downlink utilization represents the capacity of the LTE channel. Capacity in LTE is also directly related to throughput. FCC Rural Broadband initiatives have defined a minimum of 5 Mbps per user, and recently as much as 10 Mbps downlink throughput per user requirement. The charts provided in Exhibit I1 (pages 49 to 52 of the exhibits) demonstrate the effects of 70% utilization as it correlates to a minimum of 5 Mbps downlink throughput per user[16].

For each graph, the relevant site, sector and frequency band is provided in the chart title. The X axis displays the time period for the data. The left side Y axis provides the percent downlink utilization for the subject transmitter, and the right side Y axis provides the downlink throughput in Mbps for the same transmitter. The orange data line provides the downlink utilization over the time period, and the blue data line provides the downlink throughput. The red horizontal line indicates the 70% utilization value, and the orange horizontal line indicates the 5 Mbps value. As can be seen from the charts in Exhibit I1 (pages 49 to 52 of the Exhibits), when the downlink utilization is regularly above 70%, the downlink throughput is regularly less than the 5Mbps. This is strongly correlated with the Gardnerville Delta 700 MHz chart and the Dagget Peak Beta 700 MHz chart (pages 49 and 50 of the exhibits). Verizon holds 10 MHz of bandwidth in the 700 MHz band. Page 51 of the exhibits illustrates the same correlation for the 2100 MHz band for the Daggett Peak Beta sector. Verizon holds 20 MHz of bandwidth in the 2100 MHz band. Of note is the strong correlation between peaked utilization values above 70% approaching 90% or more, and the decreased throughput approaching values of 1 Mbps. Similarly, drops in utilization below 70%, show corresponding throughput speeds increasing above 5 Mbps. Page 52 of the exhibits demonstrates similar correlation for the Pinenut Road Gamma Sector 1900 MHz band, where Verizon holds 5 MHz of bandwidth.

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[15] LTE capacity exhaustion occurs when a LTE network experiences a continuous and trending surge in user demand or data traffic, exceeding its ability to handle all users simultaneously, leading to slower speeds, dropped calls, or other performance issues.

[16] The Verizon report (page 12 figure 9) identifies 66.7% of the area driven was being best served by the 700 MHz band, and that the data throughput measured 2Mbps or less for 78% of the overall area driven (page 13 figure 9), which consisted mostly of the 700 MHz band. This finding is consistent with PierCon's finding for the best serving site transmitters' utilization and throughput. Specifically, Gardnerville Delta 700 MHz and Daggett Peak Beta 700 Mhz transmitters had utilization consistently above 70% and downlink throughput consistently below 5 Mbps.

Therefore, the 70% downlink utilization offers a strong correlation between the user experience as evidenced in the poor throughput performance as the channel is becoming over congested.

8 VERIZON'S PROPOSED SOLUTION

In seeking to remedy the significant gap in coverage and compromised network performance, due to the lack of reliable inbuilding signal strength, the Verizon Wireless radio frequency engineering department issued a search ring for a new coverage site. Search rings are defined by radio frequency engineering and are based upon the geometric grid plan design that considers existing site locations, coverage areas, terrain, and demographics of the area. Locating a facility within the search area, at a suitable height and ground elevation, will remedy the gap in communications. Likewise, locating a facility outside of the search area will create an inefficient design, causing excessive overlap with adjacent facilities, ineffectively covering the gap area, and ultimately requiring more sites to provide complete coverage to the area. The Mid-Band coverage gap identified in this report represents the search area for a new facility.

Referring to exhibit D1, the proposed wireless communication site is located in the service gap area and also located in a public facility (PF) zone, where wireless telecommunications facilities are allowed up to a height of 80'. When proposing a new wireless communications facility, it is important to have the location as near the center of the search area as possible. Having a facility at the center of a search area allows for coverage and capacity to be equally distributed amongst the typical three sector cell site design, allowing optimal performance of the site. This design approach assumes the intended overall coverage area is very similar in topography and morphology, as is the case in this design. Equally as important to the location, is the required height necessary to remedy the significant coverage gap for the carrier's licensed frequency bands. Insufficient height at a location will not maximize the site's ability to remedy the coverage gap and therefore require additional wireless facilities.

To remedy the Service Gap Verizon has proposed an 80-foot monopole, with their antennas located at the 76-foot centerline elevation. The proposed site is located at 1699 County Road, East York Fire Station No. 14, in the permitted public facility zone.

Verizon's Existing Drive Test Data with Proposed Site at 76' Antenna Centerline Analysis

Attached hereto as Exhibit J is an EDX Signal Pro[17]-generated Coverage Map that indicates Verizon's existing areas of 4G LTE 2100 MHz wireless coverage from existing sites with the Proposed Site at 76 feet above ground. Existing coverage is indicated with colored dots obtained from drive test data. Exhibit J depicts the Proposed Site as a black dot labeled "Proposed Site" and the existing on-air sites as blue sector symbols. The legend includes the coverage thresholds by color scheme. Exhibit J demonstrates that the Proposed Site with antennas at 76 feet above ground provides the required inbuilding signal level to 0.84 square miles and 1,091 residents within the Service Gap area. The inbuilding coverage provided from the proposed site at 76 feet above ground remedies 61% of the Mid-Band coverage gap.

Verizon's Existing Drive Test Data with Proposed Site at 56' Antenna Centerline Analysis

Attached hereto as Exhibit K is an EDX Signal Pro-generated Coverage Map that indicates Verizon's existing areas of 4G LTE 2100 MHz wireless coverage from existing sites with the Proposed Site at 56 feet (20 feet lower) above ground. Existing coverage is indicated with colored dots obtained from drive test data. Exhibit K depicts the Proposed Site as a black dot labeled "Proposed Site" and the existing on-air sites as blue sector symbols. The legend includes the coverage thresholds by color scheme. Exhibit K demonstrates that the Proposed Site with antennas at 56 feet above ground provides the required inbuilding signal level to 0.7 square miles and 882 residents within the Service Gap area.

[17] EDX Signal Pro is an industry standard software used to create radio frequency coverage maps for radio frequency bands from 138 MHz (VHF) to 5 GHz.

The inbuilding coverage provided from the proposed site at 56 feet above ground represents 52% of the Mid-Band coverage gap.

The proposed site at 76 feet above ground provides a predicted 11% additional in building coverage area to an estimated 200 residents when compared to the 56 foot height alternative. It is PierCon's opinion that the proposed site at 76 feet above ground is the minimum height necessary to address the significant gap in in-building service, and provides measurable benefit compared to an alternative lower height. The proposed height is an allowed height in this public facility zone and would allow for the co-location of another wireless provider, supporting the code's objectives.

Modification to Existing Gardnerville Site

Modifications to the Gardnerville site were evaluated. The existing installation is on a rooftop with antennas at approximately 53 feet above ground. The ability and flexibility to modify is already limited by the structure dimensions and height. Nevertheless, the sector providing signal towards the High School is oriented at 330°, which is not pointed directly at the High School. However, the antennas installed operate with a 65° beamwidth which means the High School is still within the antenna's main antenna pattern, roughly 3 dB lower than from the main beam. Simply turning this sector of antennas directly towards the High School will only improve the signal by 3 dB in that direction while reducing it by 3 dB in the previous direction. (Please see Exhibit K1 for a graphical representation) As seen by the levels in the drive test data a 3 dB improvement in signal level provides a minimal improvement in coverage and will not remedy the significant gap, while simultaneously reducing coverage from areas previously served by the current antenna orientation. Therefore, this modification is not a viable solution to remedy the significant gap in service.

PierCon also evaluated the possibility of a higher gain antenna at the Gardnerville site, along with a change of antenna azimuth. The current Verizon 65 degree antenna has a gain of 16.1 dBi. Current industry standard antennas available include a 45 degree antenna with 20.1 dBi of gain. This option of changing antenna and azimuth would potentially increase signal levels in the Douglas High School area by up to 7 dB. (3 dB from azimuth change, and 4 dB by using a higher gain antenna), while also simultaneously reducing signal levels to the prior areas. Exhibit K2 is a modified version of Exhibit D1 and displays the expected signal levels by adding 7 dB to each of the drive test data points, with the previously identified service gap area. As can clearly be seen, even with this site modification, there still exists a mid-band service gap in reliable in building coverage, and any site modifications will not address the current service gap.

8.1 ALTERNATIVE SITES

In addition to the proposed site, the subject area was explored to see if any existing structures would be able to support the installation. Four locations were identified as being the closest to the center of the service gap area and a summary of these candidates is provided below in Table 3. Exhibit L provides a geographic map of the in building coverage gap area, proposed site, and alternate site locations.

Alternative Site	Address	Antenna Height (ft)
AT&T Rooftop Collocation at High School	1670 Highway 88	40
Hickey Building Rooftop/Red Oak	1625 Highway 88	33
Holiday Inn Rooftop	1659 Highway 88	40
And Away They Go LLC	1675 Highway 395	56
Rand 2003 Trust	Highway 88	96

Table 3 Alternative Candidates to Proposed Wireless Site at 1699 County Ave

Site 1 -AT&T Rooftop Collocation at High School

The Douglas High School co-location site is located in the service gap area, and the height of the building is 40'. From the drive test data collected we were able extract the coverage performance of the AT&T installation on the High School rooftop. Exhibit M illustrates the existing Mid-Band 1900 MHz coverage provided by the High School Site at 40'. The legend includes the coverage thresholds by color scheme. Exhibit M demonstrates that this Co-location site

will only provide in-building coverage to 0.21 square miles, representing 15% of Verizon's in-building gap area, and serving a population of 385 residents.

This candidate (rooftop installation at 40') will not meet Verizon's design and performance objectives for the service gap area.

Site 2 -Hickey Building Rooftop/Red Oak

The Hickey Building Rooftop candidate is a two-story 33' office building located on Route 88 across from the Douglas High School football field. Similar to the explanation for the Douglas High School candidate above, this location will only provide very limited in building coverage to Verizon's coverage gap area (0.21 square miles or less) and will not meet the design and performance requirements for the subject area.

Site 3-Holiday Inn Rooftop

The Holiday Inn Rooftop candidate is located in the Minden Gateway Complex east of route 88, and across from the Douglas High School. The height of the building is 40'. Once again, as similar to the explanation for the two prior candidates above, this location will only provide very limited in building coverage to Verizon's coverage gap area (0.21 square miles or less) and will not meet the design and performance requirements for the subject area.

Site 4-And Away They Go LLC

The And Away They Go LLC candidate is a proposed Verizon 56' monopole located in a neighborhood commercial zone along Route 395, in the eastern part of Verizon's in building service gap. Communications facilities are permitted in this zone and limited to 60' in height. This alternate falls within the subject gap area, however, is limited height with respect to the zoning ordinance. At the height of 56' a reduction in coverage similar to the proposed site analysis at 56 feet would be expected. Therefore, to achieve equivalent coverage additional height would be necessary, requiring a variance and not being a less intrusive alternative to the proposed site which height is allowed in its zone.

Site 5 Rand 2003 Trust

The Rand Trust Candidate property is located off of Highway 88, in an FR-19 zone, where telecommunications facilities are permitted up to a height of 120'. There is no existing communications facility and one would have to be constructed. The property is located at the most southern part of the Verizon service gap, which would limit the ability overall to balance coverage and capacity from its location as one sector would not be pointing into the gap area. Attached hereto as Exhibit N is an EDX Signal Pro-generated Coverage Map that indicates Verizon's existing areas of 4G LTE 2100 MHz wireless coverage from existing sites with the Proposed Alternative Site at 96 feet above ground. Existing coverage is indicated with colored dots obtained from drive test data. Exhibit N depicts the Proposed Alternative Site as a black dot labeled "Proposed Site" and the existing on-air sites as blue sector symbols. The legend includes the coverage thresholds by color scheme.

Exhibit N demonstrates that the Proposed Alternative Site with antennas at 96 feet above ground provides the required inbuilding signal level to 0.54 square miles and 763 residents within the Service Gap area. The inbuilding coverage provided from the proposed site at 96 feet above ground represents 42% of the Mid-Band coverage gap. A wireless facility constructed here would provide in building service to 0.54 square miles, and address 42% of the Mid-Band gap area, serving 763 residents, compared to the proposed Douglas High School site which would provide in building service to 0.84 square miles, address 61% of the Mid-Band gap area and serve 1,091 residents.

8.3 ALTERNATIVE TECHNOLOGIES

The Verizon report (page 14) has identified numerous network extenders (femtocells) in use throughout the service gap area. By virtue of customer request and deployment of femtocells, there is inadequate in building coverage present throughout the area. Femtocells are limited to in-home coverage and a 50 ft radius from their location in the home, supports a limited number of users, and the devices rely on home internet service, which does not provide or meet the same reliability or performance standards as a cellular site. Due to the inherent limited access and range associated, femtocells are not a viable approach to addressing the gap in reliable service as described in this report, which would include roads, highways, and denser commercial type buildings.

Alternative technologies such as small cells or distributed antenna systems are not viable options to provide comparable coverage to the proposed tower. The FCC defines a small wireless facility as (i) mounted on a structure less than 50 feet in height, (ii) each antenna is no more than three cubic feet in volume; and (iii) all other equipment on the structure must be less than 28 cubic feet in volume. These alternative technologies provide a limited area of coverage on a limited amount of spectrum and therefore are not sufficient to provide the wide area coverage equivalent to the macro site as proposed. These technologies are primarily utilized to improve capacity, or "densify" in areas where coverage already exists.

Additionally, a wireless network design utilizing small cells or DAS nodes must be very precise. The location of each "node" must be where each is designed to be placed, with limited variation of distance. For example, a node may be on one side of the street or another, but a move even 100 feet in any direction may be unacceptable because a coverage gap between the nodes would be created. Moreover, existing telephone poles generally cannot be utilized; thus, new poles would need to be placed in each and every location. For many locations, any one unavailable spot would render the wide area small cell/DAS network a failure.

To illustrate why a network of small cells or DAS nodes would not be a less intrusive alternative in this case, I have created an initial hypothetical design showing how many small cells would need to be deployed to cover the significant gap area. Attached as Exhibit P is a Small Cell Hypothetical Design Grid which shows the initial design. The red dashed hexagons represent notional macro grids. All grid radii are based upon the mid-band coverage range.

Assuming an average small cell coverage radius of 800 feet and average utility pole height of 35 feet, it would require approximately 16 small cells to fill the significant gap area to be covered by the Subject Site. And in this hypothetical design, each small cell would need to be within 100 feet of the center of each grid in my design for the system to work. Each of those small cells, many of which would likely be directly in front of existing single family homes, would need to be approved under the applicable permitting process. Moreover, if there is no existing utility pole along the roadway at the location, a new pole would need to be installed, and even where there are existing utility poles, many if not most would need to be replaced with a pole capable of holding the small cell. For each "node," fiber optic lines and electric service would need to be installed if it did not already exist. The cost of such a network of small cells would be many times greater than the cost of the Subject Site. Furthermore, small cell nodes have received considerable opposition in many jurisdictions lending them to not be the least intrusive alternative.

For these reasons, alternative technologies such as those noted above cannot efficiently remedy a significant coverage gap or be comparable to a macro site.

8.3 LEAST INTRUSIVE

The Subject Site is the least intrusive because it remedies the subject Service Gap while locating the structure in a public facilities zone in a mixed residential and commercial area, at a minimum height so as to be indiscernible from most vantage points. The proposed site is located in a permitted public facility zone, set back behind an existing firehouse, and within the permitted height regulations. Furthermore, other viable alternatives considered require a structure of similar height and structure type, and are located in residential or forest zones, where a wireless facility would appear more distinctly. Alternative technologies including small cells require numerous locations, are ineffective in this case when compared to a macro site and are far more intrusive.

9 CONCLUSION

It has been determined through drive test data, key performance indicator data, and Verizon coverage plots (submitted previously) that a significant gap in service exists. The gap for localized in building service is 1.4 square miles and extends to an area as large as 8.4 square miles which includes in-vehicle service and the roads and connecting nearby highways 395 to the north and highway 88 to the south. PierCon Solution's localized analysis of Verizon Wireless'

existing network coverage indicates that a significant coverage gap in wireless service exists in northwest Minden, Nevada. Drive test data provided in this report demonstrates the specific geographic area lacking reliable in-building coverage for both Verizon's FCC licensed Low-Band frequencies and Mid-Band frequencies.

The Low-Band service gap is approximately 0.75 square mile and includes commercial buildings (including the Douglas High School) and the residential neighborhoods to the north and south of the Subject Site. Additional gaps also include 0.6 miles along Route 395 from 10th Street to the Route 88 intersection, and another 0.5 miles along County Road from 10th Avenue to Route 88. According to the 2020 US Census data there are approximately 1,285 residents living in the Service Gap area.

The Mid-Band gap is approximately 1.4 square mile and includes commercial buildings (including the Douglas High School) and the residential neighborhoods to the north and south of the Subject Site. Additional gaps also include 0.6 miles along Route 395 from 10th Street to the Route 88 intersection, and another 0.5 miles along County Road from 10th Avenue to Route 88. According to the 2020 US Census data there are approximately 2,017 residents living in the Service Gap area. These areas fail to meet the industry standard reliable signal levels (RSRP) for in building residential and in building commercial service.

The Verizon report identifies a service gap of 8.4 square miles including a 3.7 mile stretch of highways 88 and 395, with a population of 1,370, encompassing a larger geographic area between the Minden site and the Gardnerville site, including in-vehicle coverage. PierCon's analysis focused on the immediate residential and commercial in-building coverage areas around the proposed site, which is included in Verizon's report, with similar results found for the area evaluated.

Drive test data also provided in this report demonstrates the presence of multiple serving transmitters, and the lack of a dominant server signal. A non-dominant server signal results in poor quality signal levels evidenced by the low SINR values measured in the service gap area. Low SINR values are consistent with inadequate service as evidenced in Key Performance Indicators such as dropped calls, and lower user throughputs.

Further Key Performance Indicator (KPI) data provided demonstrates the existing wireless sites providing service to the subject area are not meeting the industry standard performance metrics and cannot be altered or upgraded to address the subject area. Drop call rates for the best serving transmitter sites exceed the 1% industry standard consistently in the Low-Bands for the time period evaluated. This is due to the lack of mid-band signal suitable for use forcing all wireless traffic onto the Low-Band frequencies which eventually drop.

Downlink Utilization rates above 70% is a further indicator that the network may be approaching limitation and not be able to provide a consistent 5 Mbps throughput to the user. Information provided in this report suggests a strong correlation between the 70% downlink utilization rate and a sustained 5Mbps throughput, for both Low-Band and Mid-Band.

The existing wireless facility, Gardnerville, has been evaluated to determine whether modifications to antenna orientation or increased antenna gain would adequately address the service gap. Information provided in this report indicates that a slight increase in overall signal level may be possible, however, the Mid-Band service gap remains unchanged at 1.4 square miles, including the Douglas High School and the residential and commercial areas surrounding the school.

All the items above lead to the conclusion that a new wireless facility is necessary to address these network reliability issues.

Verizon proposes a new facility at 1699 County Road in Minden which has been evaluated through drive test data and network KPI issues, along with alternative candidates to remedy the lack of in-building coverage. Having reviewed the proposed site and the list of alternate sites provided in this report, PierCon Solutions concludes the proposed site location and height is the best suited from an RF perspective to remedy the significant coverage gap and address the current compromised network performance. The proposed site with antennas at 76 feet above ground provides the required reliable inbuilding signal level to 0.84 square miles and 1,091 residents within the Service Gap area.

The inbuilding coverage provided from the proposed site at 76 feet above ground remedies 61% of the Mid-Band coverage gap, which exceeds all the alternate candidates evaluated in this report.

The proposed installation will aid in improving reliable coverage to the area, providing a dominant serving signal to the identified gap area. This will improve Verizon Wireless customers' experience on the network throughout the northwest area of Minden, including residences, businesses, and Douglas High School.

The proposed site is located in a public facility (PF) zone, where telecommunications facilities are allowed, with a maximum height of 80 feet. The proposed site with an overall height of 80' will also support the Douglas County Code requirement in section 20.664.180.C.5, requiring "Support structures for wireless communications antennas shall be designed to allow at least one additional wireless service provider to co-locate antennas on the structure."

After performing the independent radiofrequency analysis, PierCon Solutions concludes that this facility is essential to Verizon Wireless' network design in and surrounding northwest Minden. The analysis also shows that the coverage gaps present in this area require numerous small cells to address in totality, and that the proposed site is the best solution to remedy the significant gap in coverage, address the failed network performance KPI's and is the least obtrusive solution to do so.

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3/26/2025

10 APPENDIX 1 - EXHIBITS

Exhibit A	Verizon Site Table
Exhibit B	Verizon's Site Distance Map
Exhibit C	Verizon Wireless 700 MHz LTE (4G) Drive Test Map
Exhibit C1	Verizon Wireless 700 MHz LTE (4G) Drive Test Map with Service Gap
Exhibit D	Verizon Wireless 2100 MHz LTE (4G) Drive Test Map
Exhibit D1	Verizon Wireless 2100 MHz LTE (4G) Drive Test Map with Service Gap
Exhibit E	Verizon Wireless 3700 MHz LTE (5G) Drive Test Map
Exhibit E1	Verizon Wireless 3700 MHz LTE (5G) Drive Test Map with Service Gap
Exhibit F	Low Band Best Serving Transmitter
Exhibit F1	Verizon Wireless 700 MHz LTE (4G) SINR Drive Test Map with Service Gap
Exhibit G	Mid Band Best Serving Transmitter
Exhibit G1	Verizon Wireless 2100 MHz LTE (4G) SINR Drive Test Map with Service Gap
Exhibit H	Drop Call Rate (KPI) Analysis
Exhibit I	Downlink Physical Resource Block Utilization (Capacity) Analysis
Exhibit I1	Downlink Physical Resource Block Utilization (Capacity) and Throughput Analysis
Exhibit J	Verizon's Existing Coverage with Proposed Site at 76' AGL
Exhibit K	Verizon's Existing Coverage with Proposed Site at 56' AGL
Exhibit K1	Google Earth Image of Existing Gardnerville Azimuth
Exhibit K2	Verizon Wireless Expected 2100 MHz LTE Coverage with Gardnerville Site Modification
Exhibit L	Alternate Site Map
Exhibit M	ATT Mid Band Coverage from Douglas High School Site
Exhibit N	Verizon's Existing Coverage with Rand 2003 Trust Site at 96' AGL
Exhibit O	Small Cell Hypothetical Design Grid

Exhibit A
Verizon's Site Table

Existing Site	Frequency Bands/Technology	Antenna Height (ft)	Azimuth (°)	Longitude	Latitude	Type
DAGGETT_PEAK	L700, L850, L2100	120	0, 180	-119.887856	38.968564	Self Support (Lattice Tower)
GARDNERVILLE	L700, L850, L1900, L2100, N 3700	53.1	70, 130, 220, 330	-119.7603799	38.94942739	Self support structure on building
MINDEN	L700, L850, L1900, L2100, N 3700	72.3	0, 65, 145, 260	-119.7565306	39.02292222	Monopole
PINENUT_ROAD	L700, L850, L1900, L2100, N 3700	76	50, 150, 275	-119.702119	38.923628	Monopole
MCCLELLAN PEAK	L700, L850, L1900, L2100	192	95, 175, 300	-119.7055	39.25936	Self Support (Lattice Tower)

Subject Site	Frequency Bands/Technology	Antenna Height (ft)	Azimuth (°)	Longitude	Latitude	Type
Douglas High School	L700, L850, L1900, L2100, L3700, N850, N3700.	76	130, 245, 350	-119.778273	38.957182	Monopole

L=LTE, N=5G

Exhibit B
Verizon's Site Distance Map

VERIZON WIRELESS
EXISTING SITES & SITE SEPERATION MAP

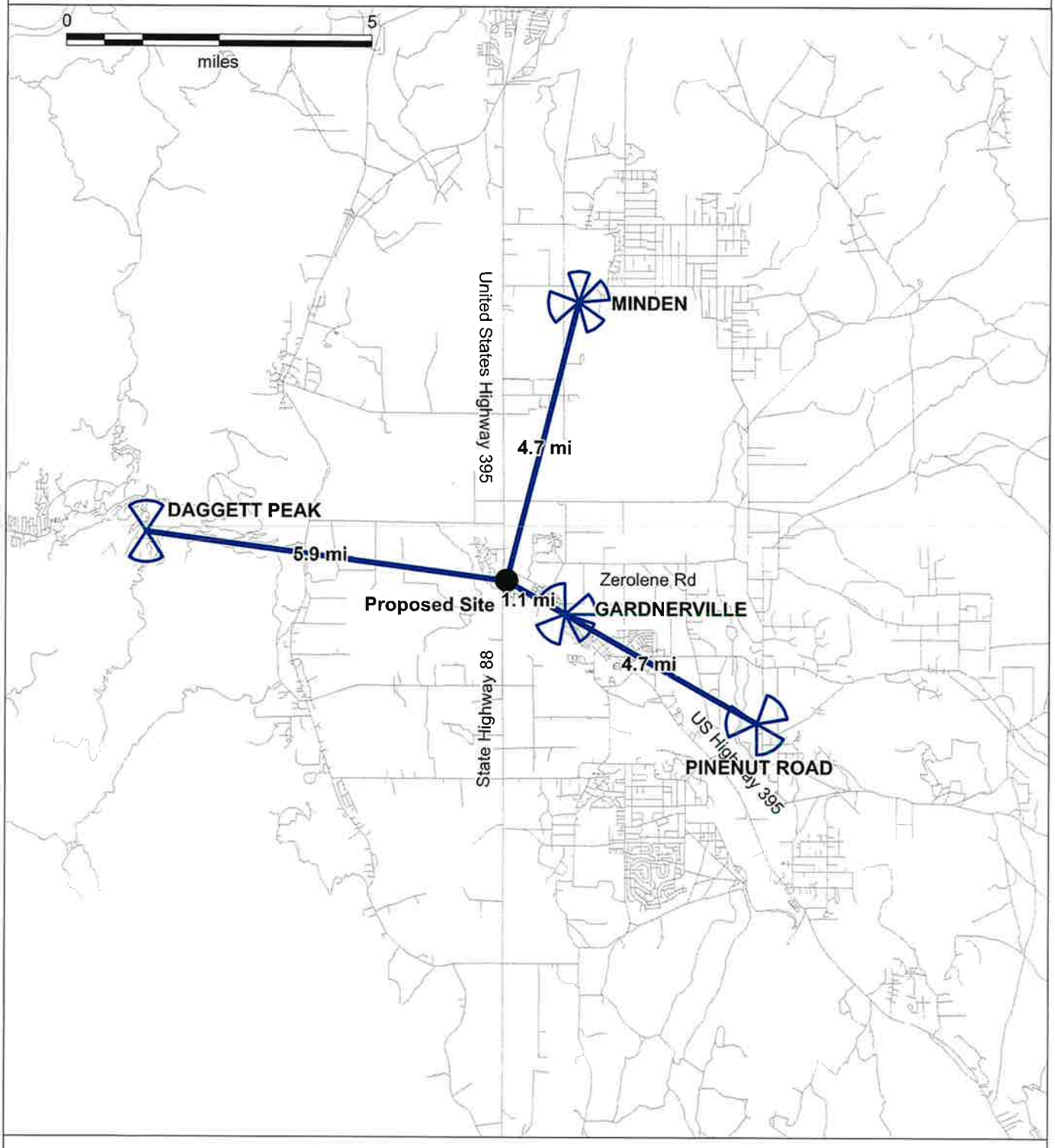


Exhibit C

Verizon Wireless 700 MHz LTE (4G) Drive Test Map

VERIZON WIRELESS
700 MHz LOW BAND - ON AIR DRIVE (SCAN TEST) DATA
TESTED 2/18/2025

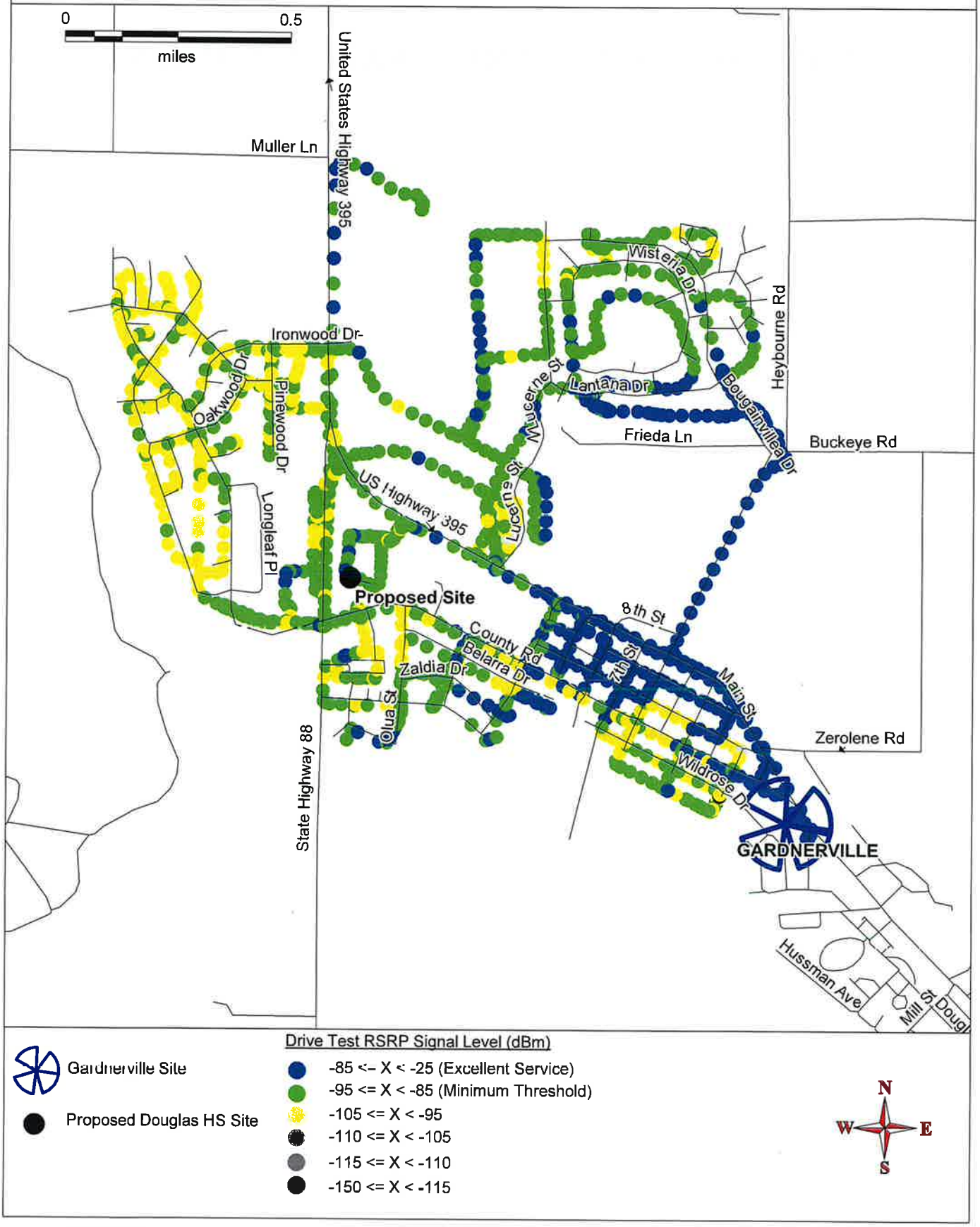


Exhibit C1

Verizon Wireless 700 MHz LTE (4G) Drive Test Map with Service Gap

VERIZON WIRELESS
700 MHz LOW BAND - ON AIR DRIVE (SCAN TEST) DATA
TESTED 2/18/2025

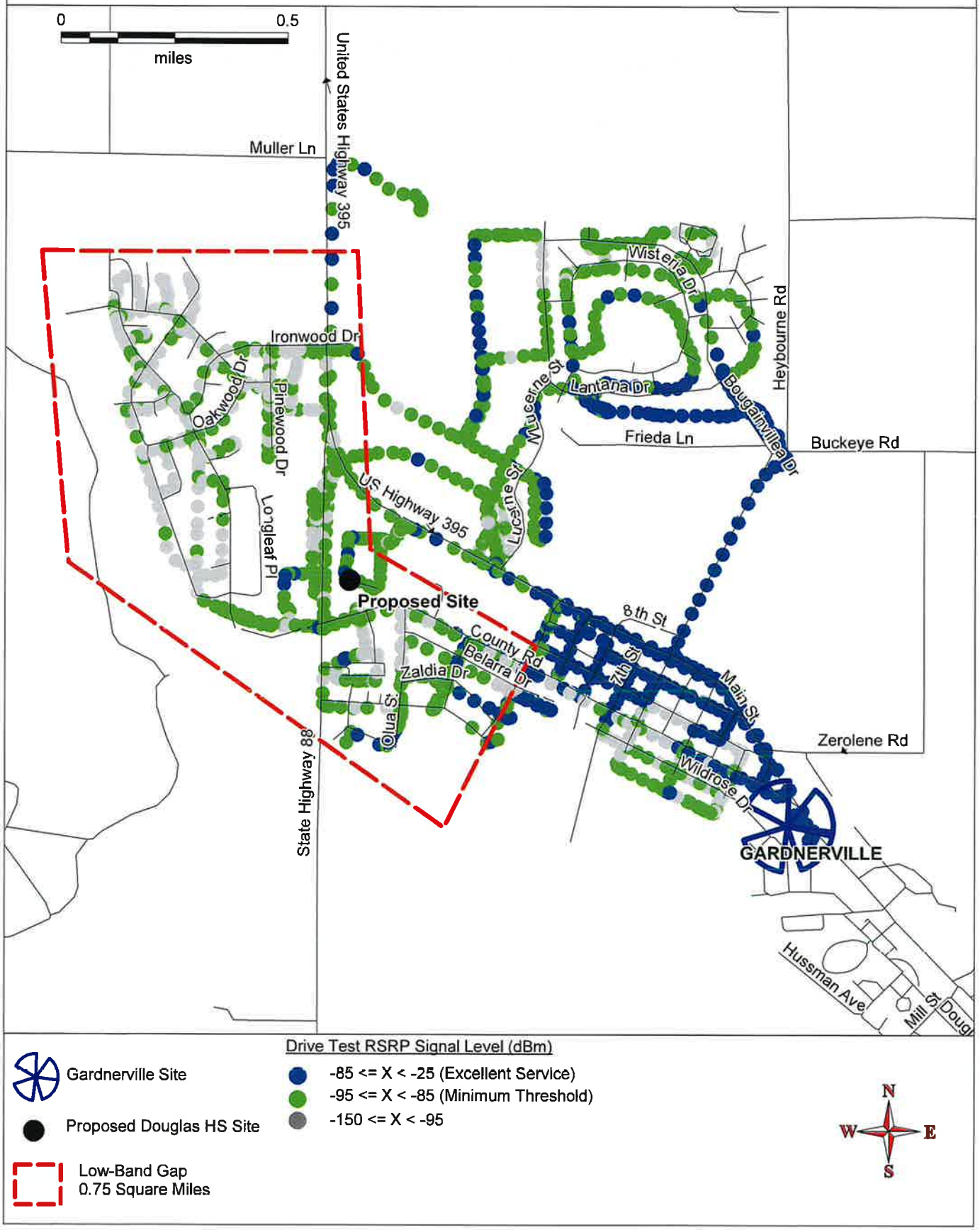


Exhibit D

Verizon Wireless 2100 MHz LTE (4G) Drive Test Map

VERIZON WIRELESS
2100 MHz MID BAND - ON AIR DRIVE (SCAN TEST) DATA
TESTED 2/18/2025

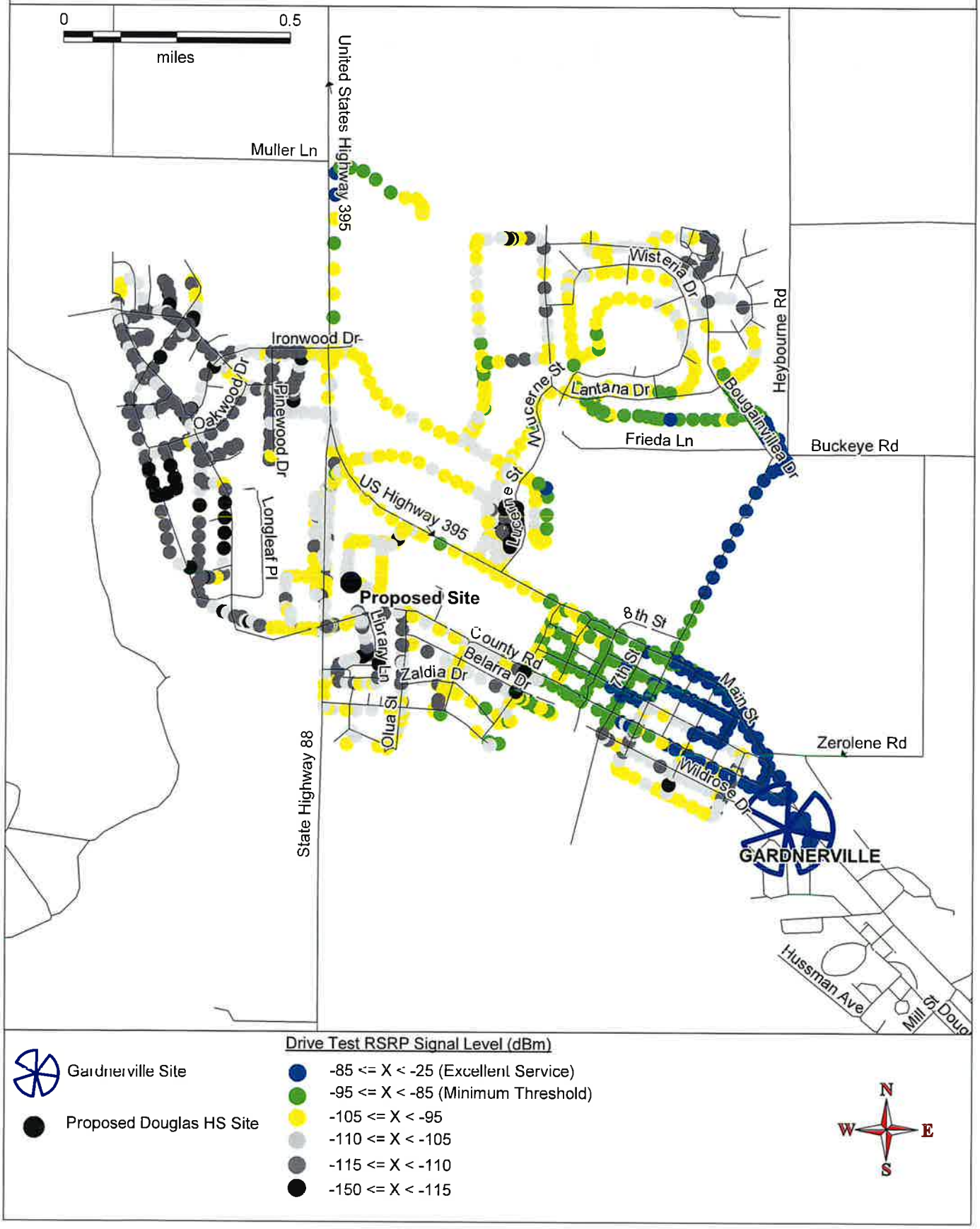


Exhibit D1

Verizon Wireless 2100 MHz LTE (4G) Drive Test Map with Service Gap

VERIZON WIRELESS
2100 MHz MID BAND -ON AIR DRIVE (SCAN TEST) DATA
TESTED 2/18/2025

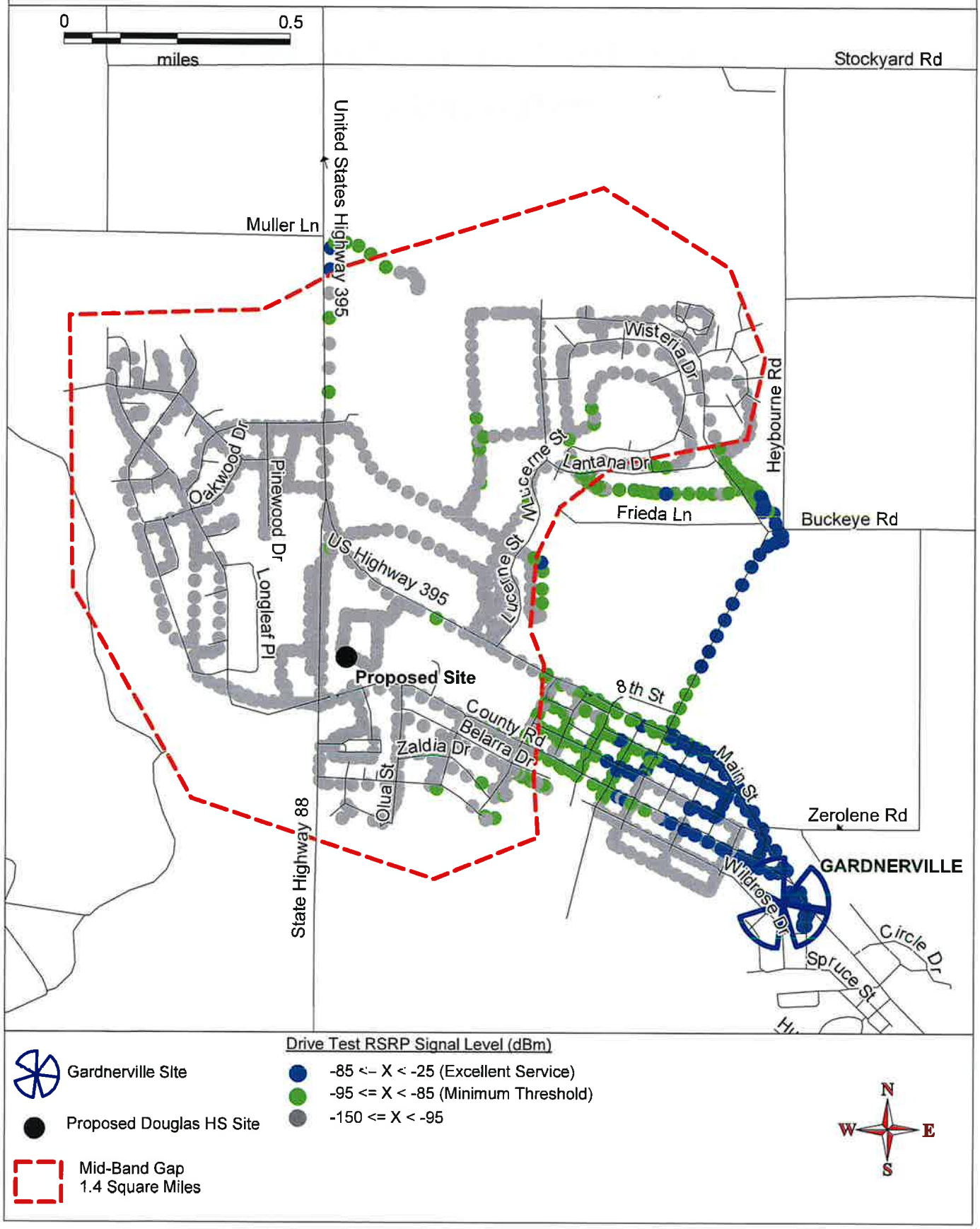


Exhibit E

Verizon Wireless 3700 MHz LTE (5G) Drive Test Map

VERIZON WIRELESS
3700 MHz MID C BAND - ON AIR DRIVE (SCAN TEST) DATA
TESTED 2/18/2025

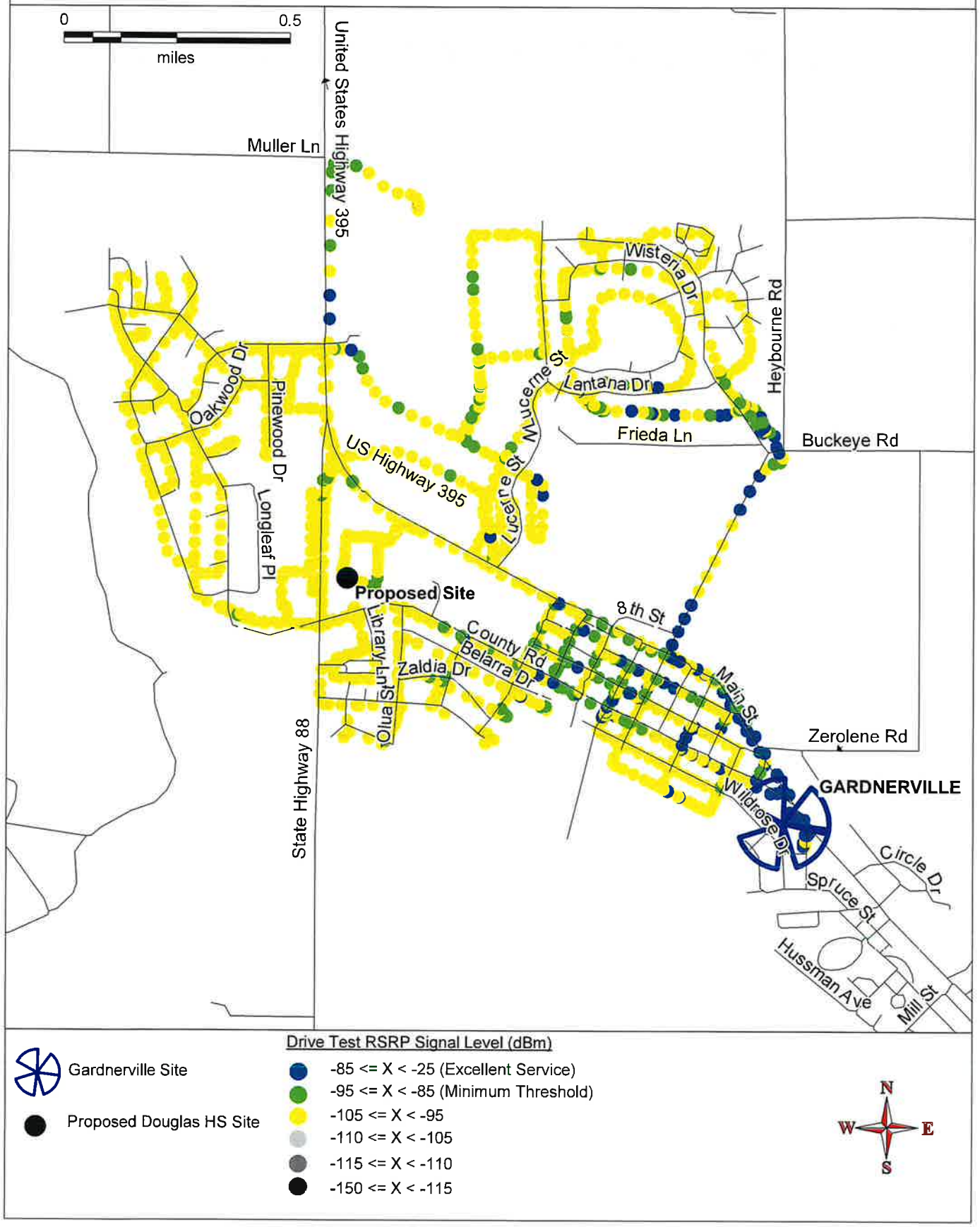


Exhibit E1

Verizon Wireless 3700 MHz LTE (5G) Drive Test Map with Service Gap

VERIZON WIRELESS
3700 MHz MID C BAND - ON AIR DRIVE (SCAN TEST) DATA
TESTED 2/18/2025

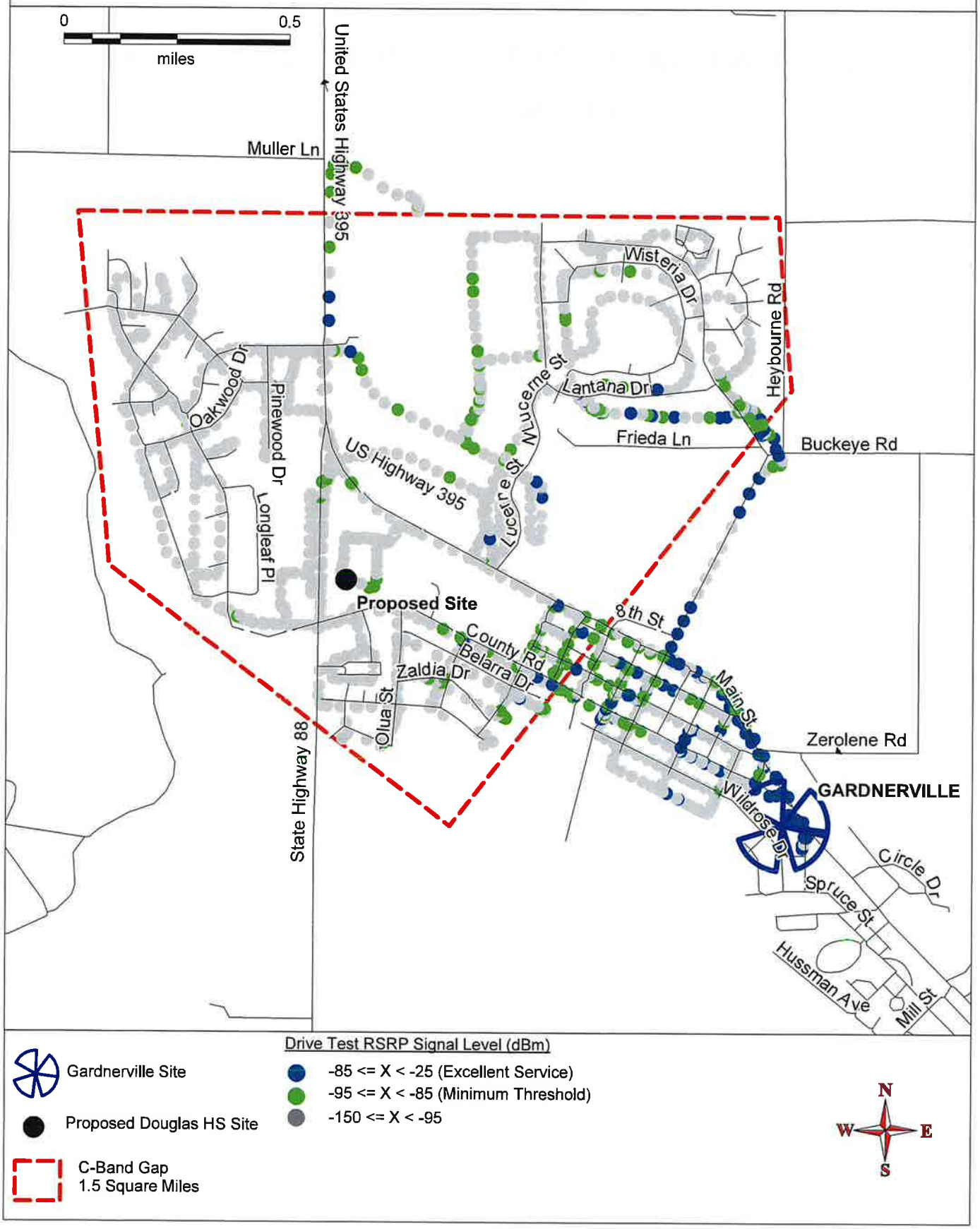


Exhibit F

Low Band Best Serving Transmitter

VERIZON WIRELESS
700 MHz LOW BAND BEST SERVING TRANSMITTER IN AREA OF GAP
TESTED 2/18/2025

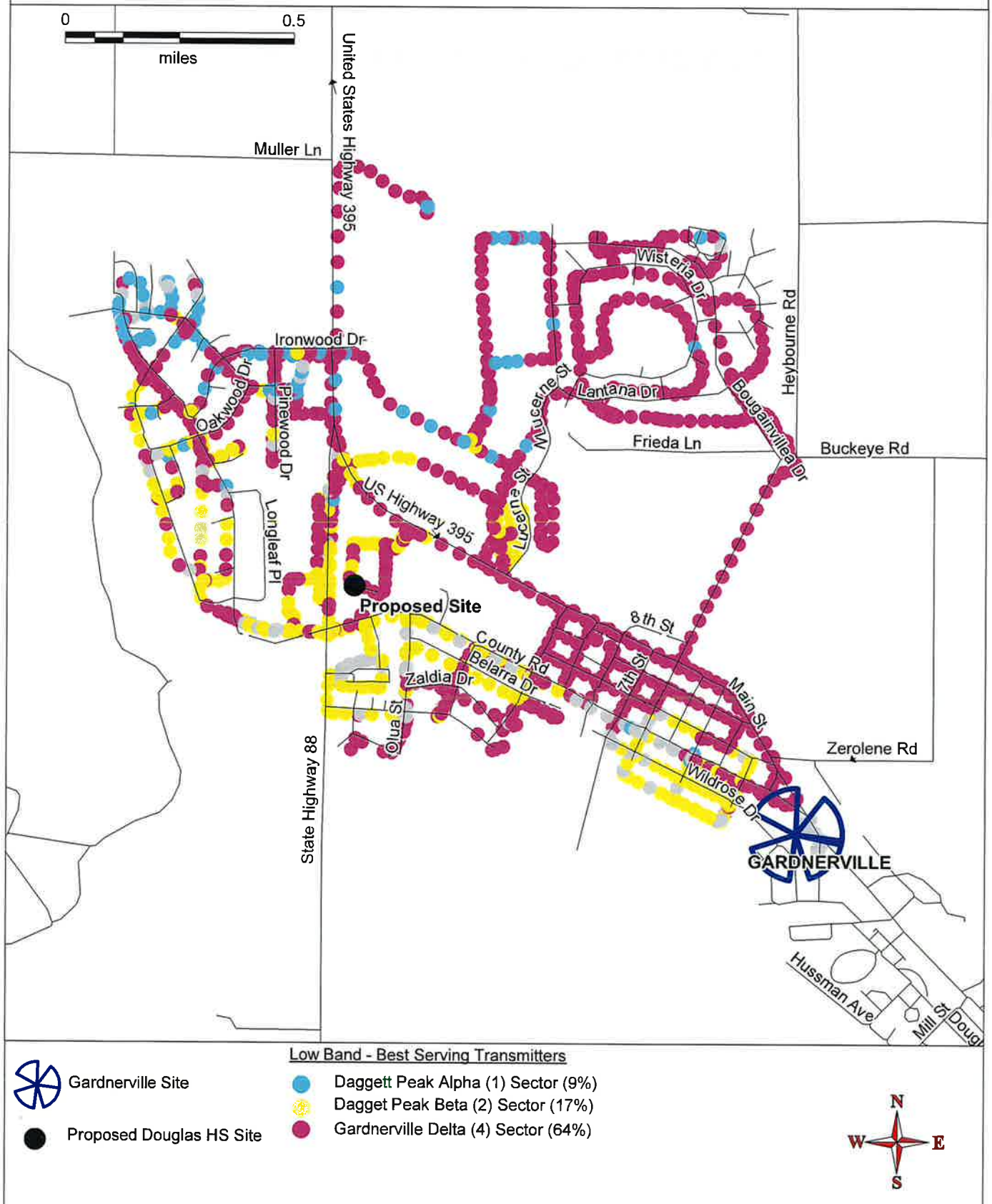


Exhibit F1

Verizon Wireless 700 MHz LTE (4G) SINR

Drive Test Map with Service Gap

VERIZON WIRELESS
700 MHz LOW BAND - ON AIR DRIVE (SCAN TEST) DATA
TESTED 2/18/2025

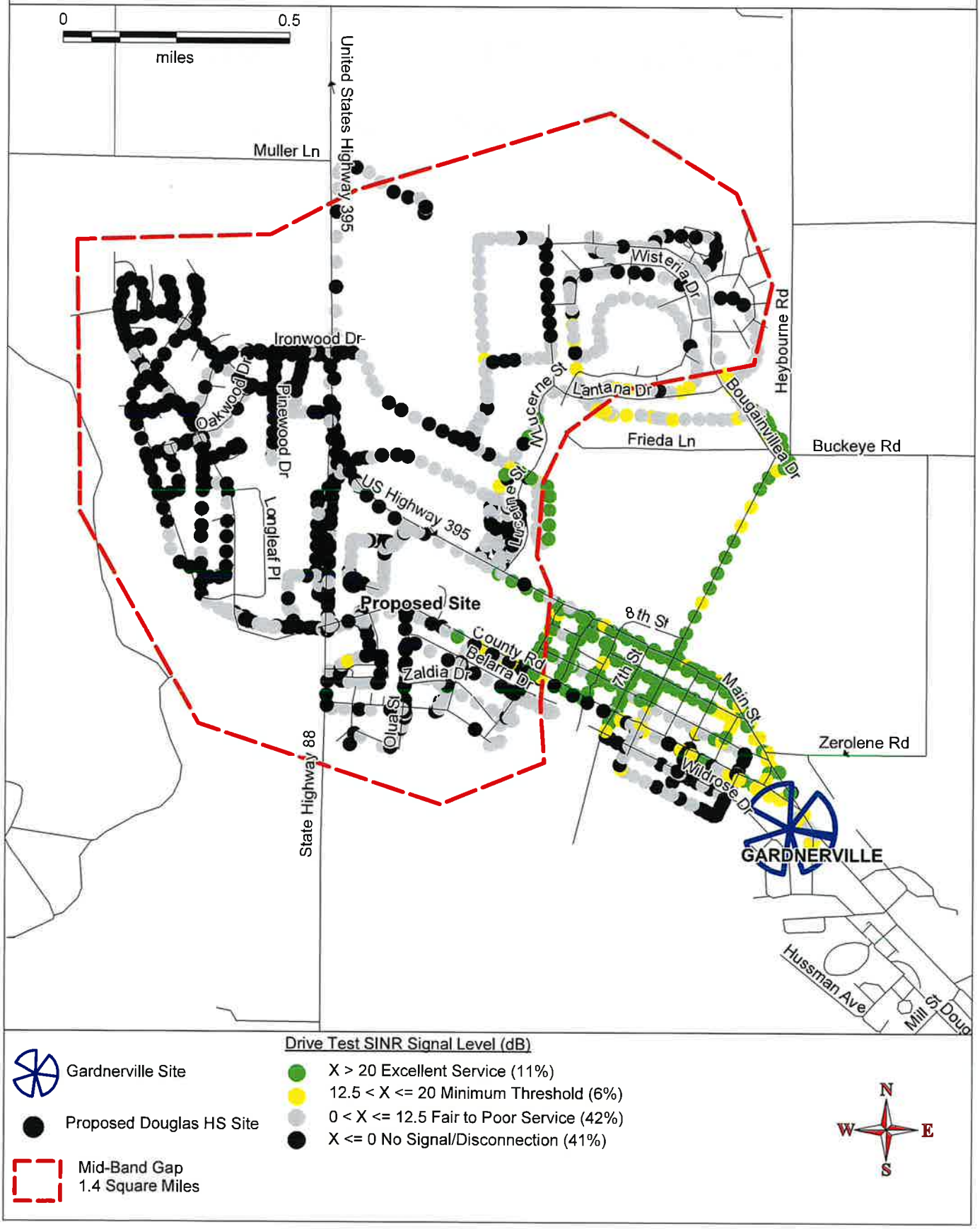
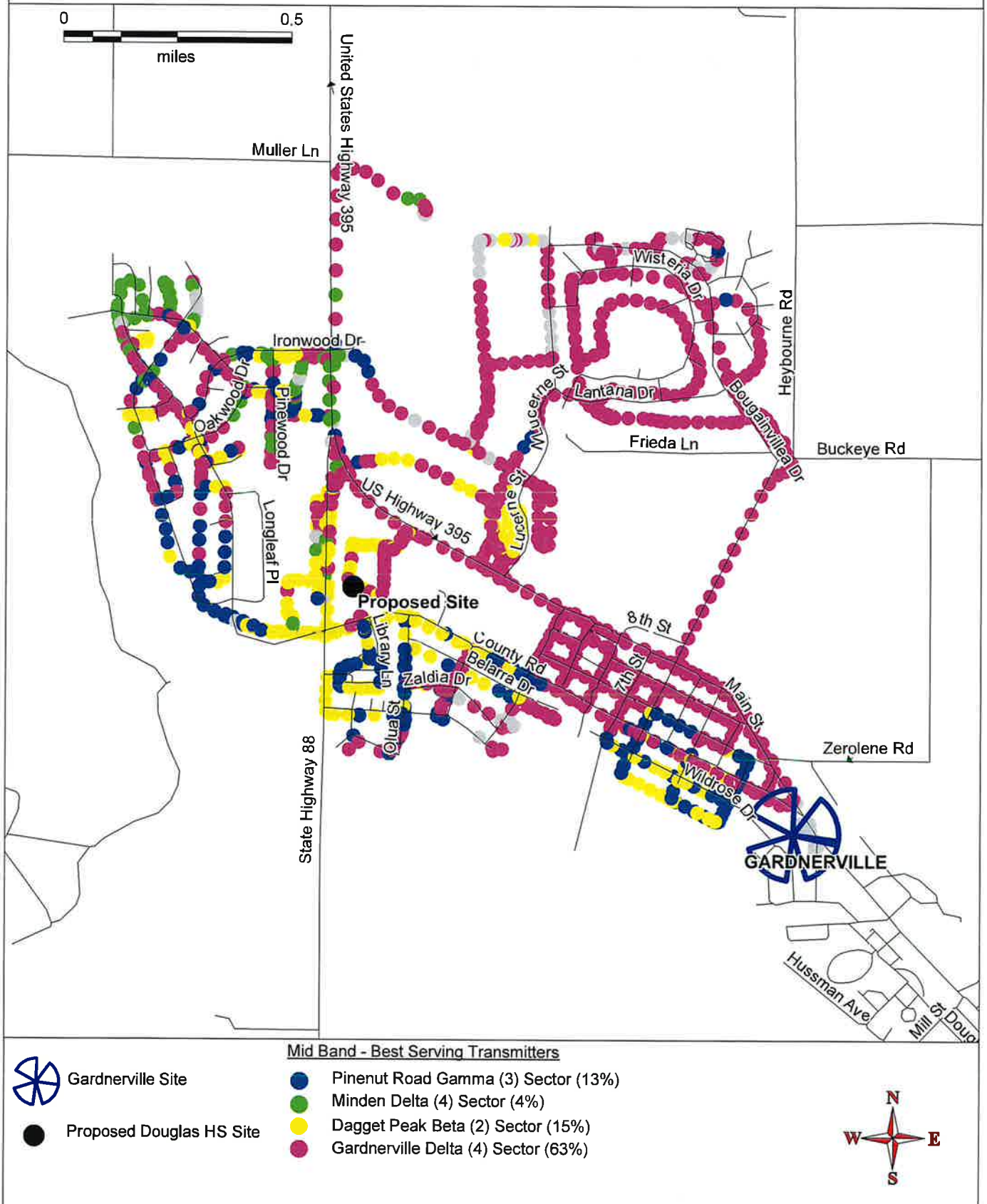


Exhibit G

Mid Band Best Serving Transmitter

VERIZON WIRELESS
2100 MHz MID BAND BEST SERVING TRANSMITTER IN AREA OF GAP
TESTED 2/18/2025



Mid Band - Best Serving Transmitters

- Gardnerville Site
- Proposed Douglas HS Site
- Pinenut Road Gamma (3) Sector (13%)
- Minden Delta (4) Sector (4%)
- Dagget Peak Beta (2) Sector (15%)
- Gardnerville Delta (4) Sector (63%)

N W E S

Exhibit G1

Verizon Wireless 2100 MHz LTE (4G) SINR

Drive Test Map with Service Gap

VERIZON WIRELESS
2100 MHz MID BAND - ON AIR DRIVE (SCAN TEST) DATA
TESTED 2/18/2025

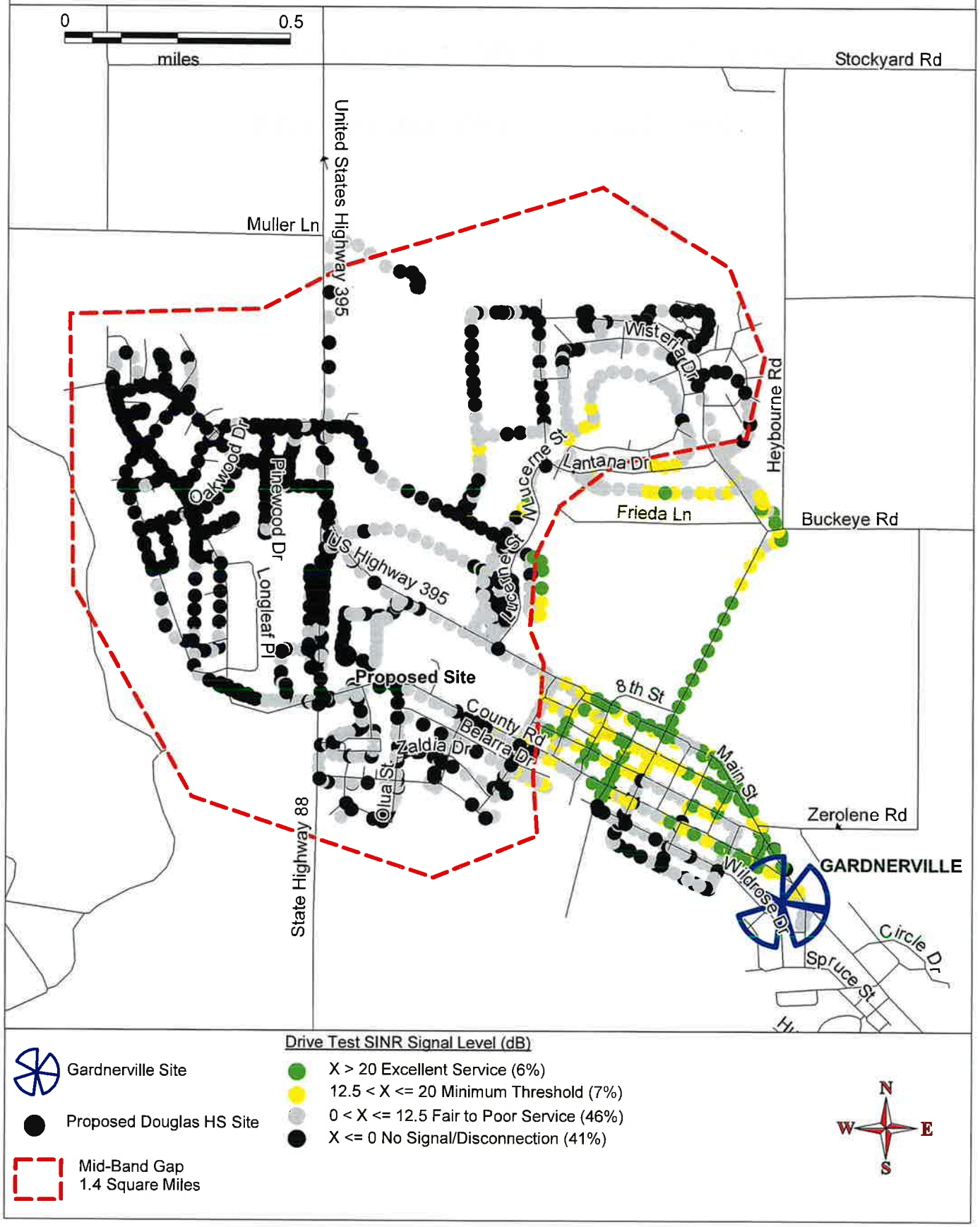
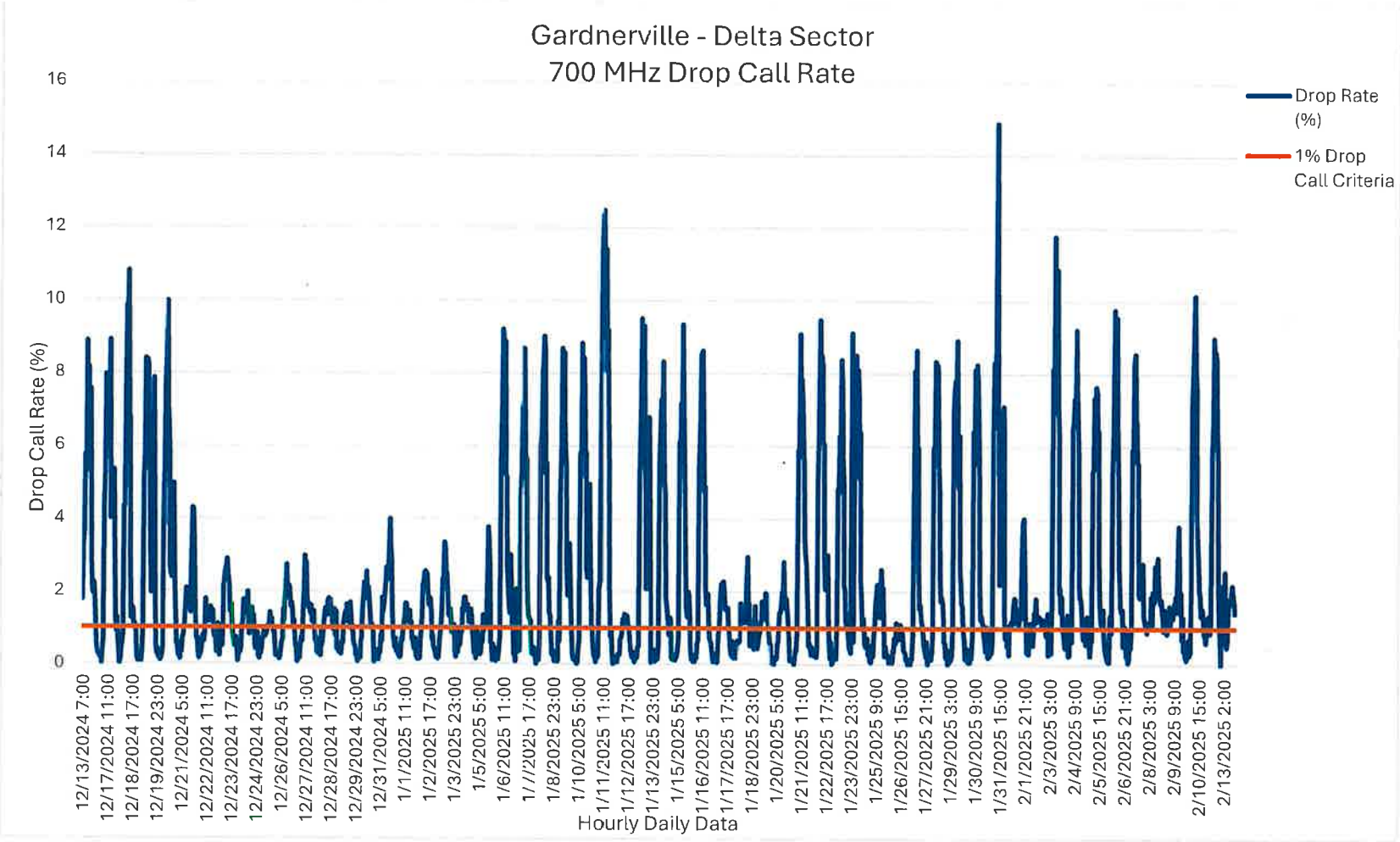
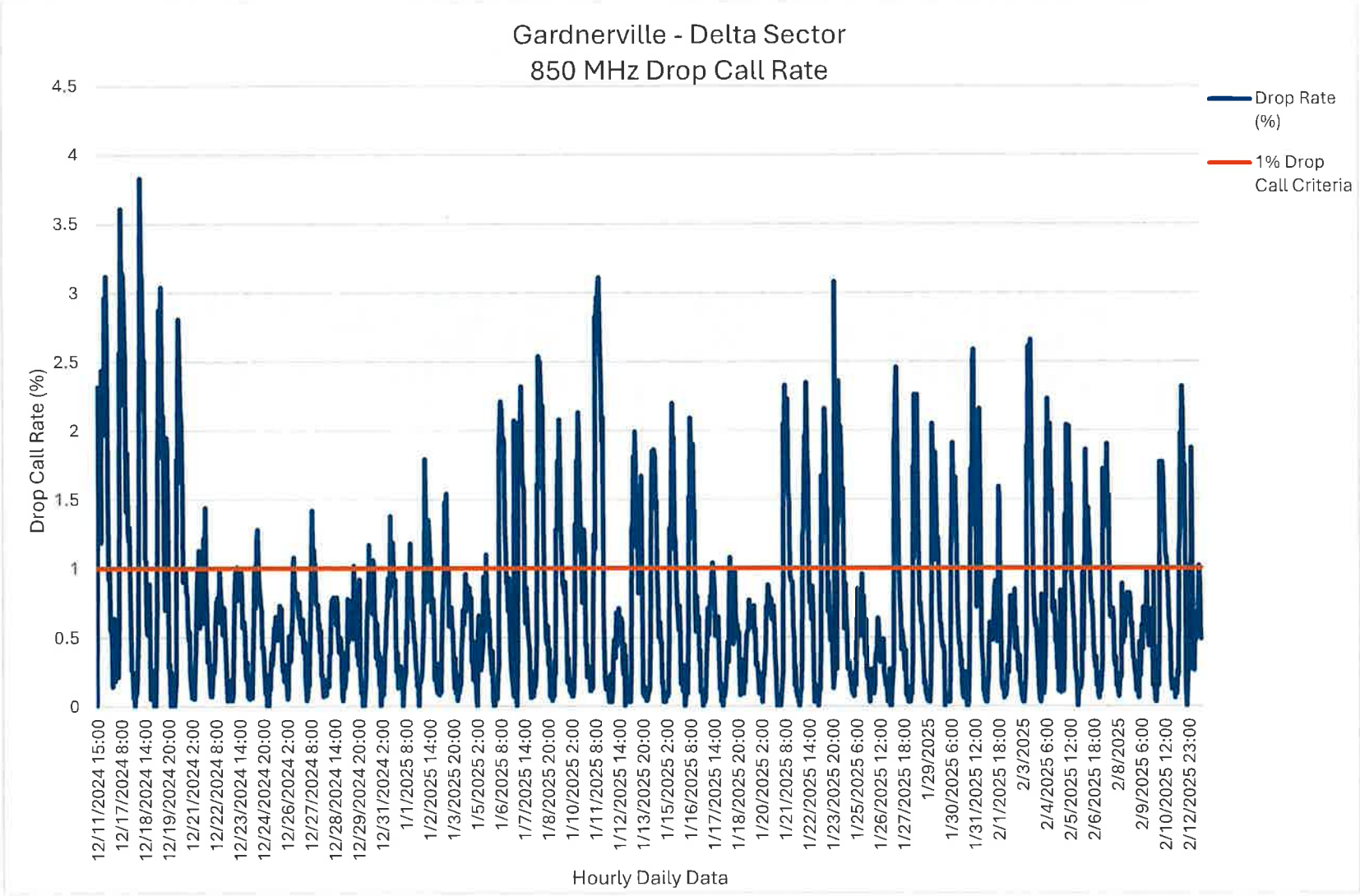


Exhibit H

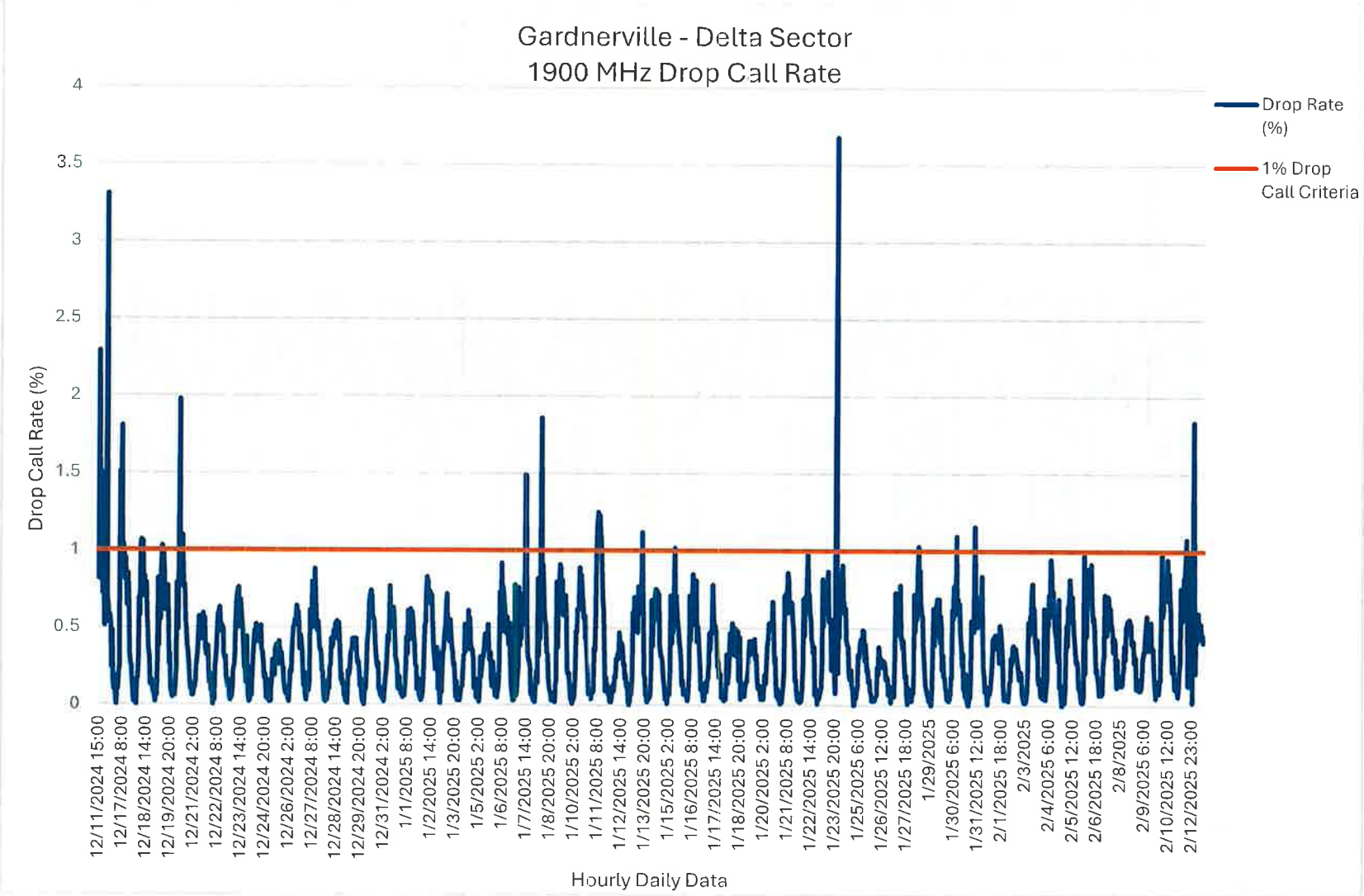
Drop Call Rate (KPI) Analysis



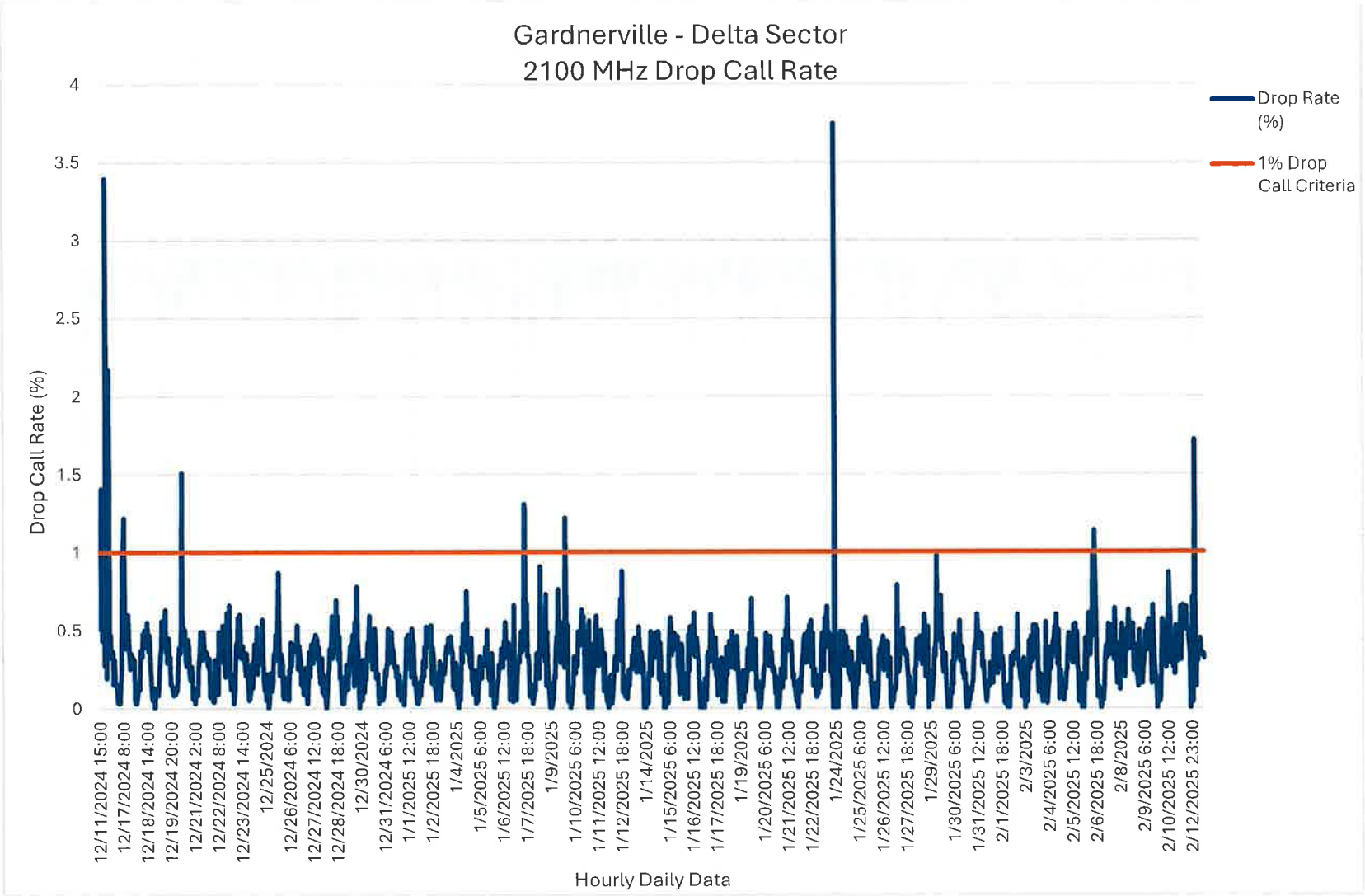
Indicates that the drop rate exceeded 1% for nearly the entire 90 day time period. This demonstrates that while 700 MHz provides the greatest range of coverage the system is experiencing an excessive amount of drop calls.



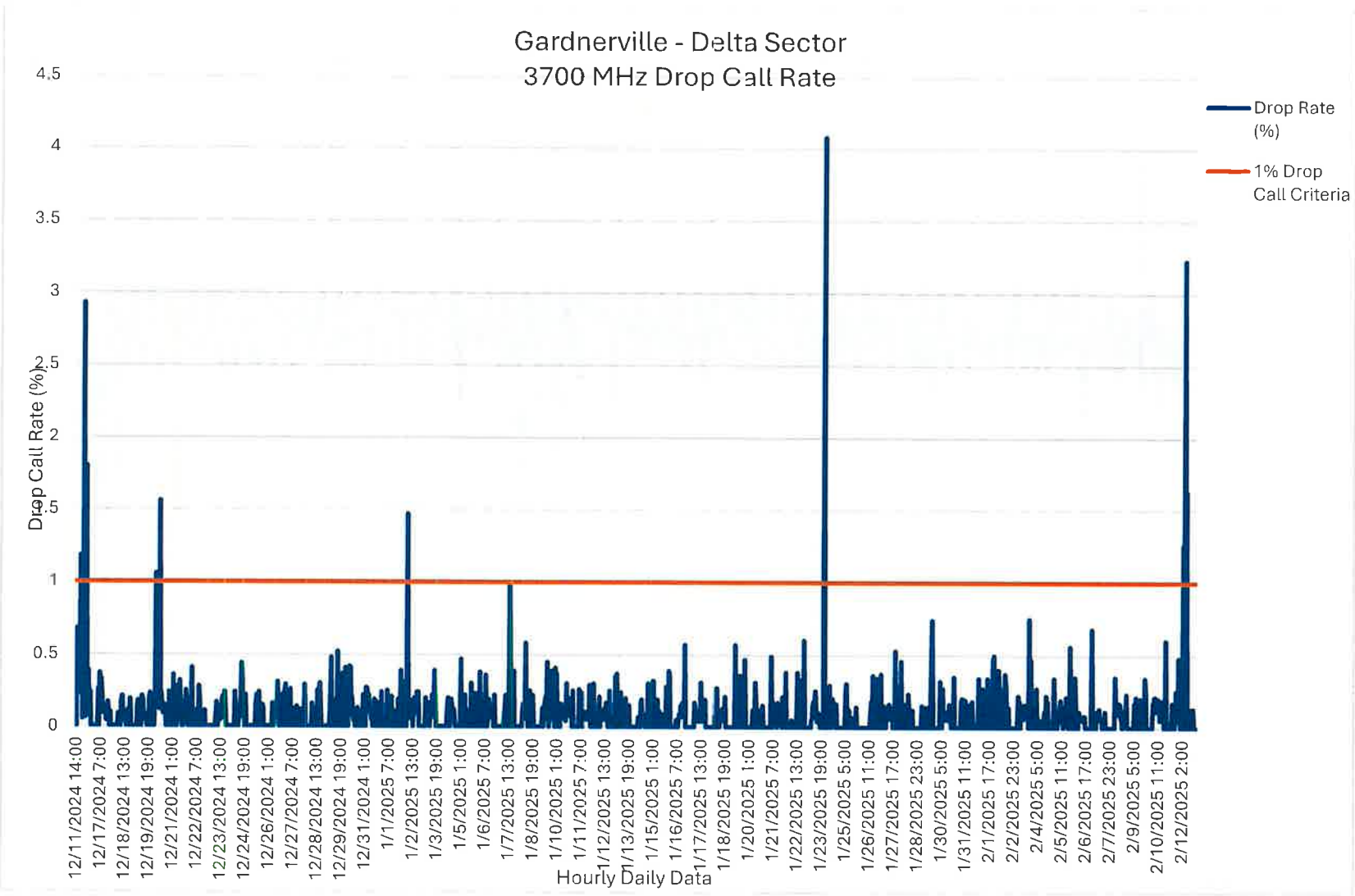
Indicates that the drop rate exceeded 1% for approximately 75% of the 90 day time period. This demonstrates that the 850 MHz band, similar to the 700 MHz band is experiencing an excessive amount of drop calls.



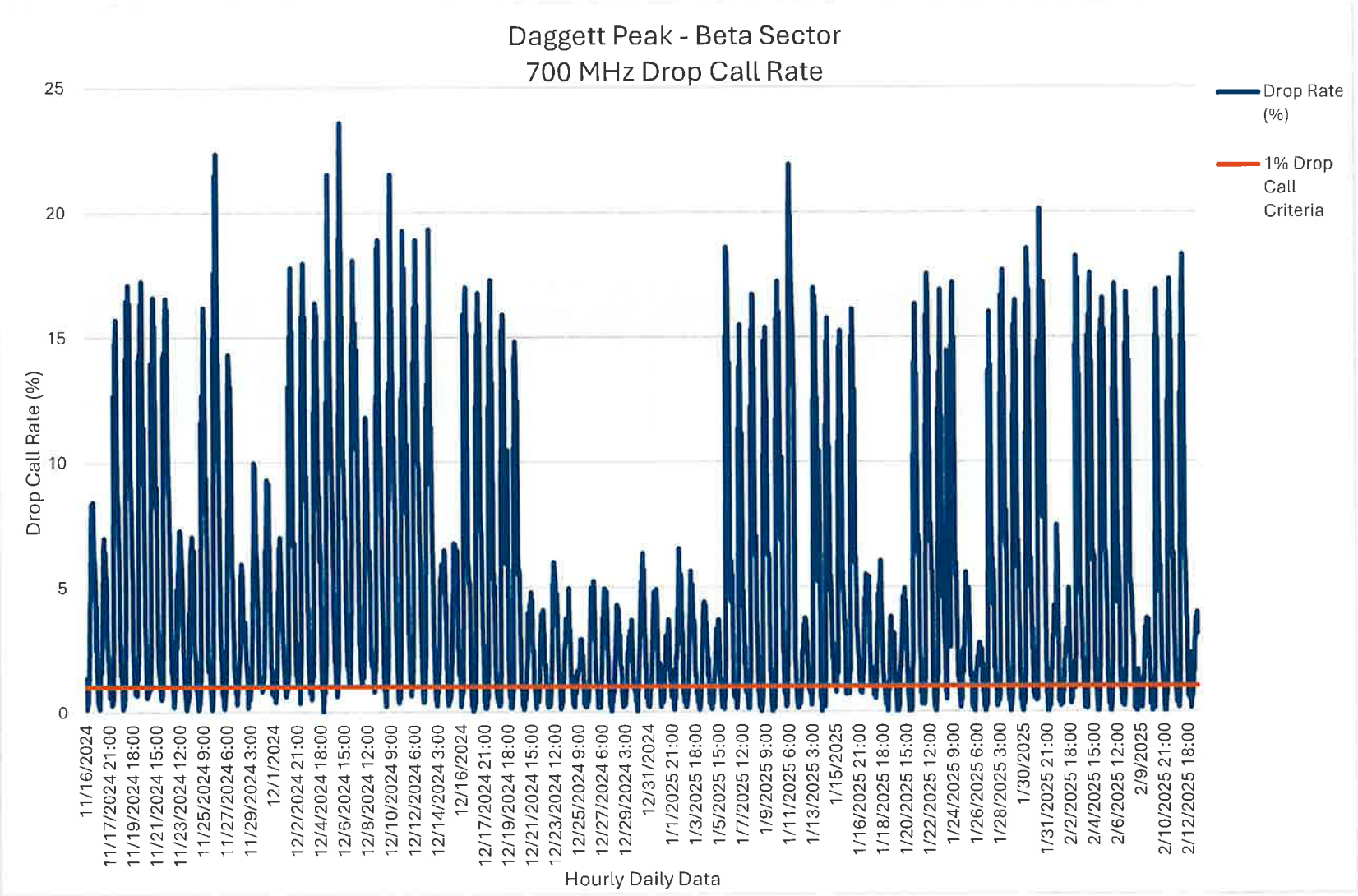
Indicates that the drop rate exceeded 1% for approximately 20% of the 90 day time period.



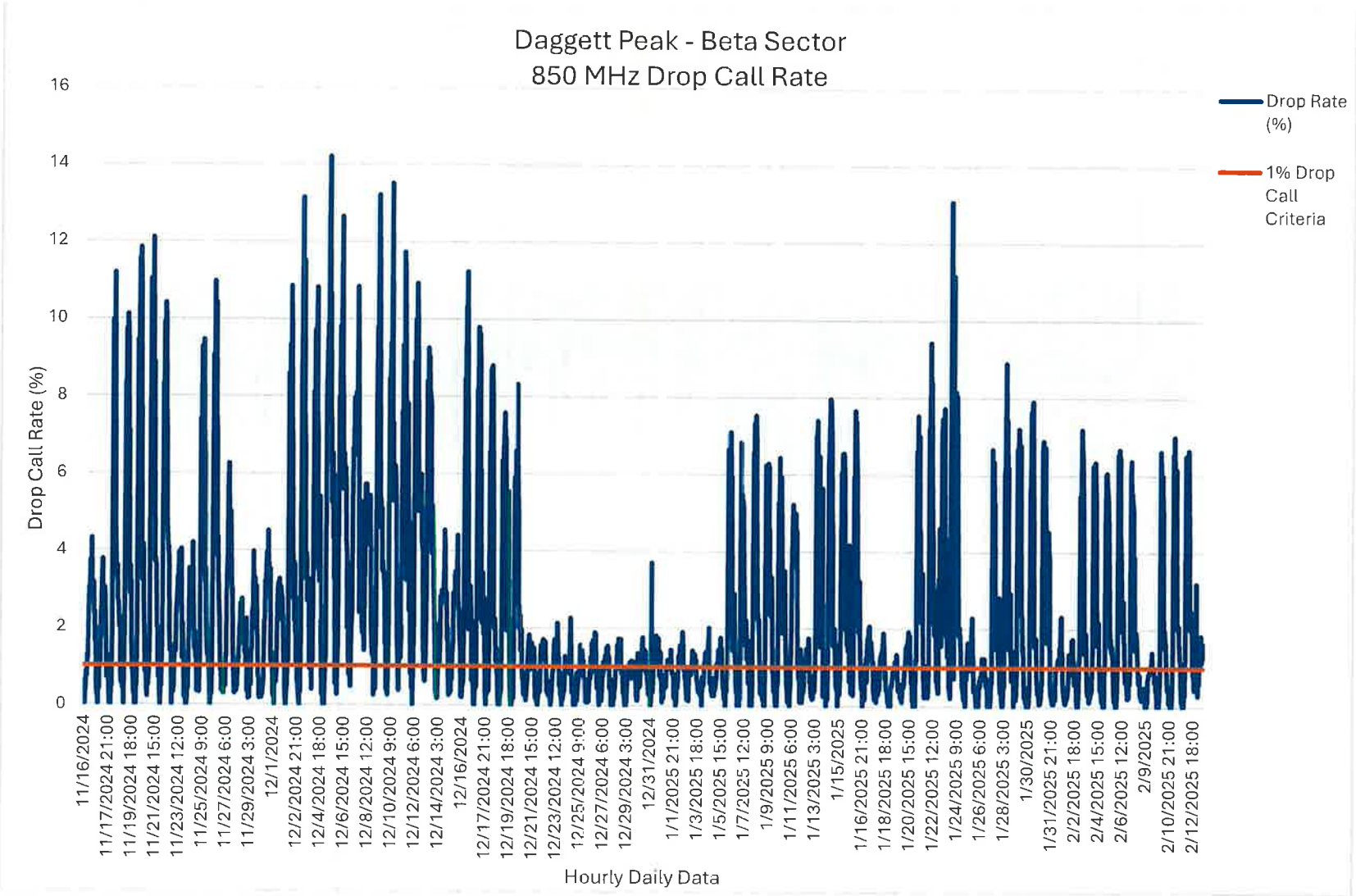
Indicates that the drop rate exceeded 1% for approximately 12% of the 90 day time period.



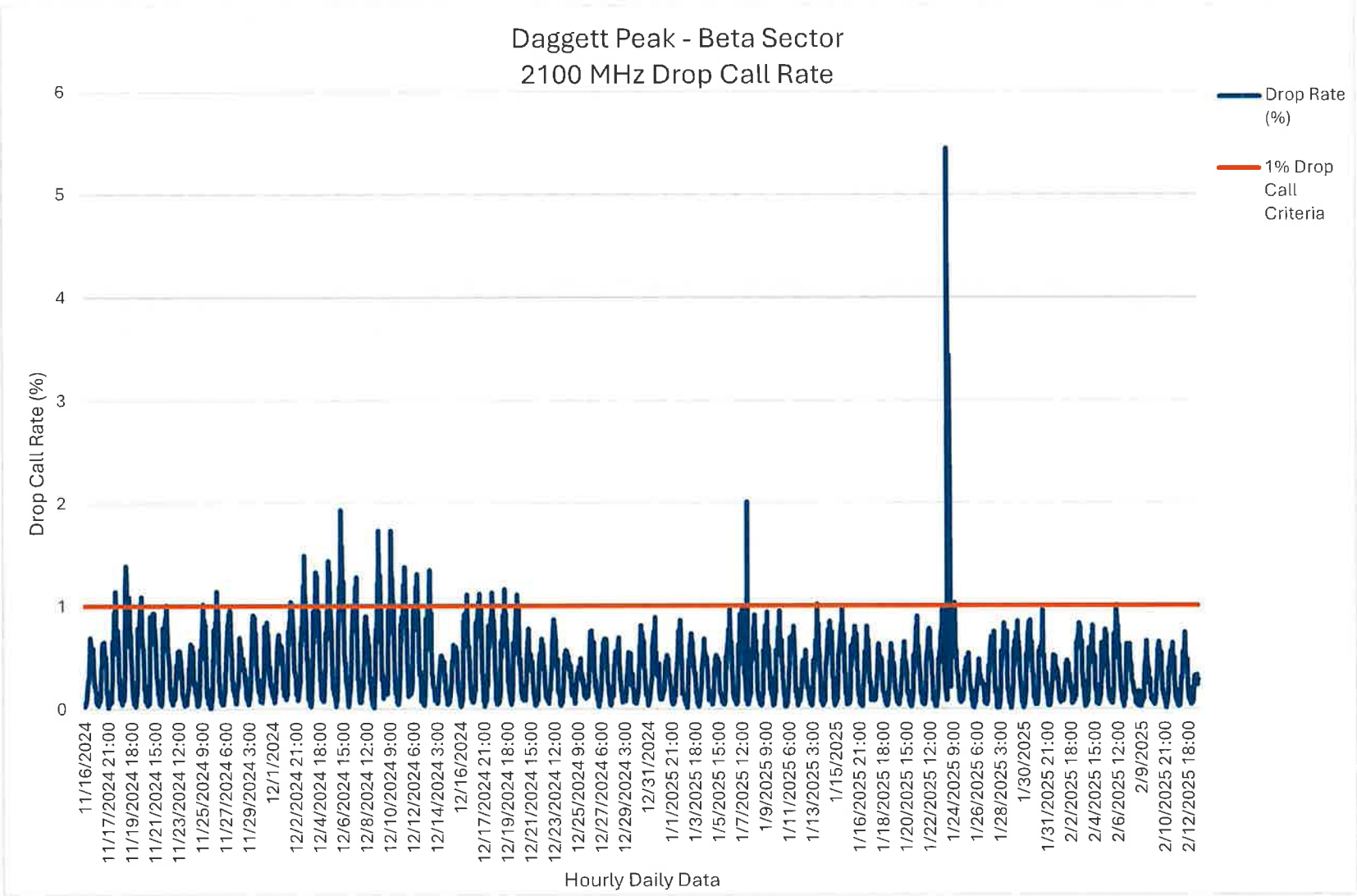
Indicates that the drop rate exceeded 1% for approximately 11% of the entire 90 day time period.



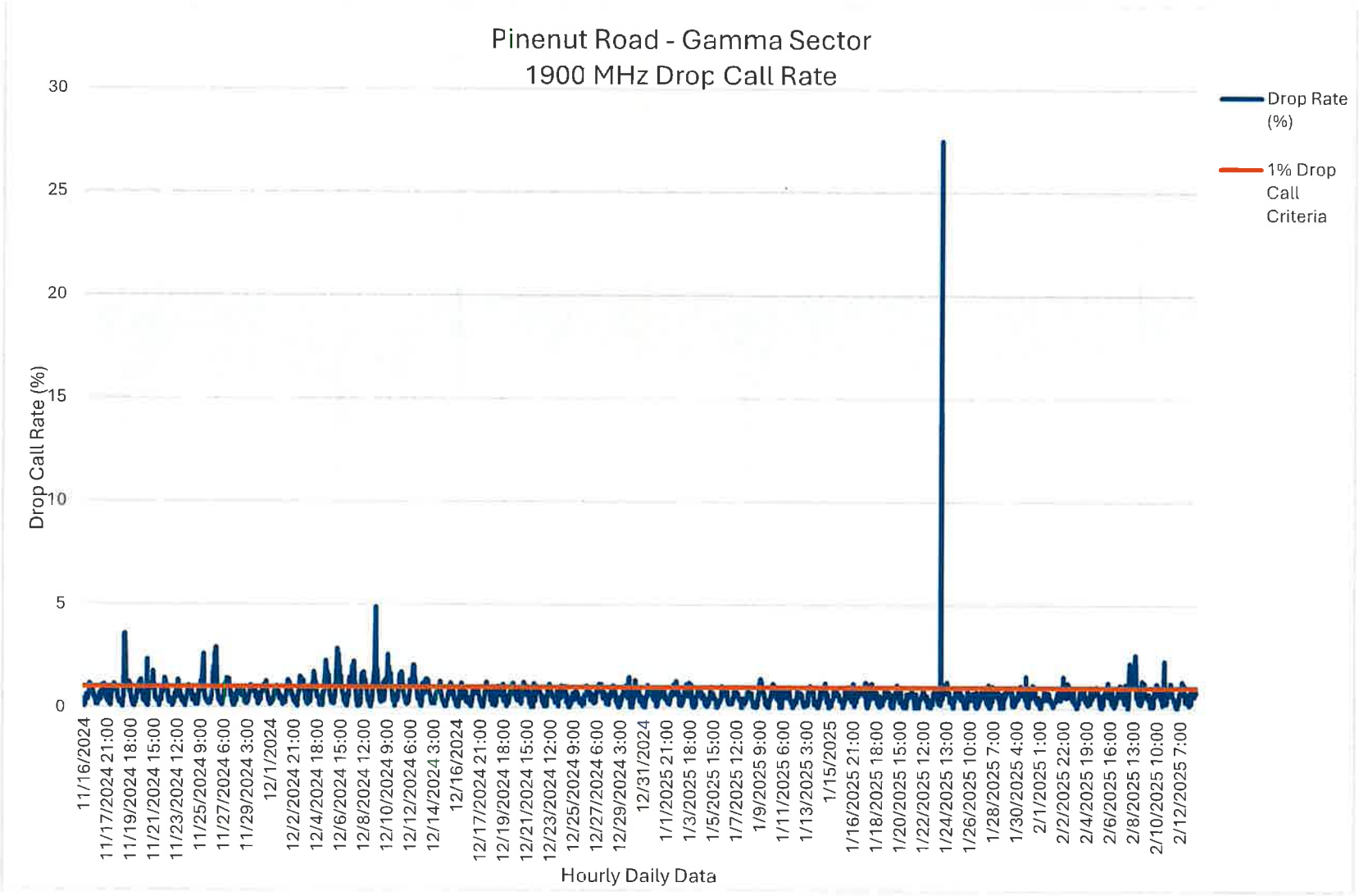
Indicates that the drop rate exceeded 1% for nearly the entire 90 day time period. This demonstrates that while 700 MHz provides the greatest range of coverage the system is experiencing an excessive amount of drop calls.



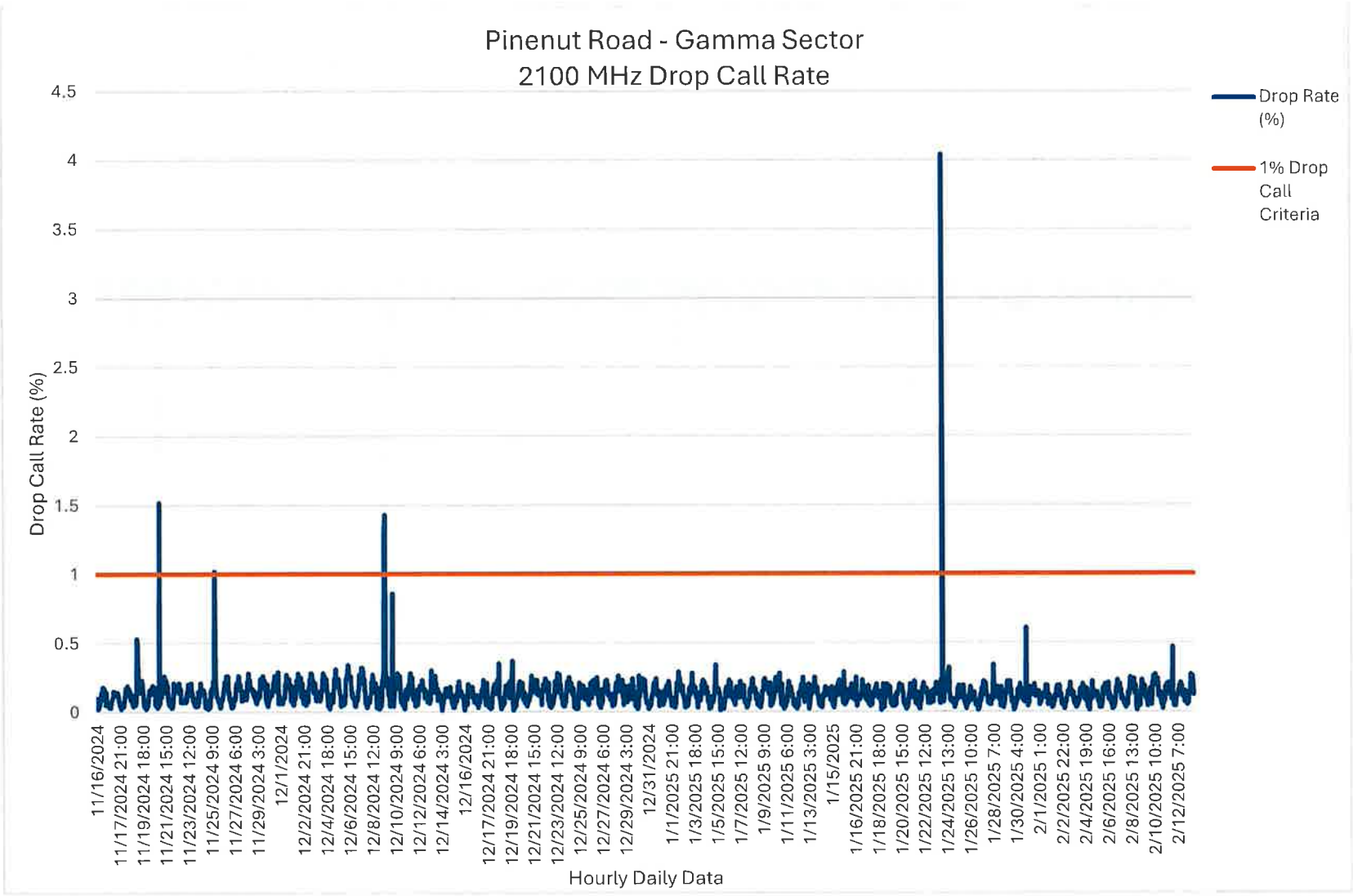
Indicates that the drop rate exceeded 1% for nearly the entire 90 day time period. This demonstrates that the 850 MHz band, similar to the 700 MHz band is experiencing an excessive amount of drop calls.



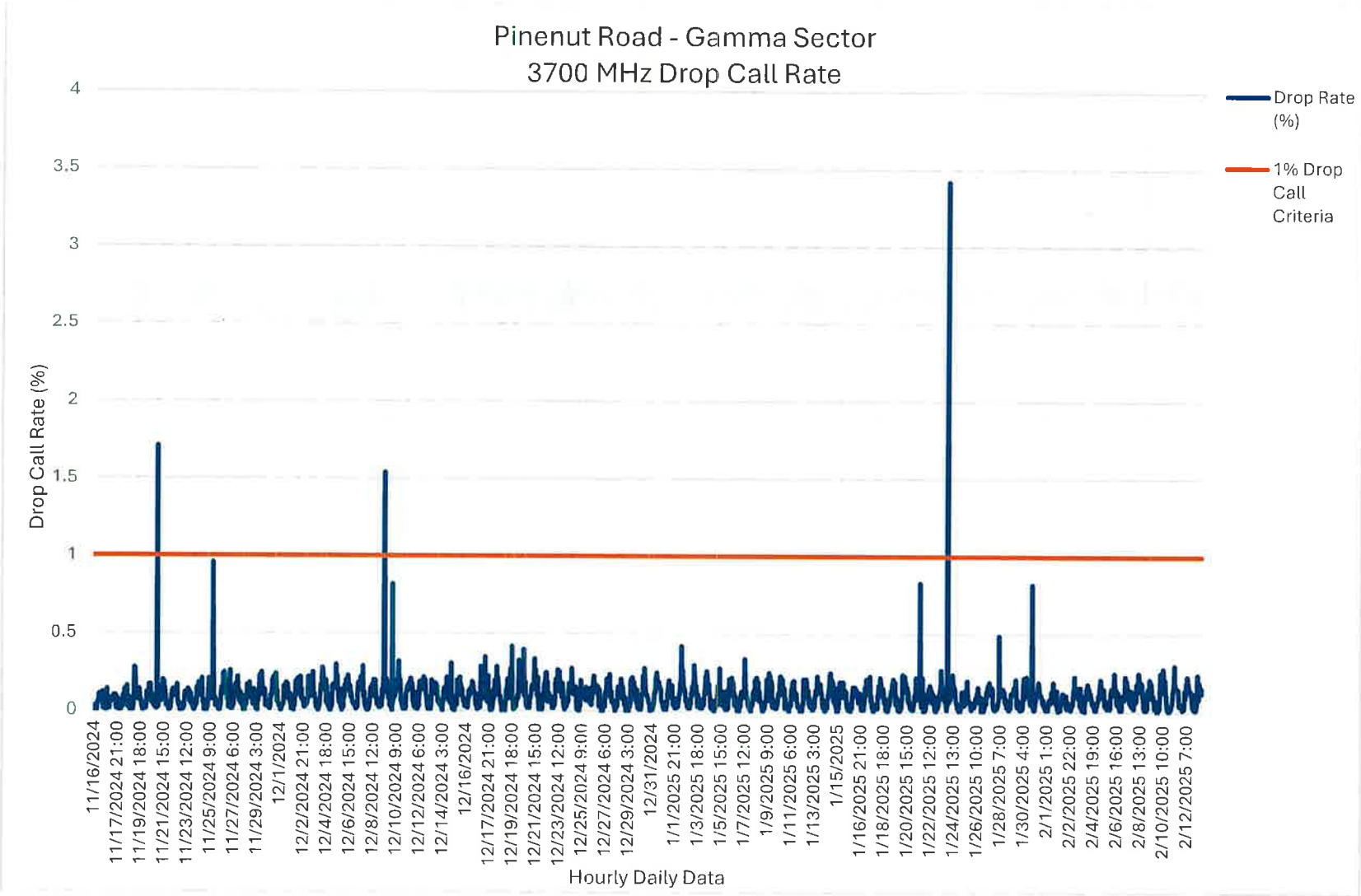
Indicates that the drop rate exceeded 1% for approximately 31% of the 90 day time period.



Indicates that the drop rate exceeded 1% for 50% of the 90 day time period. This demonstrates that while 700 MHz provides the greatest range of coverage the system is experiencing an excessive amount of drop calls.



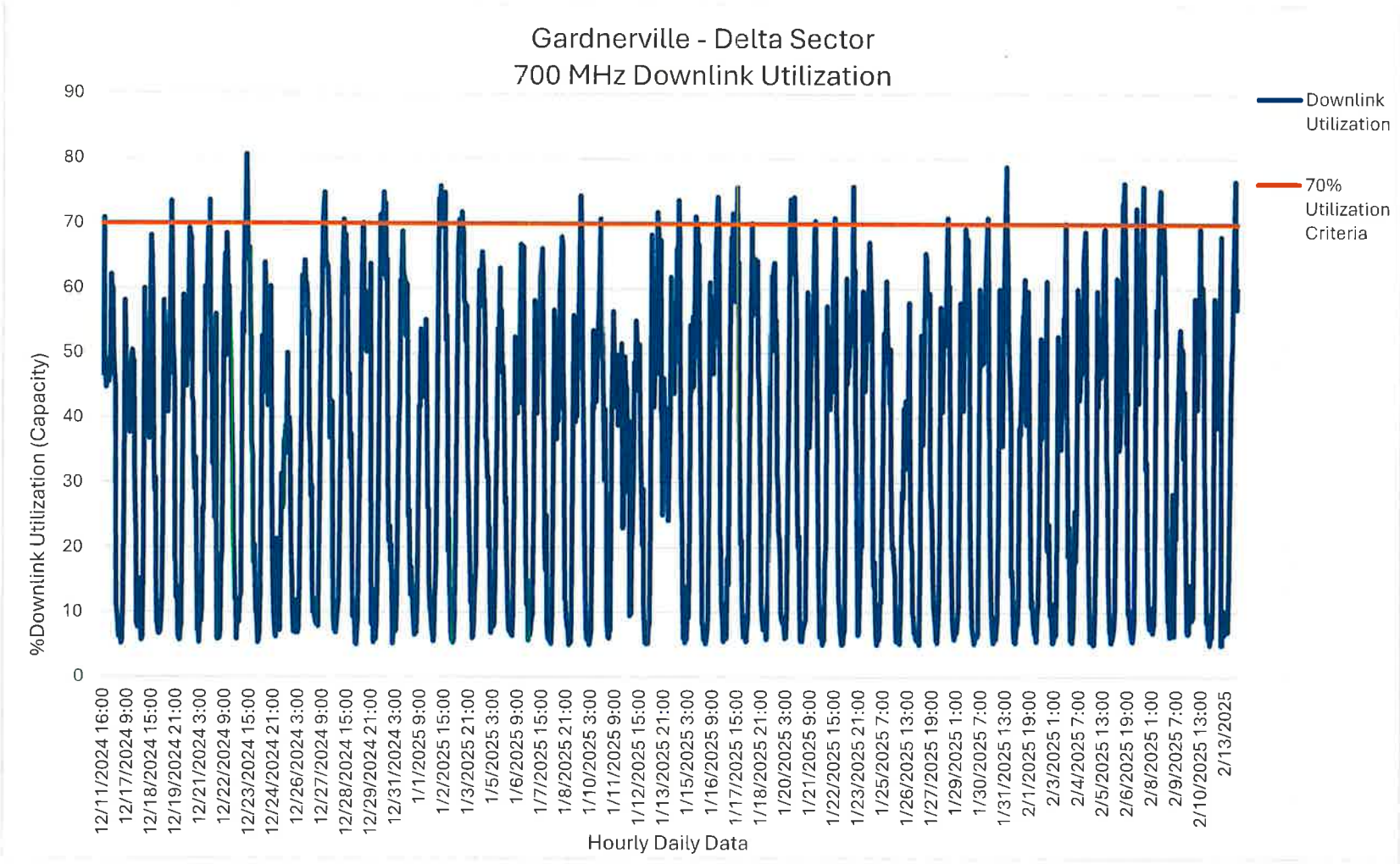
Indicates that the drop rate exceeded 1% for approximately 4% of the 90 day time period.



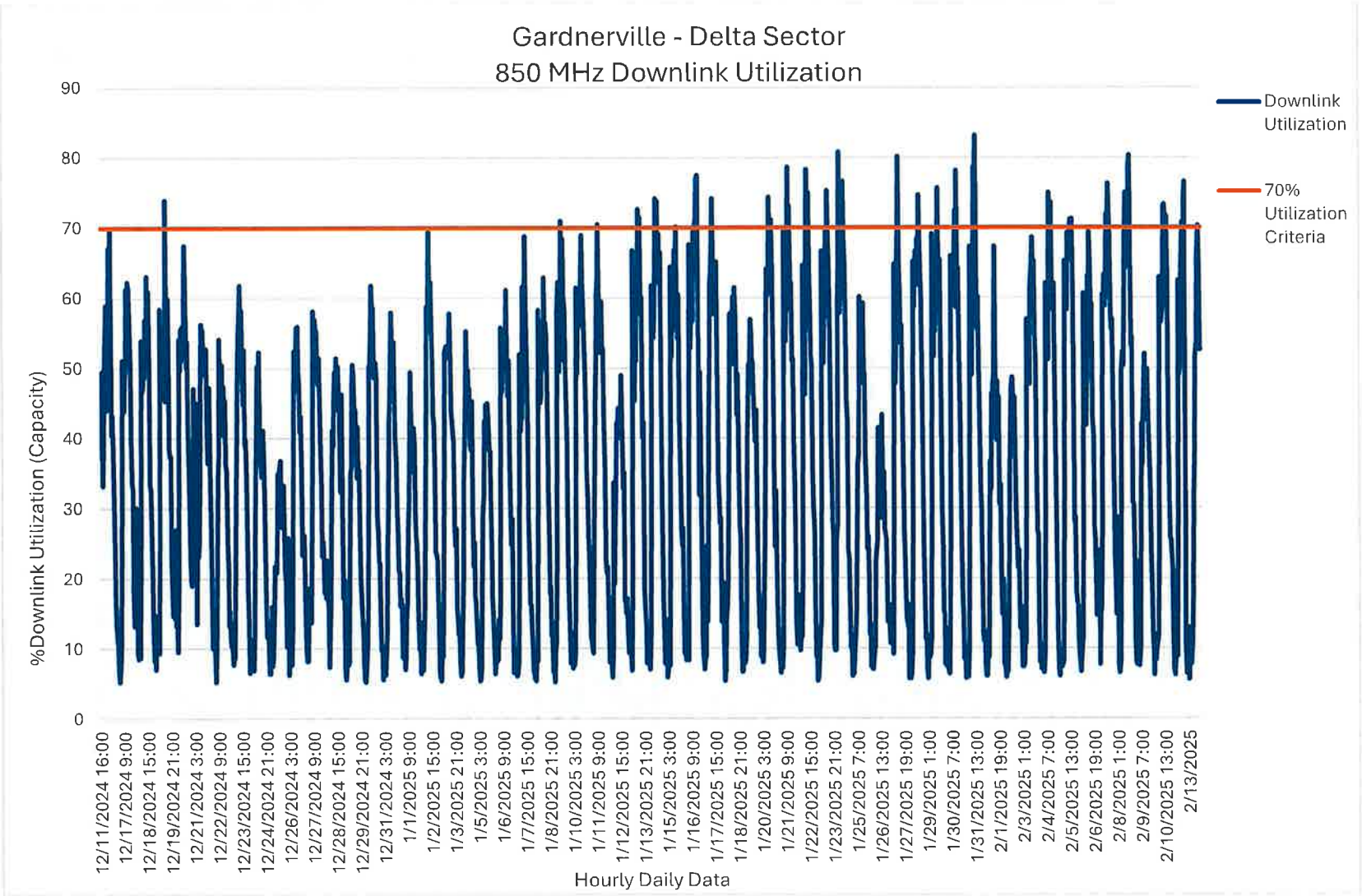
Indicates that the drop rate exceeded 1% for approximately 3% of the 90 day time period.

Exhibit I

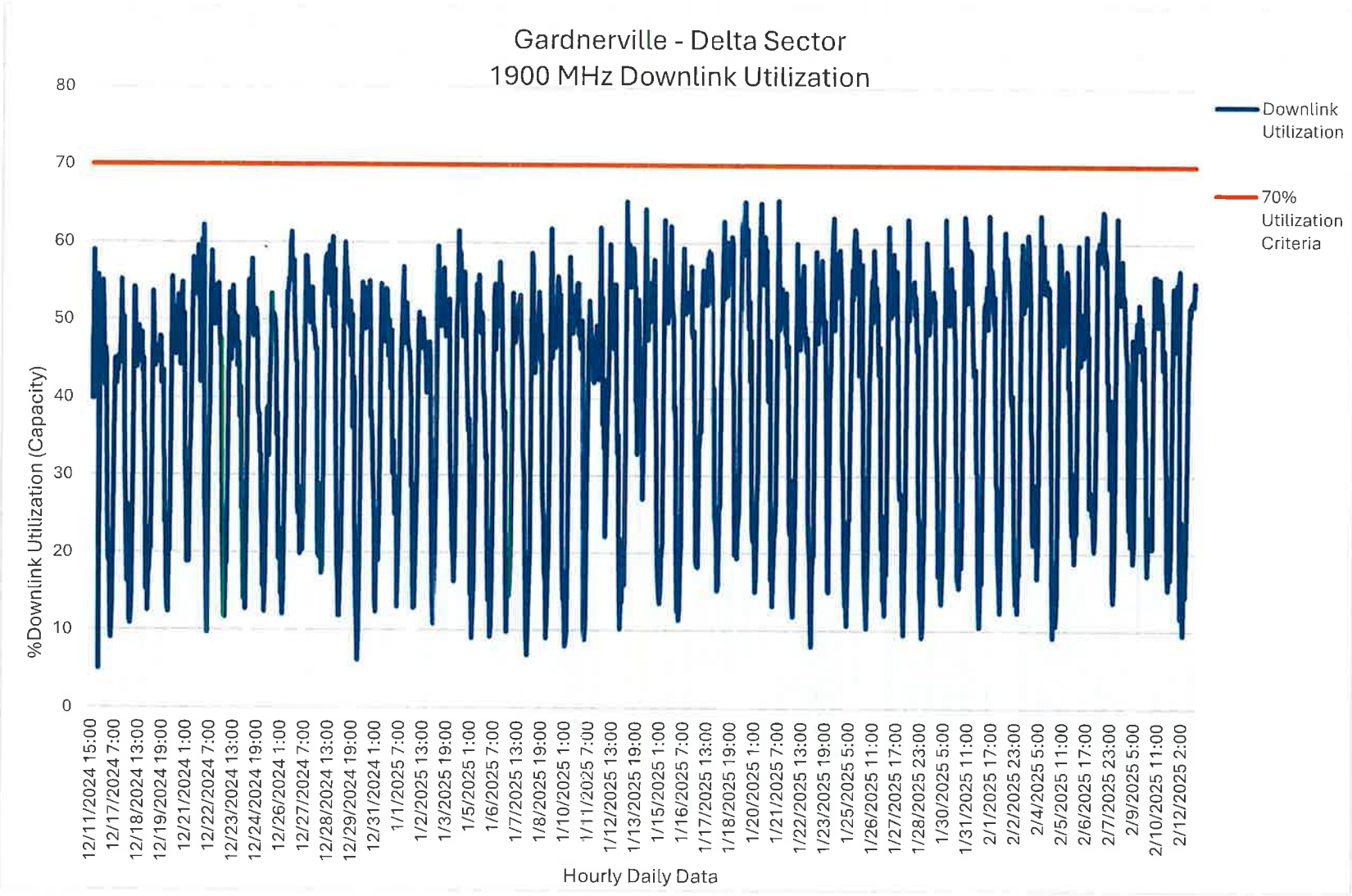
Downlink Physical Resource Block Utilization (Capacity) Analysis



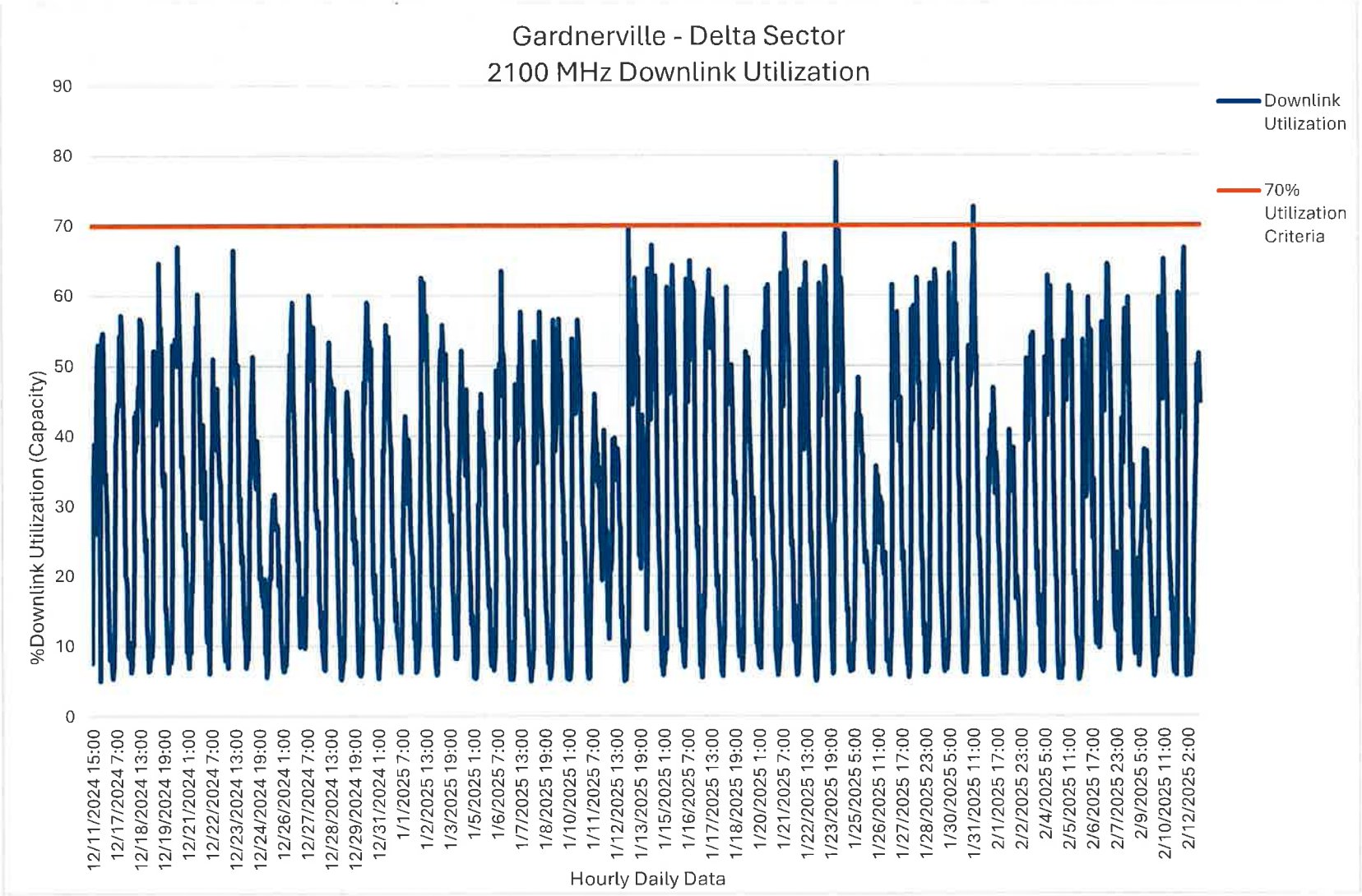
Utilization above design level threshold approximately 30% of the 90 day time period and currently experiencing capacity issues. There is a significant amount of drop calls most likely due to insufficient reference signal receive power (RSRP) as illustrated on the drive test map.



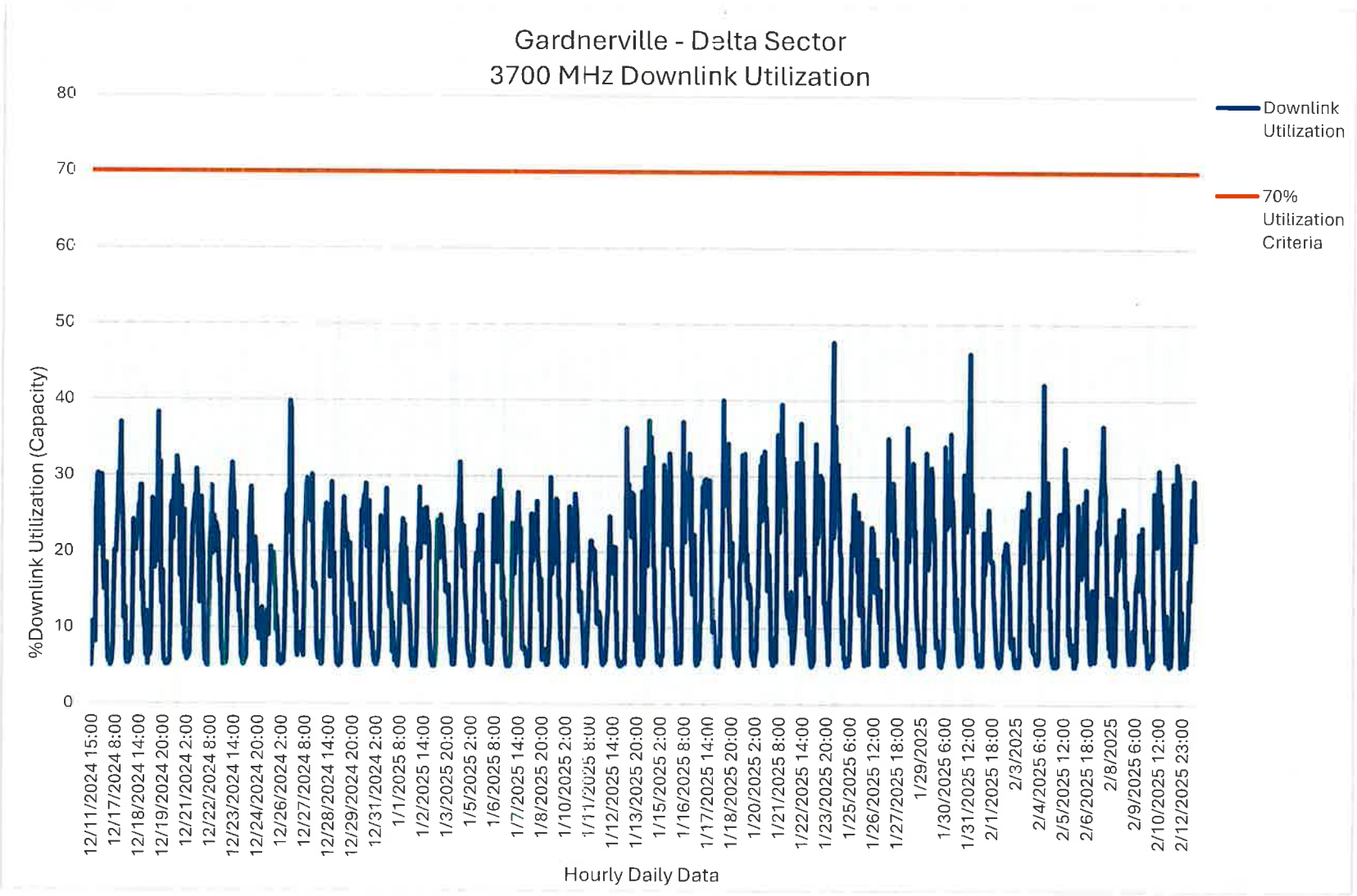
Utilization above design level threshold approximately 30% of the 90 day time period and currently experiencing capacity issues. There is a significant amount of drop calls most likely due to insufficient reference signal receive power (RSRP) as illustrated on the drive test map.



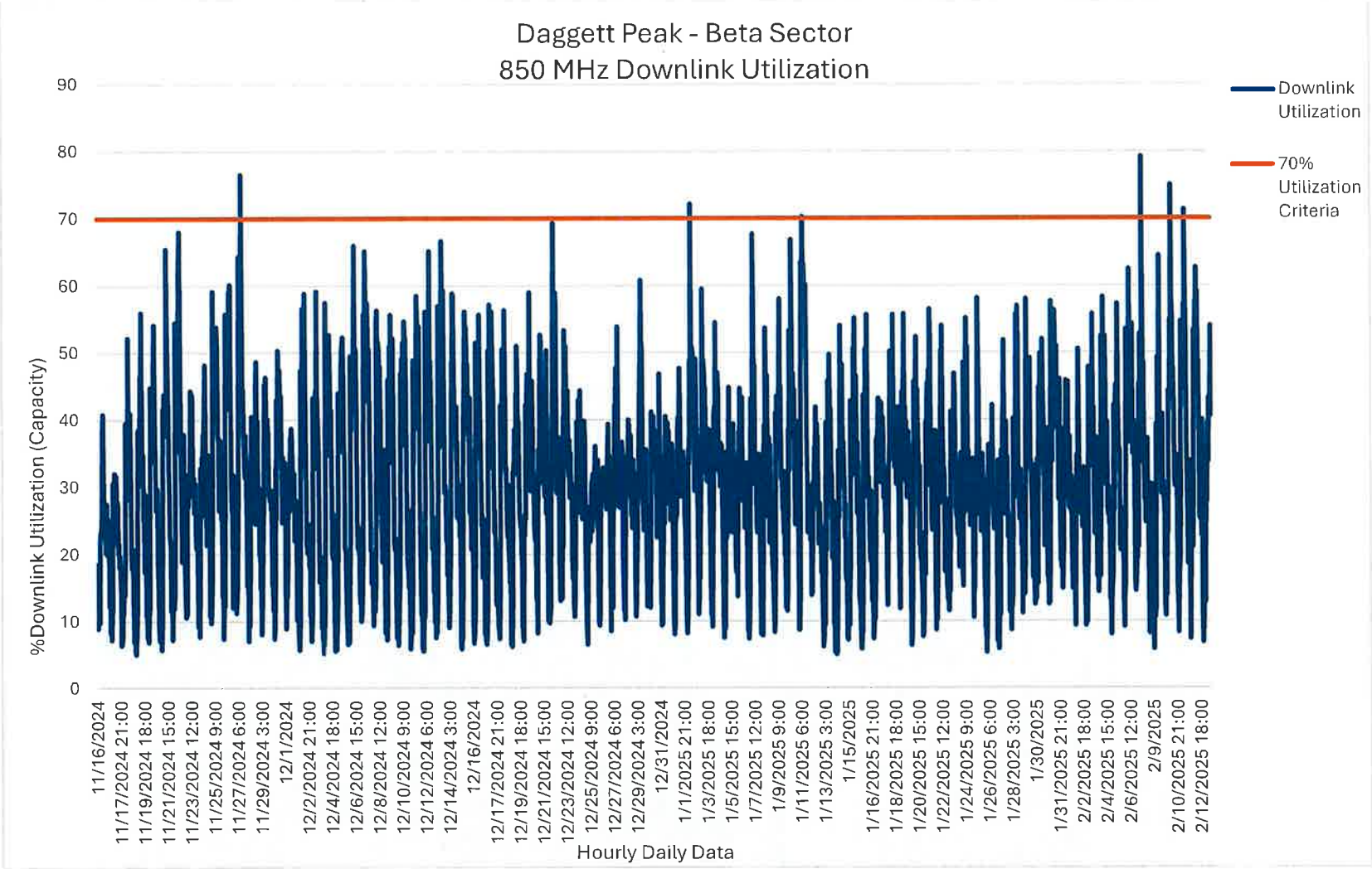
Utilization meets the design criteria, however an excessive amount of drop calls are occurring due to insufficient reference signal receive power (RSRP) as illustrated on the drive test map.



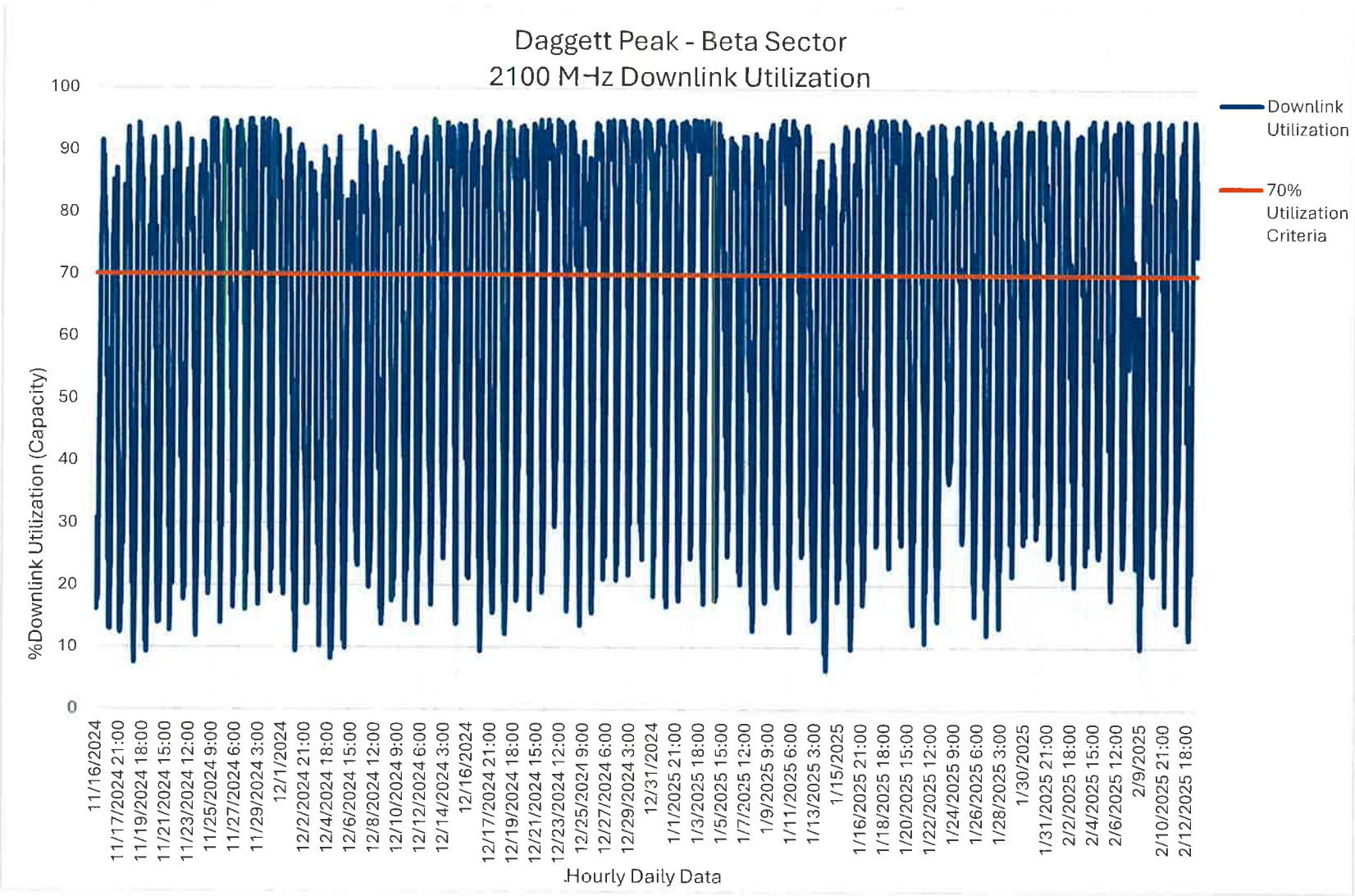
Utilization meets the design criteria, however an excessive amount of drop calls are occurring due to insufficient reference signal receive power (RSRP) as illustrated on the drive test map.



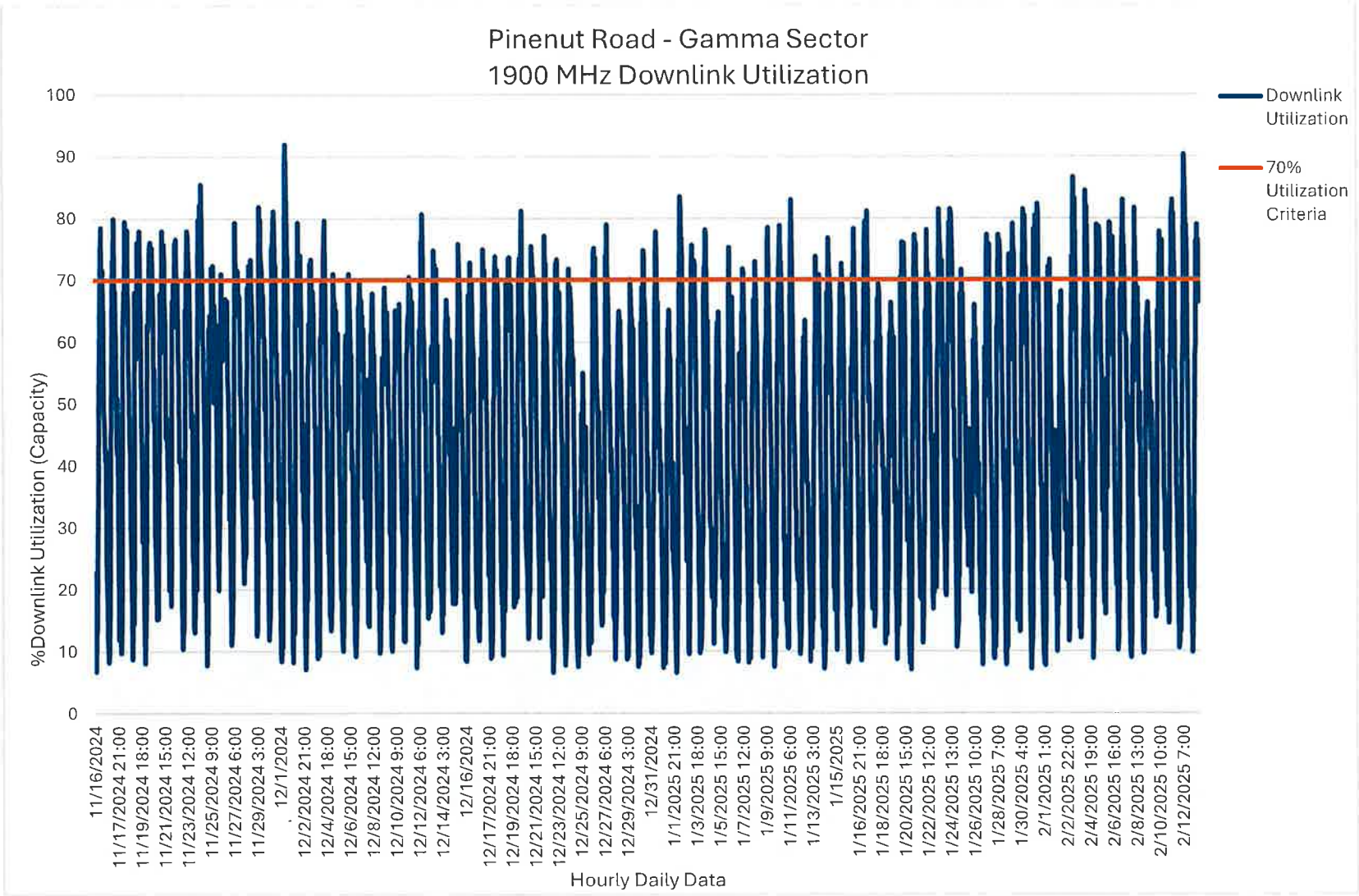
Utilization meets the design criteria, however an excessive amount of drop calls are occurring due to insufficient reference signal receive power (RSRP) as illustrated on the drive test map.



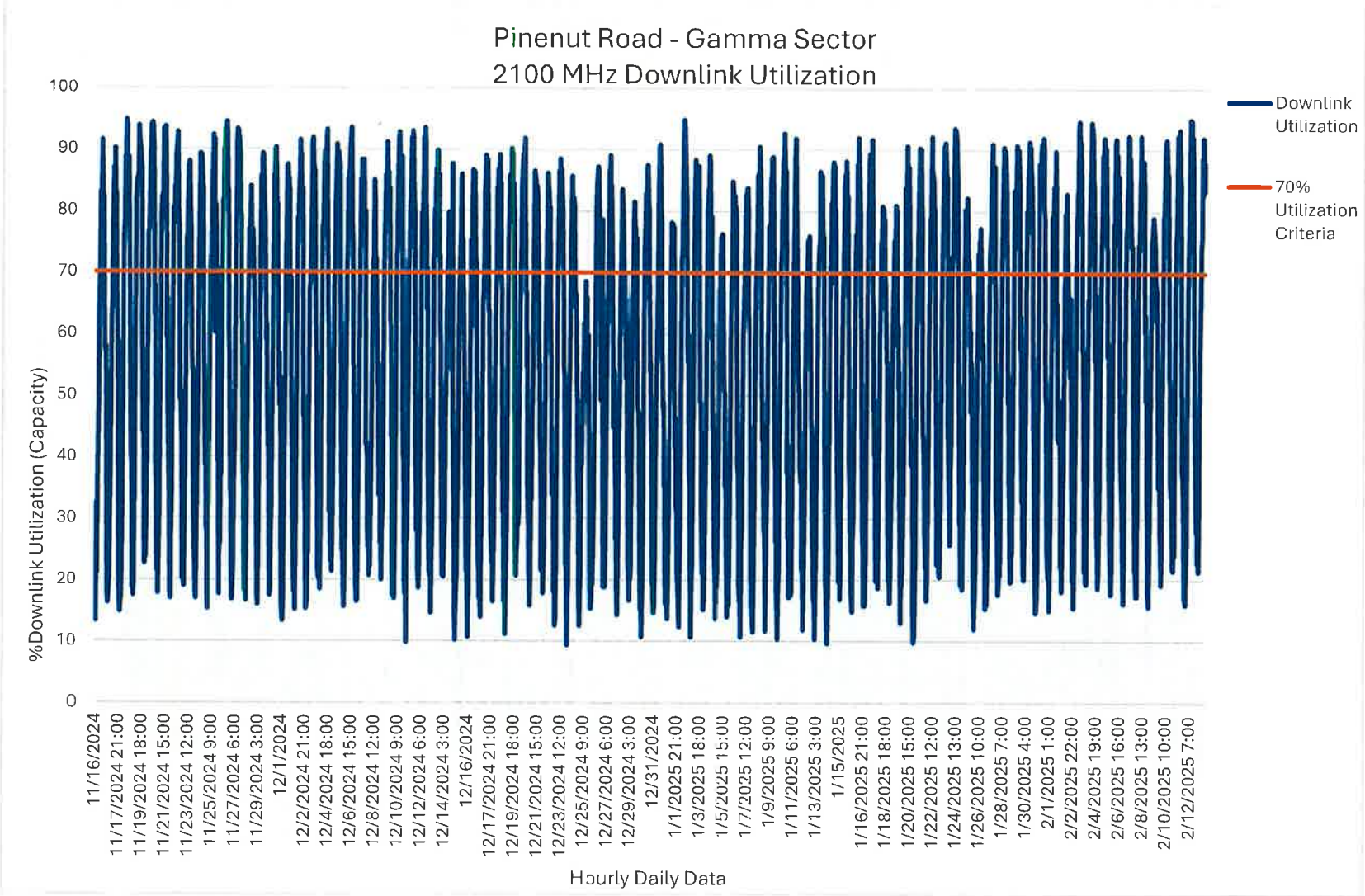
Utilization above design level threshold approximately 7% of the 90 day time period but meets the design standard the majority of the period. There is a significant amount of drop calls most likely due to insufficient reference signal receive power (RSRP) as illustrated on the drive test map.



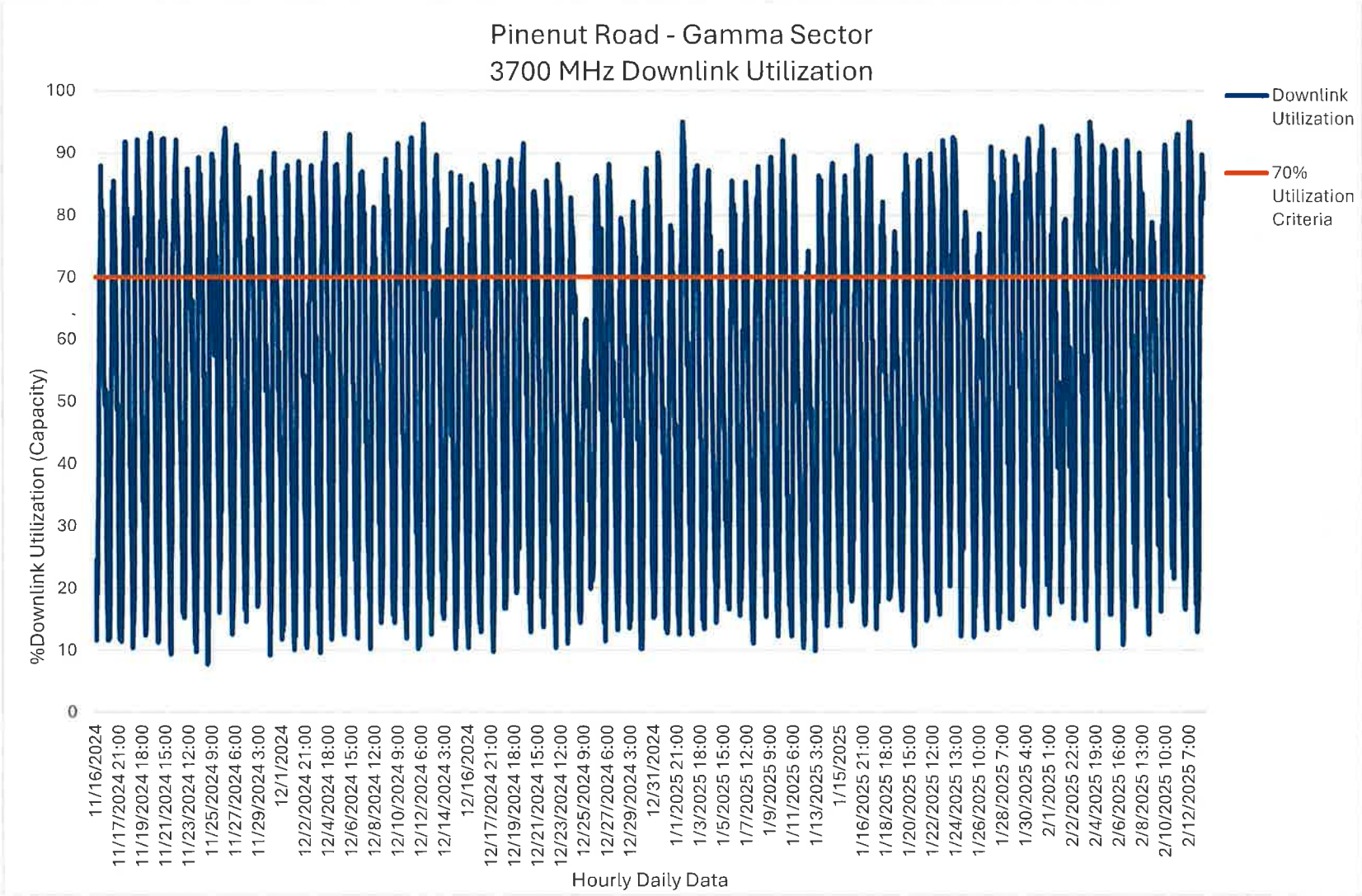
Utilization exceeded the 70% design level threshold for nearly the entire 90 day time period, and currently experiencing capacity issues. A significant number of drop call are also occurring due to lack of capacity.



Utilization exceeded the 70% design level threshold for nearly 80% of the entire 90 day time period, and currently experiencing capacity issues. A significant number of drop calls are also occurring due to lack of capacity.



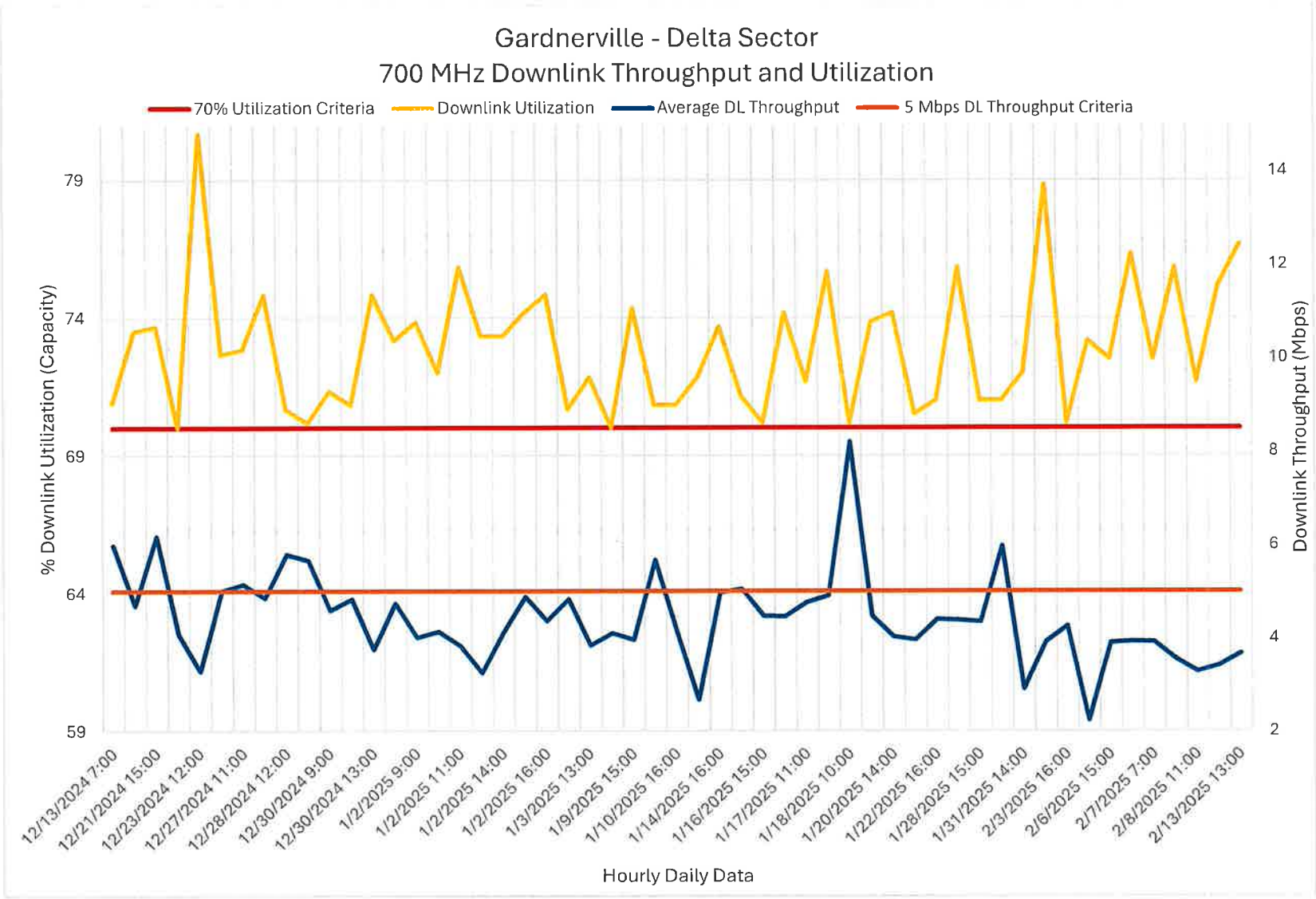
Utilization exceeded the 70% design level threshold for almost the entire 90 day time period, and currently experiencing capacity issues, contributing to the current excessive drop call rate.

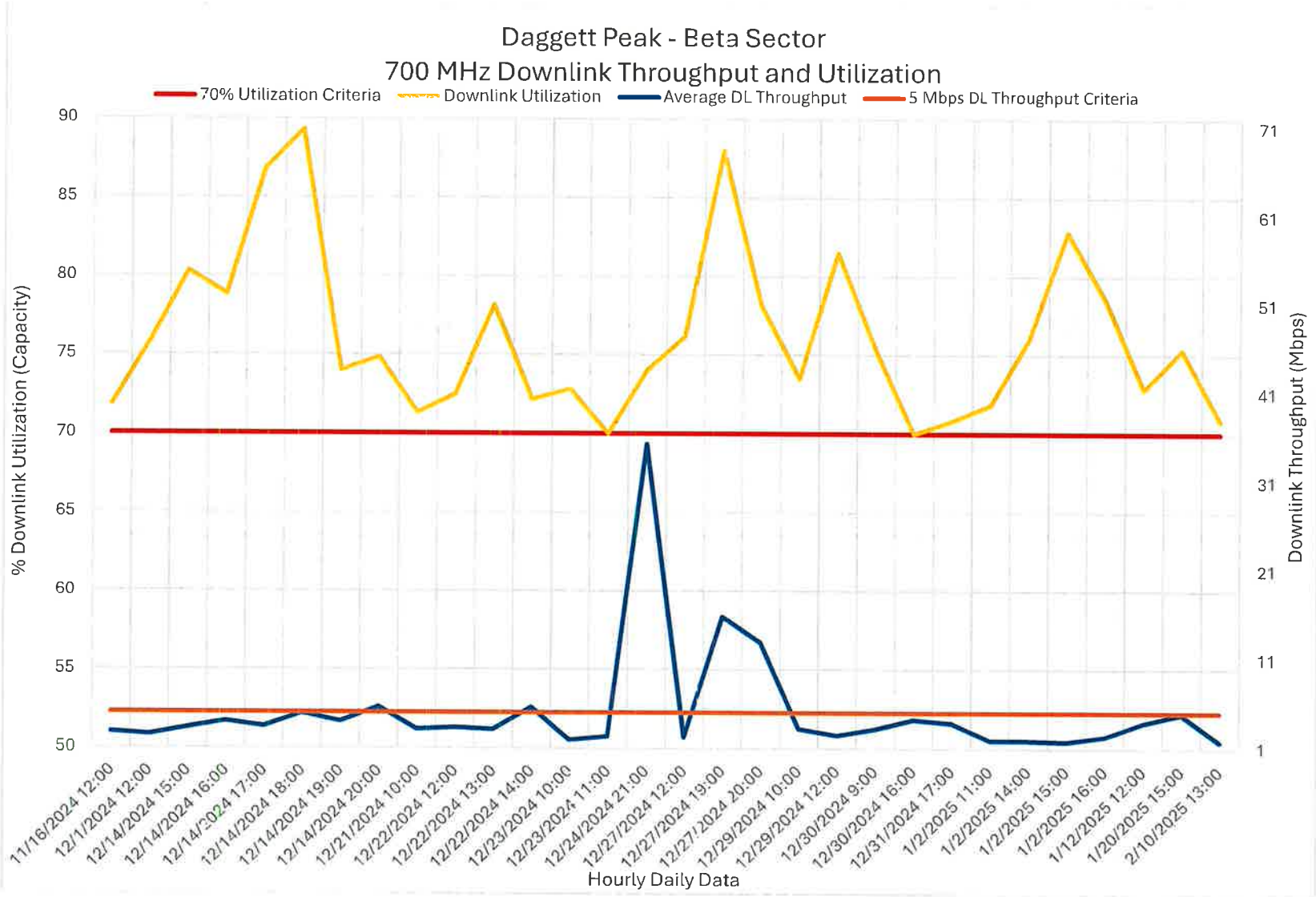


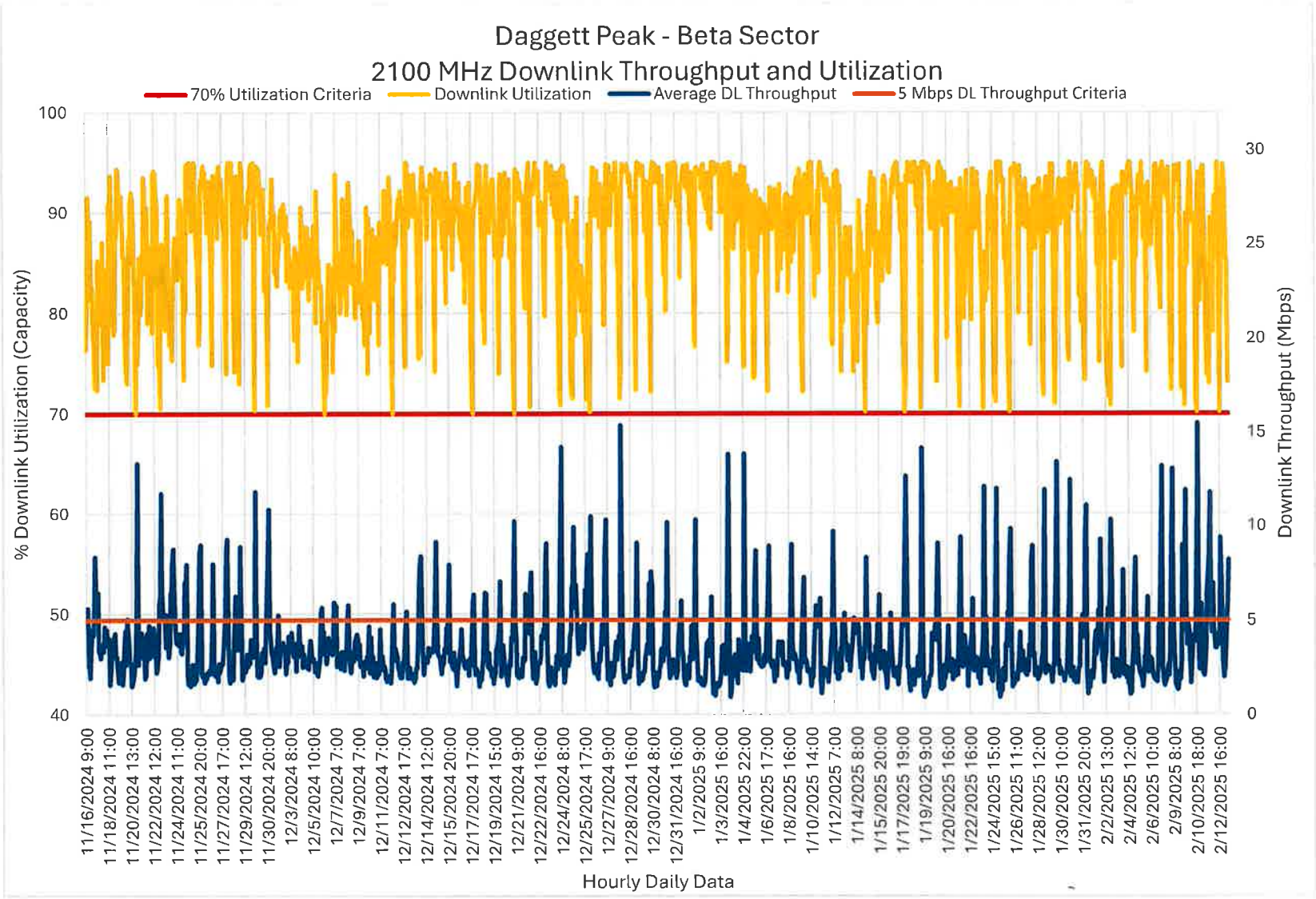
Utilization exceeded the 70% design level threshold for almost the entire 90 day time period, and currently experiencing capacity issues, contributing to the current excessive drop call rate.

Exhibit I1

Downlink Physical Resource Block Utilization (Capacity) and Throughput Analysis


Gardnerville - Delta Sector
700 MHz Downlink Throughput and Utilization
70% Utilization Criteria
Downlink Utilization
Average DL Throughput
5 Mbps DL Throughput Criteria
% Downlink Utilization (Capacity)
Downlink Throughput (Mbps)
79
74
69
64
59
14
12
10
8
6
4
2
12/13/2024 7:00
12/21/2024 15:00
12/23/2024 12:00
12/27/2024 11:00
12/28/2024 12:00
12/30/2024 9:00
12/30/2024 13:00
1/2/2025 9:00
1/2/2025 11:00
1/2/2025 14:00
1/2/2025 16:00
1/3/2025 13:00
1/9/2025 15:00
1/10/2025 16:00
1/14/2025 16:00
1/16/2025 15:00
1/17/2025 11:00
1/18/2025 10:00
1/20/2025 14:00
1/22/2025 16:00
1/28/2025 15:00
1/31/2025 14:00
2/3/2025 16:00
2/6/2025 15:00
2/7/2025 7:00
2/8/2025 11:00
2/13/2025 13:00
Hourly Daily Data


Daggett Peak - Beta Sector
700 MHz Downlink Throughput and Utilization
70% Utilization Criteria
Downlink Utilization
Average DL Throughput
5 Mbps DL Throughput Criteria
% Downlink Utilization (Capacity)
Downlink Throughput (Mbps)
90
85
80
75
70
65
60
55
50
71
61
51
41
31
21
11
1
11/16/2024 12:00
12/1/2024 12:00
12/14/2024 15:00
12/14/2024 16:00
12/14/2024 17:00
12/14/2024 18:00
12/14/2024 19:00
12/14/2024 20:00
12/21/2024 10:00
12/22/2024 12:00
12/22/2024 13:00
12/22/2024 14:00
12/23/2024 10:00
12/23/2024 11:00
12/24/2024 21:00
12/27/2024 12:00
12/27/2024 19:00
12/27/2024 20:00
12/29/2024 10:00
12/29/2024 12:00
12/30/2024 9:00
12/30/2024 16:00
12/31/2024 17:00
1/2/2025 11:00
1/2/2025 14:00
1/2/2025 15:00
1/2/2025 16:00
1/12/2025 12:00
1/20/2025 15:00
2/10/2025 13:00
Hourly Daily Data


Daggett Peak - Beta Sector
2100 MHz Downlink Throughput and Utilization
70% Utilization Criteria
Downlink Utilization
Average DL Throughput
5 Mbps DL Throughput Criteria
% Downlink Utilization (Capacity)
Downlink Throughput (Mbps)
Hourly Daily Data

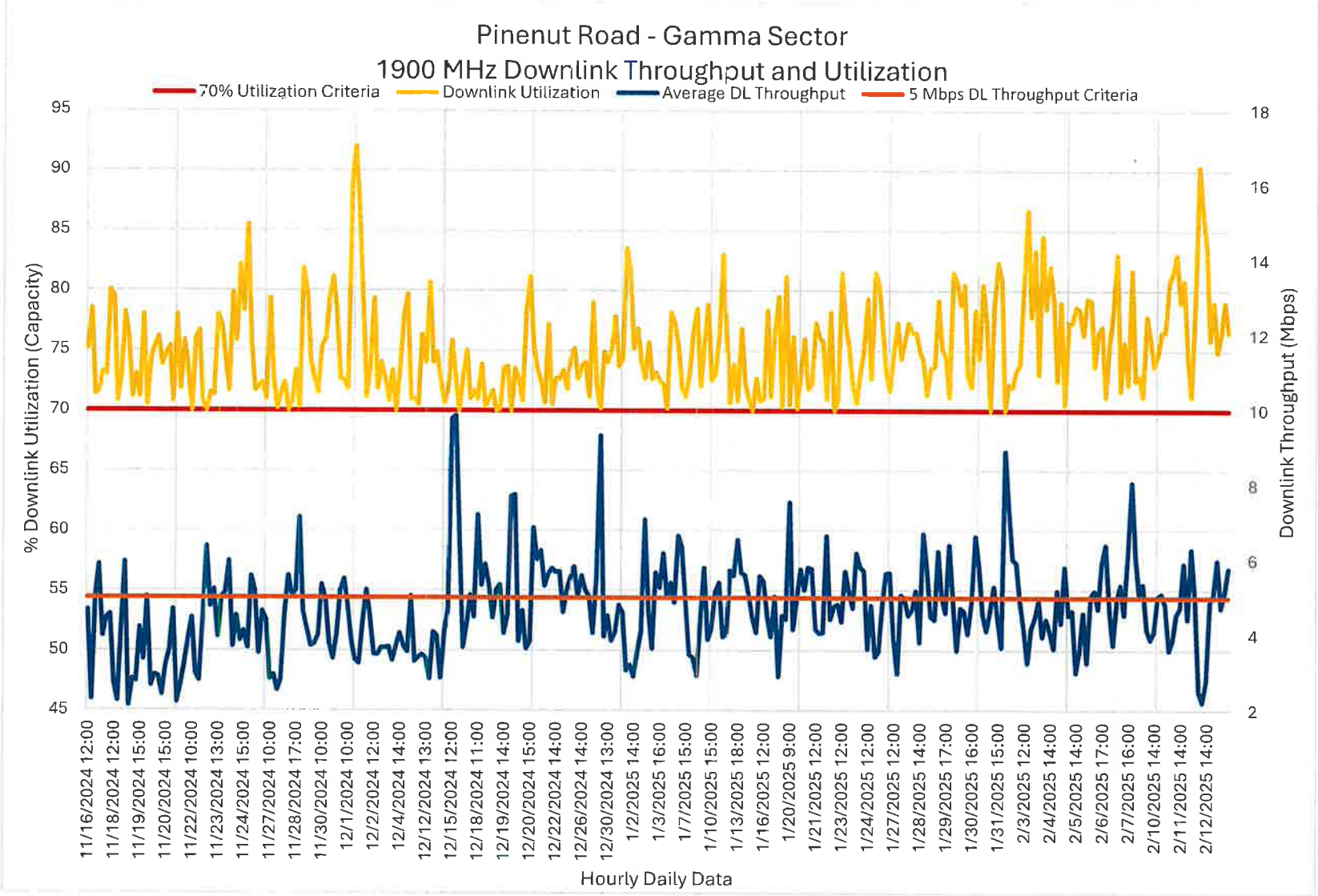

Pinenut Road - Gamma Sector
1900 MHz Downlink Throughput and Utilization
70% Utilization Criteria
Downlink Utilization
Average DL Throughput
5 Mbps DL Throughput Criteria
% Downlink Utilization (Capacity)
Downlink Throughput (Mbps)
95
90
85
80
75
70
65
60
55
50
45
18
16
14
12
10
8
6
4
2
11/16/2024 12:00
11/18/2024 12:00
11/19/2024 15:00
11/20/2024 15:00
11/22/2024 10:00
11/23/2024 13:00
11/24/2024 15:00
11/27/2024 10:00
11/28/2024 17:00
11/30/2024 10:00
12/1/2024 10:00
12/2/2024 12:00
12/4/2024 14:00
12/12/2024 13:00
12/15/2024 12:00
12/18/2024 11:00
12/19/2024 14:00
12/20/2024 15:00
12/22/2024 14:00
12/26/2024 14:00
12/30/2024 13:00
1/2/2025 14:00
1/3/2025 16:00
1/7/2025 15:00
1/10/2025 15:00
1/13/2025 18:00
1/16/2025 12:00
1/20/2025 9:00
1/21/2025 12:00
1/23/2025 12:00
1/24/2025 12:00
1/27/2025 12:00
1/28/2025 14:00
1/29/2025 17:00
1/30/2025 16:00
1/31/2025 15:00
2/3/2025 12:00
2/4/2025 14:00
2/5/2025 14:00
2/6/2025 17:00
2/7/2025 16:00
2/10/2025 14:00
2/11/2025 14:00
2/12/2025 14:00
Hourly Daily Data

Exhibit J

Verizon's Existing Coverage with Proposed Site at 76' AGL

VERIZON WIRELESS
2100 MHz MID BAND - COVERAGE FROM SUBJECT SITE AT 76 FEET

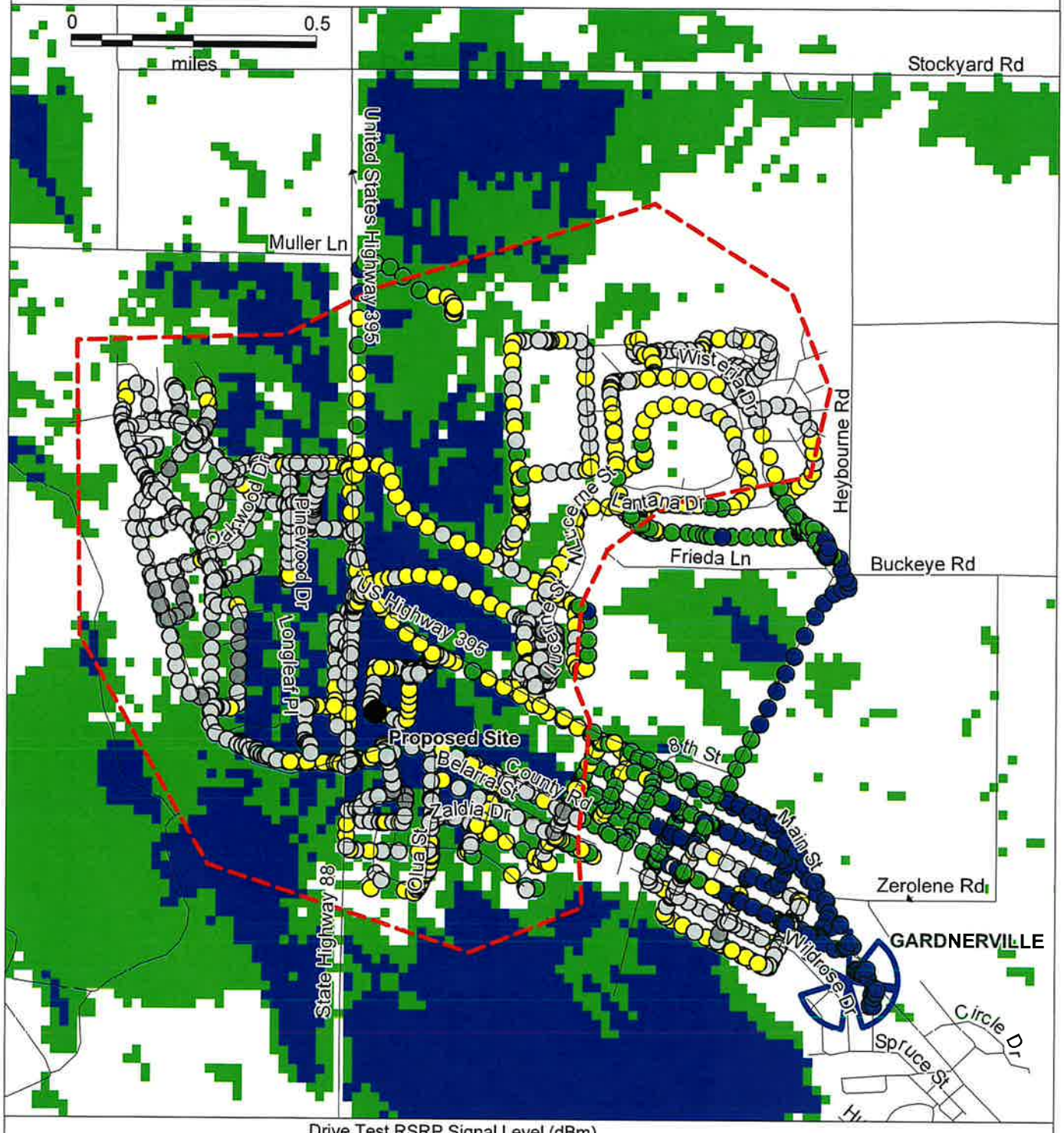


Exhibit K

Verizon's Existing Coverage with Proposed Site at 56' AGL

VERIZON WIRELESS
2100 MHz MID BAND - COVERAGE FROM SUBJECT SITE AT 56 FEET

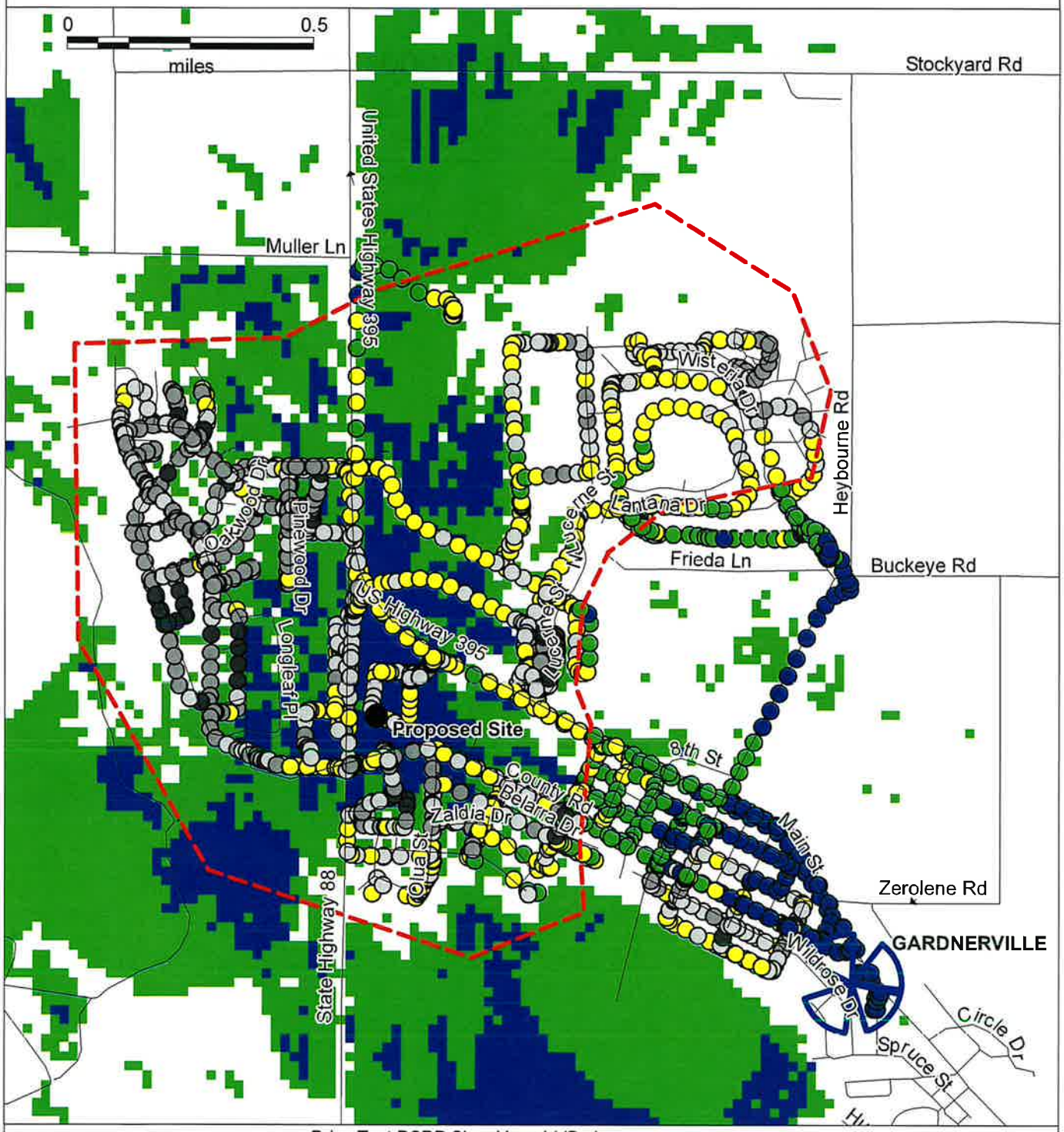


Exhibit K1

Google Earth Image of Existing Gardnerville Azimuth

VERIZON
GARDNERVILLE SITE ANTENNA AZIMUTH AND BEAMWIDTH REPRESENTATION

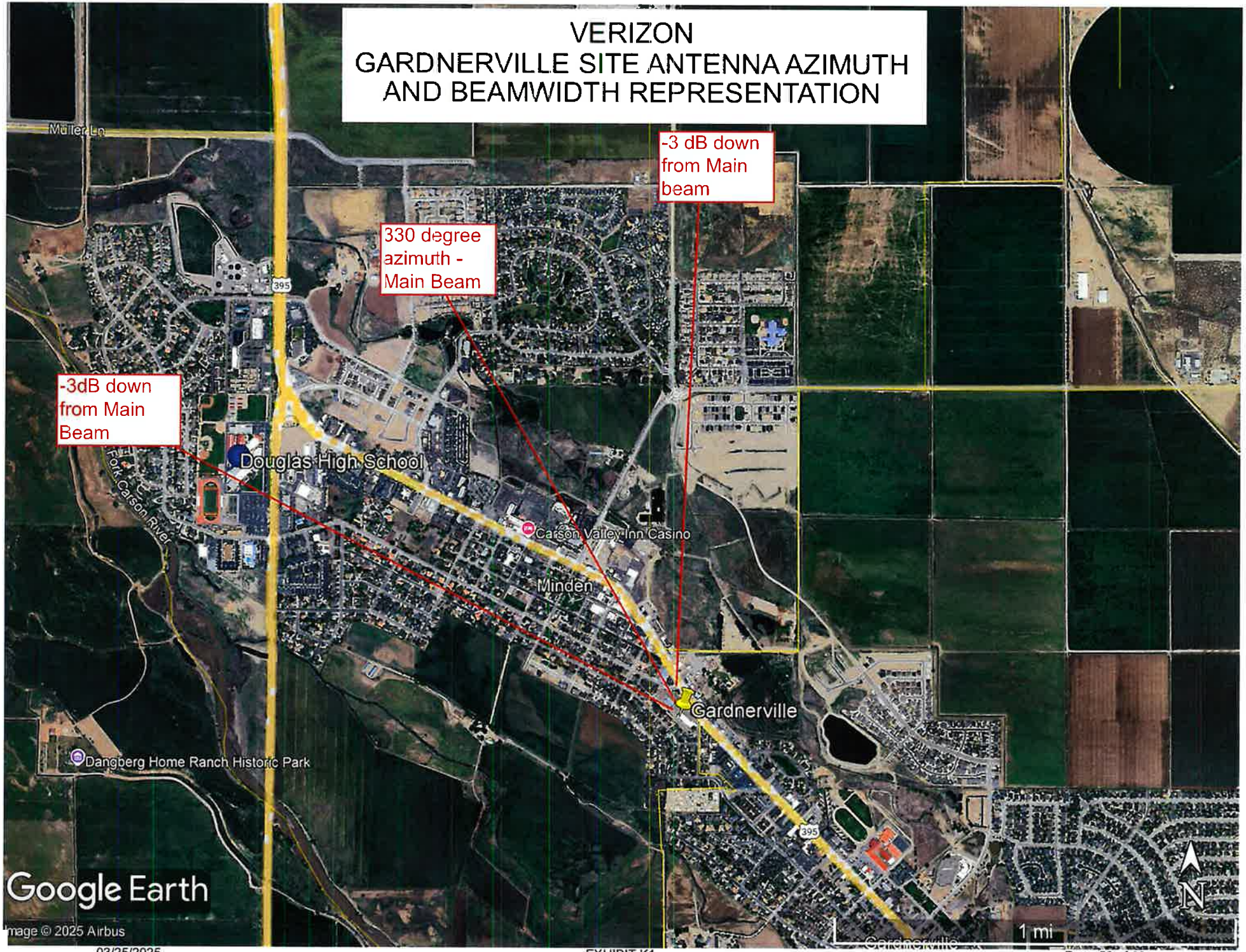


Exhibit K2

Verizon Wireless Expected 2100 MHz LTE Coverage with Gardnerville Site Modification

VERIZON WIRELESS
EXPECTED 2100 MHz LTE COVERAGE WITH GARDNERVILLE SITE MODIFIATION

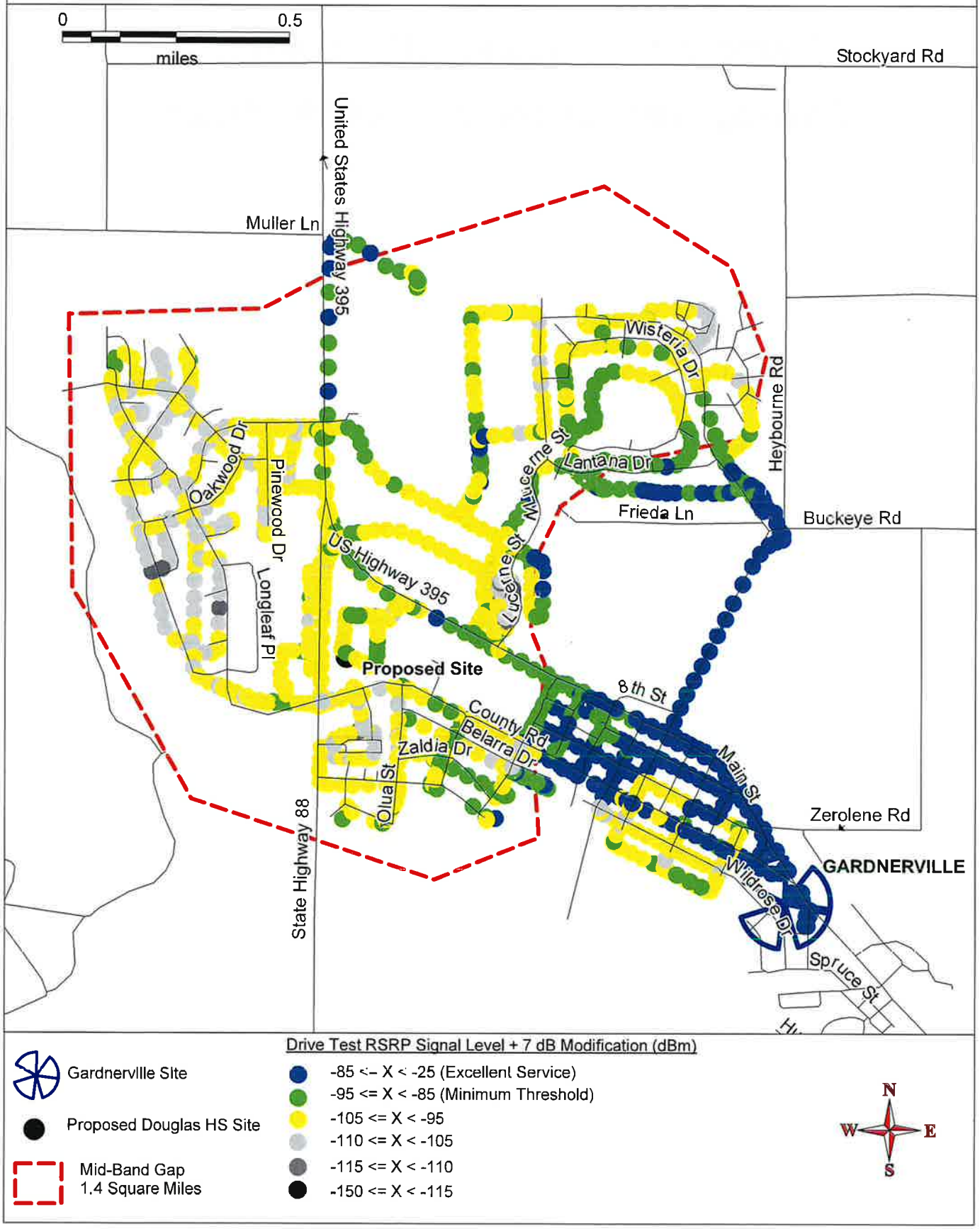


Exhibit L

Alternate Site Map

ALTERNATE SITE MAP

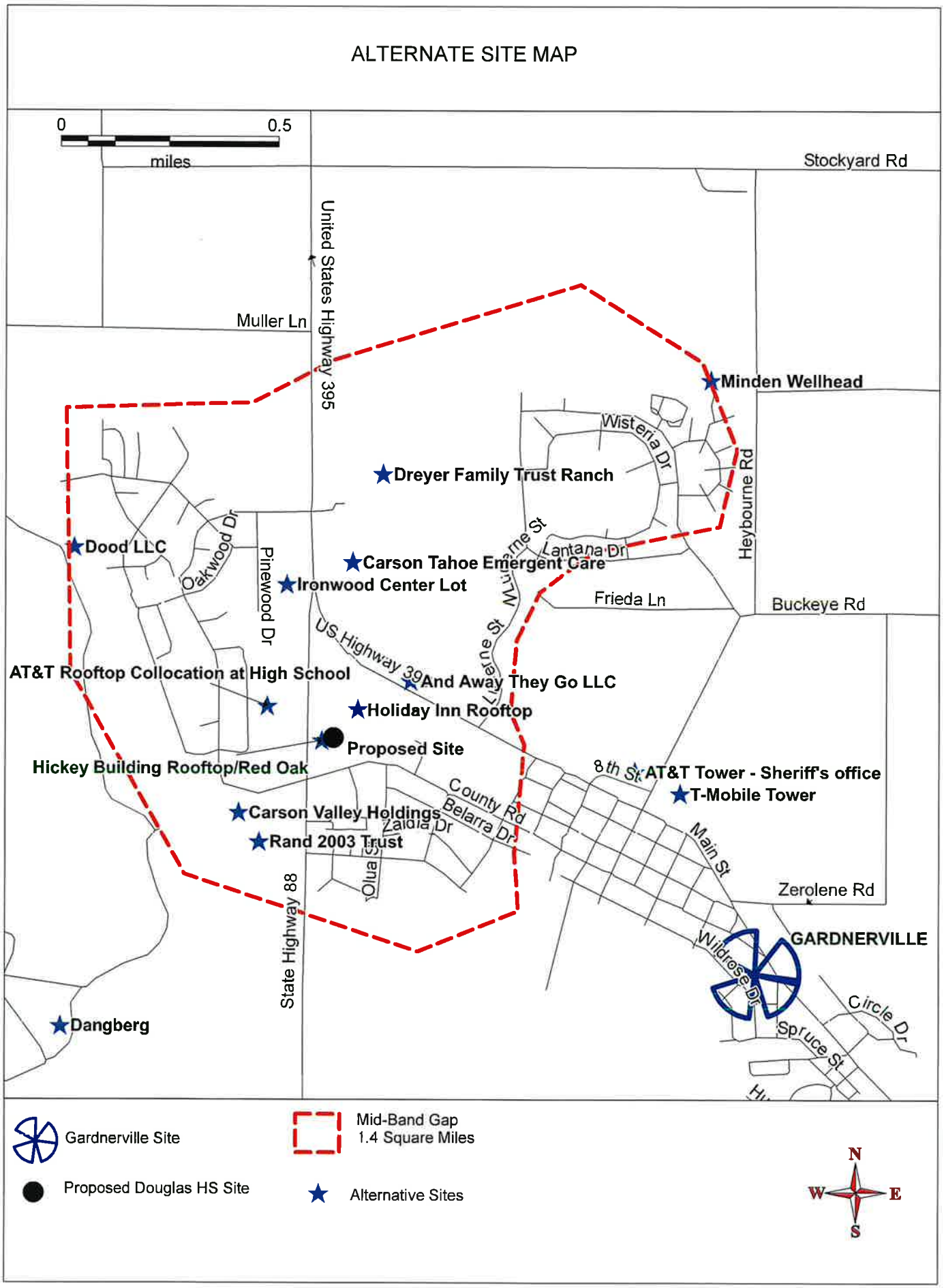


Exhibit M

ATT Mid Band Coverage from Douglas High School Site

AT&T
2100 MHz MID BAND - ON AIR DRIVE (SCAN TEST) DATA
TESTED 2/18/2025

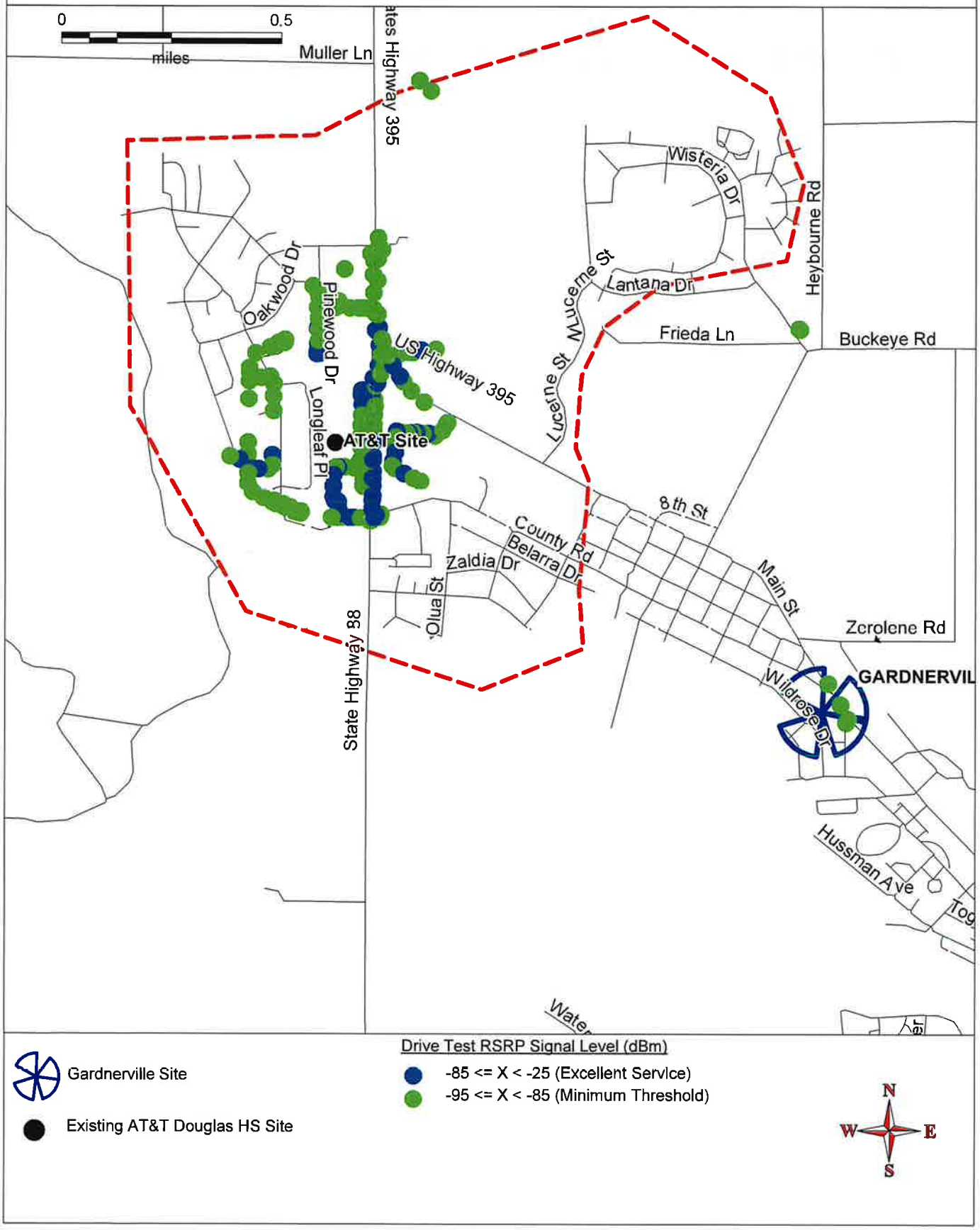


Exhibit N

Verizon's Existing Coverage with Rand 2003 Trust Site at 96' AGL

VERIZON WIRELESS
2100 MHz MID BAND - COVERAGE FROM ALTERNATE SITE AT 96 FEET

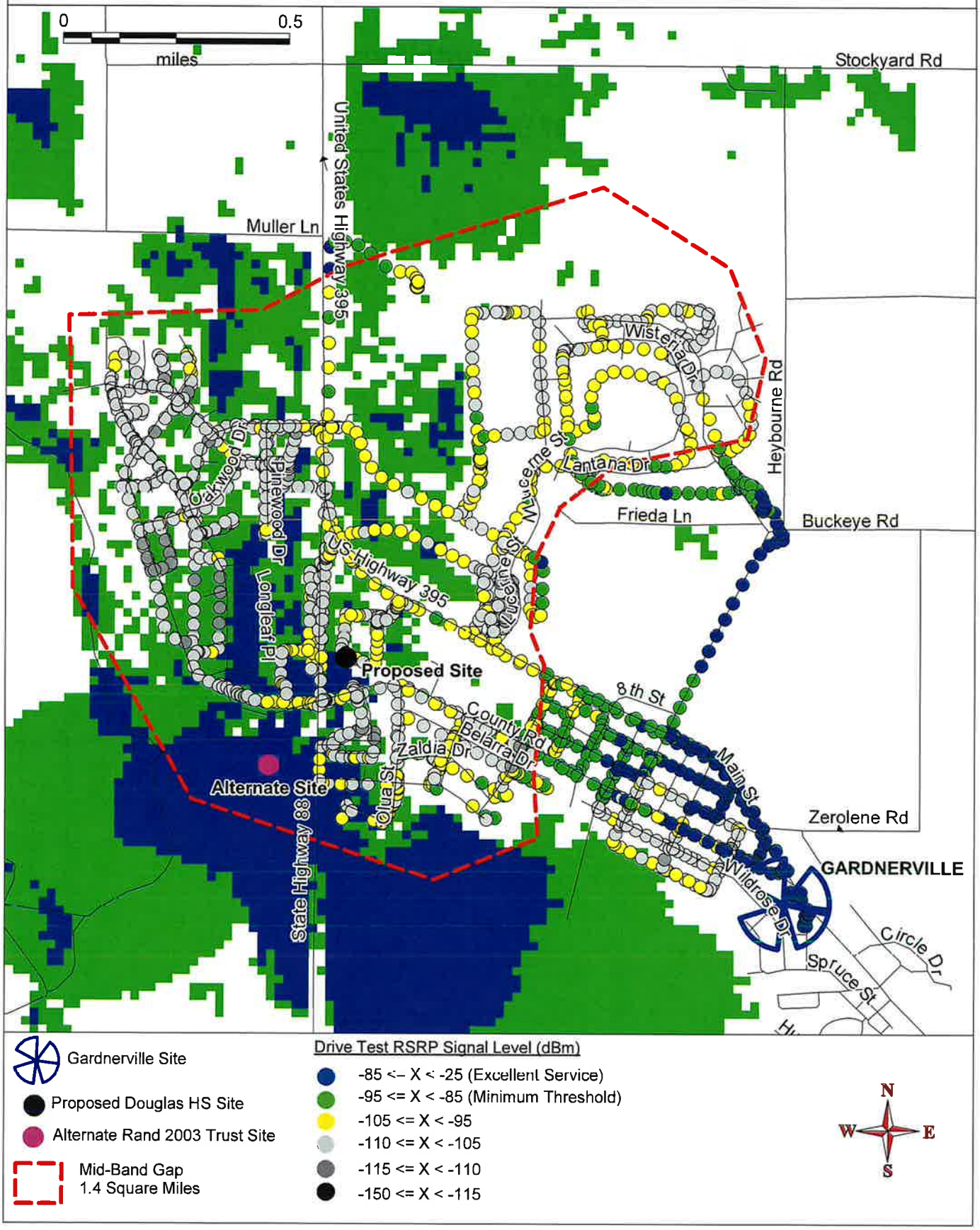
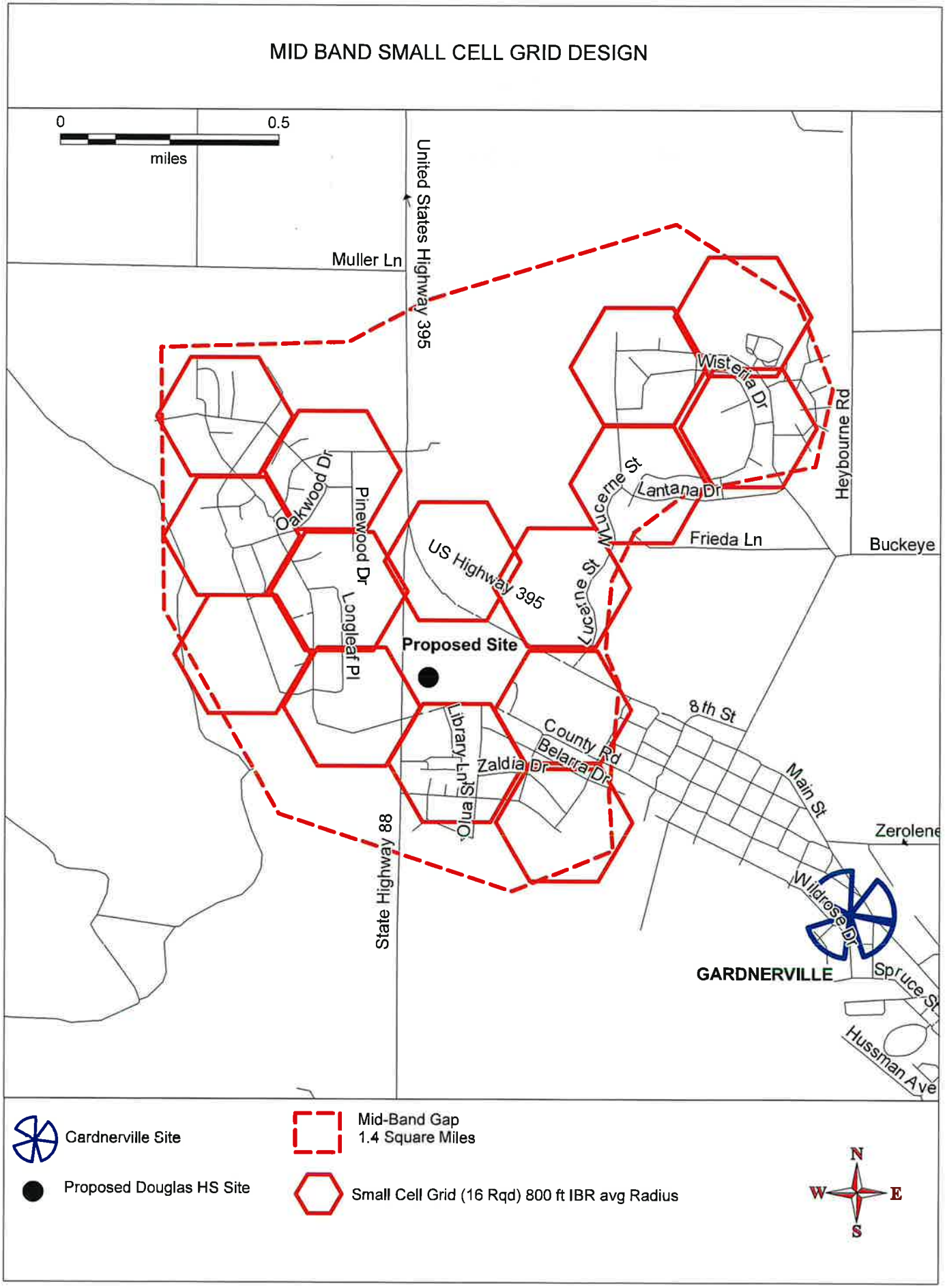


Exhibit O

Small Cell Hypothetical Design Grid

MID BAND SMALL CELL GRID DESIGN



11 APPENDIX 2 – 3GPP LTE LINK BUDGET

Table 1 - Downlink Link Budget

Parameter					Reference
Frequency	750 MHz	1900 MHz	2100 MHz	3700 MHz	FCC
Band	13	2	4	77	Verizon License
Bandwidth	10 MHz	5 MHz	20 MHz	100 MHz	Verizon License
eNodeB Tx Power	43 dBm	43 dBm	43 dBm	43 dBm	Typical 20W transmitter Power
eNodeB Antenna Gain	16 dBi	18 dBi	18 dBi	19 dBi	Typical Antenna Gain
eNodeB Feeder Loss	0	0	0	0	
eNodeB EiRP	59 dBm	61 dBm	61 dBm	62 dBm	
eNodeB Reference EiRP	31.02 dBm	35.83 dBm	30.01 dBm	23.05 dBm	Reference Power across resource element = EirP - 10*log(RB*12)
UE Receive Sensitivity	-95 dBm	-98 dBm	-95 dBm	-86 dBm	3GPP TSG RAN E-UTRA User Equipment radio transmission and reception", section 7.3
UE Receiver Ref Sensitivity	-123 dBm	-123 dBm	-126 dBm	-124 dBm	Sensitivity across RE = RxSens-10*log(RB*12)
Required SNR (for edge MCS)	0 dB	0 dB	0 dB	2 dB	
UE Receiver Ref Sensitivity Target	-123 dBm	-123 dBm	-126 dBm	-123 dBm	
Fade Margin (85% edge reliability)	8.32 dB	8.32 dB	8.32 dB	8.32 dB	8 dB std deviation of fading x 1.04 standard deviate for 85%.
Residential Building Penetration	10 dB	10 dB	10 dB	15 dB	ITU-R P.2346-1 Common loss 3GPP 3.7G
Commercial Building Penetration	20 dB	20 dB	20 dB	25 dB	ITU-R P.2346-1 Common loss 3GPP 3.7G
Max Path Loss Residential	135.48 dB	140.28 dB	137.48 dB	122.68 dB	Downlink Max Path Loss IBR
Max Path Loss Commercial	125.48 dB	130.28 dB	127.48 dB	112.68 dB	Downlink Max Path Loss IBC

Table 2 - Uplink Link Budget

Parameter					Reference
Frequency	750 MHz	1900 MHz	2100 MHz	3700 MHz	FCC
Band	13	2	4	77	Verizon License
Bandwidth	10 MHz	5 MHz	20 MHz	100 MHz	Verizon License
UE Tx Power	23 dBm	23 dBm	23 dBm	23 dBm	Max UE Power by Specification
UE Antenna Gain	-1 dBi	-1 dBi	-1 dBi	-2 dBi	Typical Antenna Gain

Table 2 - Uplink Link Budget

Parameter					Reference
Frequency	750 MHz	1900 MHz	2100 MHz	3700 MHz	FCC
UE EiRP	22 dBm	22 dBm	22 dBm	21 dBm	
eNodeB Thermal Noise	-104 dBm	-107 dBm	-101 dBm	-94 dBm	kTB=-174+10*log(BW)
eNodeB Noise Figure	5 dB	5 dB	5 dB	7 dB	Typical value
Total Noise Floor	-99 dBm	-102 dBm	-96 dBm	-87 dBm	Minimum Signal that can be detected assuming no external interference.
RB assignment	240	300	600	655	3GPP Table 7.3.1-2: Uplink configuration for reference sensitivity Theoretical maximum based upon 30 kHz subcarrier spacing
eNodeB Reference Sensitivity	-123 dBm	-127 dBm	-124 dBm	-114 dBm	Sensitivity across RE = RxSens-10*log(RB*12)
Required SNR (for edge MCS)	0 dB	0 dB	0 dB	0 dB	
UE Receiver Ref Sensitivity Target	-123 dBm	-127 dBm	-124 dBm	-114 dBm	
Fade Margin (85% edge reliability)	8.32 dB	8.32 dB	8.32 dB	8.32 dB	8 dB std deviation of fading x 1.04 standard deviate for 85%.
Invehicle Penetration	5 dB	5 dB	5 dB	8 dB	Typical Range 5-10 dB
Residential Building Penetration	10 dB	10 dB	10 dB	15 dB	ITU-R P.2346-1 Common loss 3GPP 3.7G
Commercial Building Penetration	20 dB	20 dB	20 dB	25 dB	3GPP TR 38.901 Common loss 3GPP 3.7G
Max Path Loss Invehicle	131.48 dB	135.46 dB	132.45 dB	118.34 dB	Uplink Max Path Loss IVR
Max Path Loss Residential	126.48 dB	130.46 dB	127.45 dB	111.34 dB	Uplink Max Path Loss IBR
Max Path Loss Commercial	116.48 dB	120.46 dB	117.45 dB	101.34 dB	Uplink Max Path Loss IBC

Design Critera	RSRP	RSRP	RSRP	RSRP	Worse Case UL Path Loss
Invehicle	-100.46 dBm	-99.63 dBm	-102.44 dBm	-95.30 dBm	RefPwr(DL) - Worse Case PL
Inbuiliding Residential	-95.46 dBm	-94.63 dBm	-97.44 dBm	-88.30 dBm	RefPwr(DL) - Worse Case PL
Inbuilding Commerical	-85.46 dBm	-84.63 dBm	-87.44 dBm	-78.30 dBm	RefPwr(DL) - Worse Case PL

WATERFORD

Radio Frequency Emissions Compliance Report for Verizon Wireless

Site Name:	**Douglas HS**	**Site Structure Type:**	**Monopole**
Address:	**1699 County Road**	**Latitude:**	**38.957182**
	Minden, NV 89423	**Longitude:**	**-119.778273**
Report Date:	**January 10, 2024**	**Project:**	**Modification**

Compliance Statement

Based on information provided by Verizon Wireless and predictive modeling, the Douglas HS installation proposed by Verizon Wireless will be compliant with Radiofrequency Radiation Exposure Limits of 47 C.F.R. §§ 1.1307(b)(3) and 1.1310. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent structures. As predicted RF power densities will not exceed the FCC General Population limits, no mitigation action other than restricting access to the tower is required to achieve or maintain compliance.

Certification

I, David C. Cotton, Jr., am the reviewer and approver of this report and am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation, specifically in accordance with FCC's OET Bulletin 65. I have reviewed this Radio Frequency Exposure Assessment report and believe it to be both true and accurate to the best of my knowledge.

PROFESSIONAL ENGINEER · STATE OF NEVADA
DAVID C. COTTON, JR.
ELECTRICAL
No. 20349

David C. Cotton, Jr.
Professional Engineer (Electrical)
Date: 2024-Jan-12
State of Nevada, 20349
Expires: 2024-Dec-31

General Summary

The compliance framework is derived from the Federal Communications Commission (FCC) Rules and Regulations for preventing human exposure in excess of the applicable Maximum Permissible Exposure ("MPE") limits. At any location at this site, the power density resulting from each transmitter may be expressed as a percentage of the frequency-specific limits and added to determine if 100% of the exposure limit has been exceeded. The FCC Rules define two tiers of permissible exposure differentiated by the situation in which the exposure takes place and/or the status of the individuals who are subject to exposure. General Population / Uncontrolled exposure limits apply to those situations in which persons may not be aware of the presence of electromagnetic energy, where exposure is not employment-related, or where persons cannot exercise control over their exposure. Occupational / Controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment, have been made fully aware of the potential for exposure, and can exercise control over their exposure. Based on the criteria for these classifications, the FCC General Population limit is considered to be a level that is safe for continuous exposure time. The FCC General Population limit is 5 times more restrictive than the Occupational limits.

In situations where the predicted MPE exceeds the General Population threshold in an accessible area as a result of emissions from multiple transmitters, FCC licensees that contribute greater than 5% of the aggregate MPE share responsibility for mitigation.

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Table 1: FCC Limits

Frequency (MHz)	*Limits for General Population/ Uncontrolled Exposure*		*Limits for Occupational/ Controlled Exposure*	
	Power Density (mW/cm^2)	Averaging Time (minutes)	Power Density (mW/cm^2)	Averaging Time (minutes)
30-300	0.2	30	1	6
300-1500	f/1500	30	f/300	6
1500-100,000	1.0	30	5.0	6

f=Frequency (MHz)

Based on the computational guidelines set forth in FCC OET Bulletin 65, Waterford Consultants, LLC has developed software to predict the overall Maximum Permissible Exposure possible at any location given the spatial orientation and operating parameters of multiple RF sources. The power density in the Far Field of an RF source is specified by OET-65 Equation 5 as follows:

$$S = \frac{EIRP}{4 \cdot \pi \cdot R^2} \ (\mathrm{mW/cm^2})$$

where EIRP is the Effective Radiated Power relative to an isotropic antenna and R is the distance between the antenna and point of study. Additionally, consideration is given to the manufacturers' horizontal and vertical antenna patterns as well as radiation reflection. At any location, the predicted power density in the Far Field is the spatial average of points within a 0 to 6-foot vertical profile that a person would occupy. Near field power density is based on OET-65 Equation 20 stated as

$$S = \left(\frac{180}{\theta_{BW}}\right) \cdot \frac{100 \cdot P_{in}}{\pi \cdot R \cdot h} \ (\mathrm{mW/cm^2})$$

where P_{in} is the power input to the antenna, θ_{BW} is the horizontal pattern beamwidth and h is the aperture length.

Some antennas employ beamforming technology where RF energy allocated to each customer device is dynamically directed toward their location. In the analysis presented herein, predicted exposure levels are based on all beams at full utilization (i.e. full power) simultaneously focused in any direction. As this condition is unlikely to occur, the actual power density levels at ground and at adjacent structures are expected to be less that the levels reported below. These theoretical results represent maximum-case predictions as all RF emitters are assumed to be operating at 100% duty cycle.

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Analysis

Verizon Wireless proposes the following installation at this location:

- (12) (N) VERIZON WIRELESS ANTENNAS ON (N) MOUNTS
- (12) (N) RRH UNITS @ ANTENNAS
- (1) (F) 2' MICROWAVE DISH

The antennas will be mounted on an 80-foot Monopole with centerlines 70 and 76 feet above ground level. Proposed antenna operating parameters are listed in Appendix A. Other appurtenances such as GPS antennas, RRUs and hybrid cable below the antennas are not sources of RF emissions. No other antennas are known to be operating in the vicinity of this site.

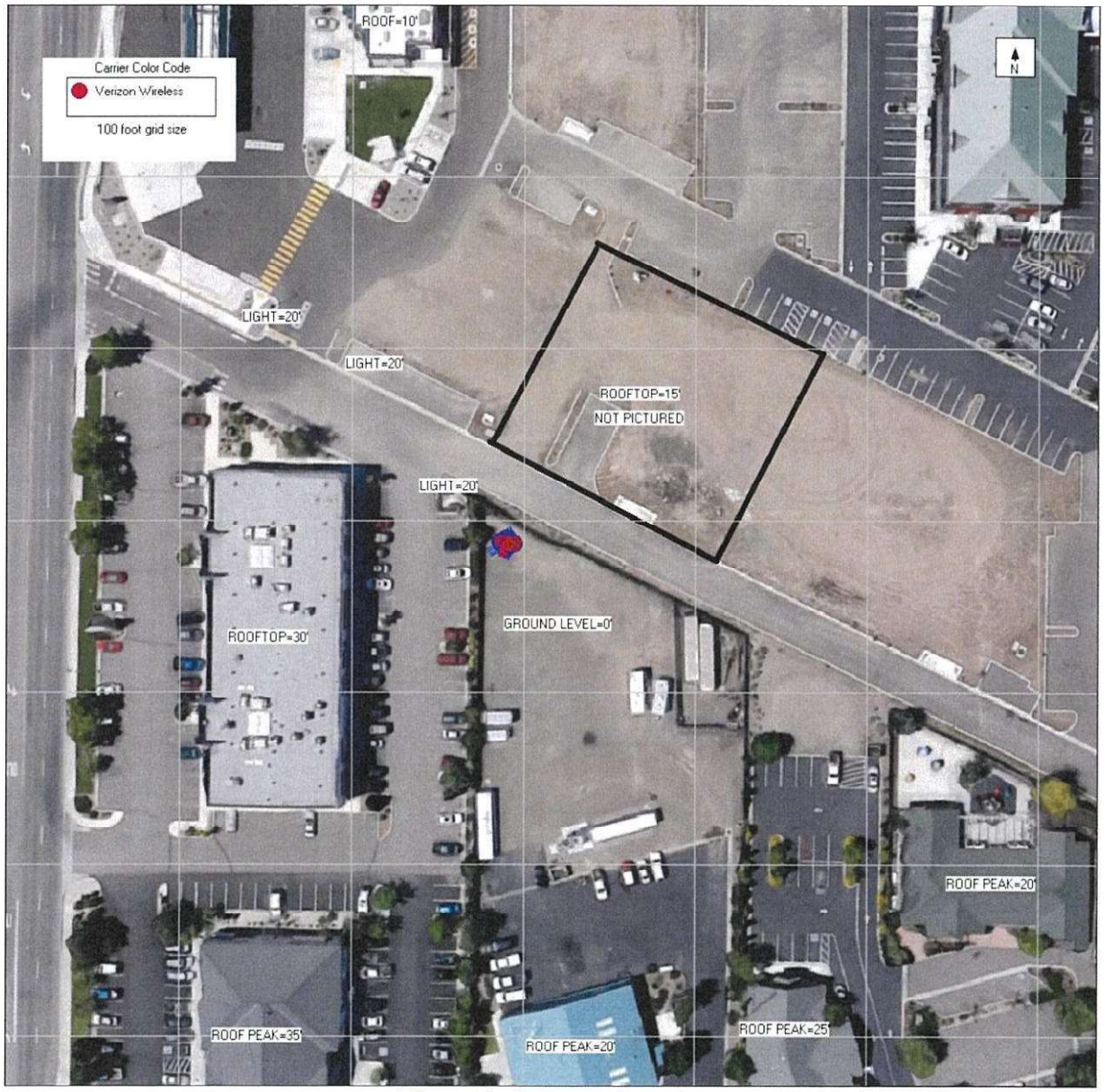

Figure 1: Antenna Locations

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Power density decreases significantly with distance from any antenna. The panel-type antennas to be employed at this site are highly directional by design and the orientation in azimuth and mounting elevation, as documented, serves to reduce the potential to exceed MPE limits at any location other than directly in front of the antennas. For accessible areas at ground level, the maximum predicted power density level resulting from all Verizon Wireless operations is 13.9369% of the FCC General Population limits. Incident at adjacent structures depicted in Figure 1, the maximum predicted power density level resulting from all Verizon Wireless operations is 64.2560% of the FCC General Population limits. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent structures. As predicted RF power densities will not exceed the FCC General Population limits, no mitigation action other than restricting access to the tower is required to achieve or maintain compliance.

Compliance Requirement Diagram (Access Location)

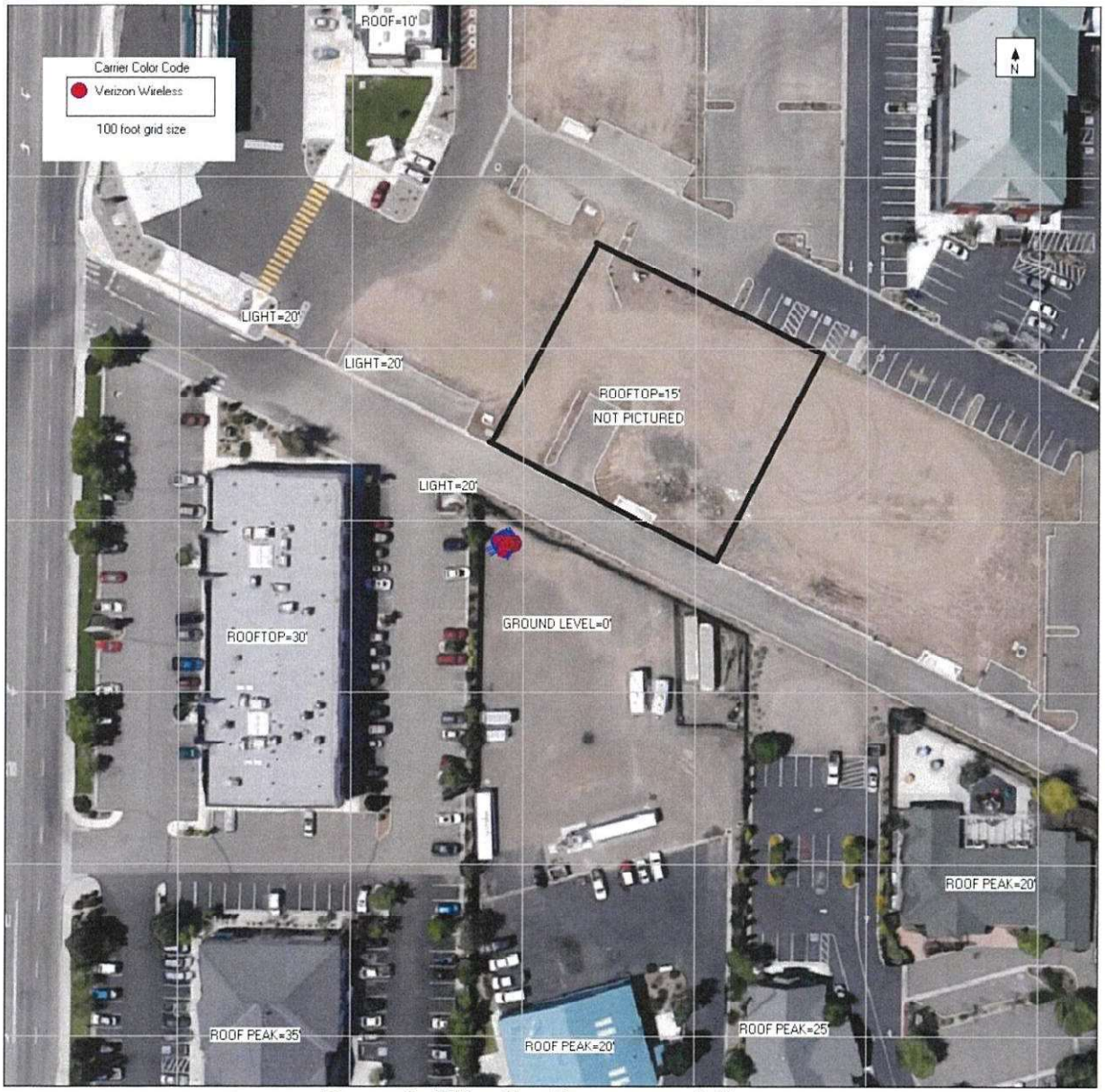

Figure 2: Mitigation Recommendations

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Appendix A: Operating Parameters Considered in this Analysis

Antenna #:	Carrier:	Manufacturer	Pattern:	Band (MHz):	Mech Az (deg):	Mech DT (deg):	H BW (deg):	Length (ft):	TPO (W):	Channels:	Loss (dB):	Gain (dBd):	ERP (W):	EIRP (W):	Rad Center (ft):
1	Verizon	ERICSSON	KRE105281-1	3500	130	0	64	0.7	5	4	0	9.36	173	283	76
2	Verizon	JMA	MX06FRO660-02 02DT	700	130	0	60	5.9	60	2	0	12.45	2110	3461	76
2	Verizon	JMA	MX06FRO660-02 02DT	850	130	0	54	5.9	60	2	0	12.15	1969	3230	76
2	Verizon	JMA	MX06FRO660-02 02DT	1900	130	0	57	5.9	60	4	0	15.95	9445	15496	76
3	Verizon	JMA	MX06FRO660-02 02DT	700	130	0	60	5.9	60	2	0	12.45	2110	3461	76
3	Verizon	JMA	MX06FRO660-02 02DT	850	130	0	54	5.9	60	2	0	12.15	1969	3230	76
3	Verizon	JMA	MX06FRO660-02 02DT	2100	130	0	52	5.9	60	4	0	15.55	8614	14132	76
4	Verizon	JMA	MX06FRO660-02 02DT	2100	130	0	52	5.9	60	4	0	15.55	8614	14132	76
4	Verizon	JMA	MX06FRO660-02 02DT	1900	130	0	57	5.9	60	4	0	15.95	9445	15496	76
5	Verizon	ERICSSON	SON_AIR6449 NR TB 03.24.21 3700 VZW	3700	130	0	11	2.8	320	1	0	23.55	72469	118891	76
6	Verizon	ERICSSON	KRE105281-1	3500	245	0	64	0.7	5	4	0	9.36	173	283	76
7	Verizon	JMA	MX06FRO660-02 02DT	700	245	0	60	5.9	60	2	0	12.45	2110	3461	76
7	Verizon	JMA	MX06FRO660-02 02DT	850	245	0	54	5.9	60	2	0	12.15	1969	3230	76
7	Verizon	JMA	MX06FRO660-02 02DT	1900	245	0	57	5.9	60	4	0	15.95	9445	15496	76
8	Verizon	JMA	MX06FRO660-02 02DT	700	245	0	60	5.9	60	2	0	12.45	2110	3461	76
8	Verizon	JMA	MX06FRO660-02 02DT	850	245	0	54	5.9	60	2	0	12.15	1969	3230	76
8	Verizon	JMA	MX06FRO660-02 02DT	2100	245	0	52	5.9	60	4	0	15.55	8614	14132	76
9	Verizon	JMA	MX06FRO660-02 02DT	2100	245	0	52	5.9	60	4	0	15.55	8614	14132	76
9	Verizon	JMA	MX06FRO660-02 02DT	1900	245	0	57	5.9	60	4	0	15.95	9445	15496	76
10	Verizon	ERICSSON	SON_AIR6449 NR TB 03.24.21 3700 VZW	3700	245	0	11	2.8	320	1	0	23.55	72469	118891	76
11	Verizon	ERICSSON	KRE105281-1	3500	350	0	64	0.7	5	4	0	9.36	173	283	76
12	Verizon	JMA	MX06FRO660-02 02DT	700	350	0	60	5.9	60	2	0	12.45	2110	3461	76
12	Verizon	JMA	MX06FRO660-02 02DT	850	350	0	54	5.9	60	2	0	12.15	1969	3230	76
12	Verizon	JMA	MX06FRO660-02 02DT	1900	350	0	57	5.9	60	4	0	15.95	9445	15496	76
13	Verizon	JMA	MX06FRO660-02 02DT	700	350	0	60	5.9	60	2	0	12.45	2110	3461	76

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Antenna #:	Carrier:	Manufacturer	Pattern:	Band (MHz):	Mech Az (deg):	Mech DT (deg):	H BW (deg):	Length (ft):	TPO (W):	Channels:	Loss (dB):	Gain (dBd):	ERP (W):	EIRP (W):	Rad Center (ft):
13	Verizon	JMA	MX06FRO660-02 02DT	850	350	0	54	5.9	60	2	0	12.15	1969	3230	76
13	Verizon	JMA	MX06FRO660-02 02DT	2100	350	0	52	5.9	60	4	0	15.55	8614	14132	76
14	Verizon	JMA	MX06FRO660-02 02DT	2100	350	0	52	5.9	60	4	0	15.55	8614	14132	76
14	Verizon	JMA	MX06FRO660-02 02DT	1900	350	0	57	5.9	60	4	0	15.95	9445	15496	76
15	Verizon	ERICSSON	SON_AIR6449 NR TB 03.24.21 3700 VZW	3700	350	0	11	2.8	320	1	0	23.55	72469	118891	76
16	Verizon	ANDREW	VHLP2-18	18000	180	0	2.1	2	0.2	1	0	37	1002	1644	70

Notes: Table depicts recommended operating parameters for Verizon Wireless proposed operations.

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APPROVED OCTOBER 8, 2024

The Regular Meeting of the Planning Commission was held on Tuesday, September 10, 2024, beginning at 1:00 PM in the meeting room of the County Administration Building, 1616 8th Street, Minden, Nevada and via Zoom participation as well as was streamed via Live Stream – Video Link, Douglas County YouTube Channel. **When applicable, the minutes below have been transcribed.**

CALL TO ORDER
The meeting was called to order at 1:00 PM.

COMMISSIONERS PRESENT:
Kirk E. Walder, Chair
Bryce Clutts, Vice Chair
Maureen Casey, Member
Mark W Neddenriep, Member
David E. Nelson, Member
Paul A. Bruno, Member
Laurie K Lile, Member

STAFF PRESENT:
AJ Hames, Deputy District Attorney
Nicki Leeper, Assistant County Clerk
Tanya Balda, Senior Deputy Clerk
Coleen Thran-Zepeda, Senior Development Coordinator

PLEDGE OF ALLEGIANCE
Led by Member Nelson.

OPENING PUBLIC COMMENT (NO ACTION)

Chairman Walder speaks:
Thank you. We do have a large crowd, and I would, again, remind people to keep their conversations to themselves, and to turn off any of your electronic devices. I will now start with Opening Public Comment. Public Comment is limited to three minutes per speaker on matters over which the Planning Commission has jurisdiction, supervision, or control. The Planning Commission wants to encourage the respectful consideration of all views by members of the public. If the content is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounts to a personal attack or interfering with the rights of others, the individual will be asked to stop speaking. I would also please ask for no expressions of support or opposition from the audience during presentations, Commissioner comments, or Public Comment. In addition to Opening Public Comment, Public Comment will also be taken on Public Hearing agenda items that are identified for possible action and Closing Public Comment. If you plan to speak on a specific agenda item that is on the Public Hearing agenda and identified for possible action, please provide your Public Comment when that agenda item is heard. At this time, Public Comment will be taken on those items that are within the jurisdiction and control of the Planning Commission. Additional Public Comment periods may be allowed on individual agenda items at the discretion of the Chairperson. It is requested that members of the public comment on those agenda items when they are considered. So, if you have Opening Public Comment, please step forward to the microphone, print your name, state your name for the record and then we'll begin your three minutes.

Ellie Waller speaks:
Good afternoon. In a month, or maybe not, an October 8th tentatively proposed agenda item for the Planning Commission will be the South Shore Area Plan Zoning Text Amendment and Zoning Map Amendment that was postponed for various reasons, in my opinion. I requested a copy of the application

to understand it, only to learn on August 26th there is no application. It is currently being worked on by Barton, who will be the applicant. Some of you may have read the current draft South Shore Area Plan in its entirety, which may or may not be in revision process. You need to understand the underlying issues; many affect the neighboring community, general improvement districts, etcetera. This is a month away and the public, as well as you, deserve enough time to review, research, ask staff questions. There is no process outlined, I believe it's make up as you go. When will we see the draft? From a recent article, Tahoe Regional Planning Agency Public Information Officer, we don't know if 80-foot buildings will be allowed there or not, Cowen said. Douglas County has agreed that certain things about hospitals require additional height per floor for medical equipment to achieve the desired infrastructure. Who at Douglas County has agreed or is in favor of this extraordinary height and new health care subdistrict being proposed that could allow Zoning Text Amendments to come forward? This needs to be disclosed. I believe the ZTA and ZMA should not be done until after the area plan is approved. Where is the logic of zoning amendments before a health care subdistrict that doesn't exist be approved? Do you follow? Back to the article. Currently, height available is 56 feet, even though the previous Lakeside Casino was four feet over from the lowest point of natural grade, according to Cowen. The height, scenic and transportation requirements are different than anything around the basin. We still have 900 feet from the finish line, Cowen stated. The zoning amendments proposed will be part of a Town Center Overlay, which includes a Mixed Use Overlay within a Town Center and a Healthcare Subdistrict Overlay being proposed. Do you follow? If TRPA is stating this is different, which means it has never been analyzed in the Tahoe Basin, why is Douglas County rushing to that finish line? Once approved, loopholes will abound and future development, much like stale development agreements, specific plans in the Valley now result in lawsuits. Today, I would just like to state that I know that the staff here is very busy. I think the Zoom capability should have been published before, after 5:00 PM. Thank you.

Chairman Walder speaks:
Additional Public Comment?

Donna Loscar speaks:
Good afternoon. In addition to the 85 height for Barton, the proposed 85 height threatens the safety of everyone traveling on Laura Drive. By placing the proposed building on the far western edge of the property, sunlight hitting Laura Drive will be blocked during the winter hours causing icing and dangerous conditions on Laura Drive. Laura Drive is a bus route, and putting children's life in potential danger, it is simply unacceptable. Additionally, OPGID will be placed in a position of being responsible for the increased onus of clearing more snow and ice from Laura Drive caused by Barton's proposed building, another increased financial burden on the GID. There is no need to rush approving either the proposed zoning changes or Barton's plans. While Barton may claim that they must act swiftly, that is not the case for the following reasons; A, Barton has not proven the need for rapid approval of its project. One, four of its five existing California building are seismically compliant, the one building not compliant is capable of being retrofitted prior to 2030. Three, SB 1432, which is support on both sides of the aisle, will extend on seismic compliance date to 2033 and beyond. Four, to date, Barton has not applied to retrofit one of the non-compliant buildings for structural compliance, yet has applied to retrofit the same building for a nonstructural compliance, raising concerns as to why this is so. B, alternatives other than building on this property exist. Number one, Barton can expand on its California properties. Number two, Barton can build on the west side of the Nevada side of Highway 50. Number three, the Kingsbury Middle School can be rezoned for hospital use, a road cut in from the sewer road, providing a central private, essentially private, ingress and egress, and the 24 acres can be utilized as a hospital campus. The swiftness in which the zoning and building plans are being raced through Planning and TRPA prevent OPGID from completing comprehensive and detailed analysis of the harm that will likely come to the GID should these approvals take place. Regardless, the potential harm to the GID and its existence, as stated above, are each sufficient reasons to demand an immediate halt to zoning proceedings to preclude Barton from any further development of the property pending further investigation, and to include Oliver Park GID in all

conversations regarding the proposed zoning changes in Barton's building plans before any decision is made on either matter. Thank you very much.

Chairman Walder speaks:
Thank you. Is there additional Public Comment?

Carol Sims speaks:
Hi. I would like to know why you would put a tower by the most vulnerable. Children's brains are not…

Chairman Walder speaks:
Excuse me, ma'am, if you're here to comment on Agenda Item 1 or 2, I would ask you to hold your comments until that agenda item is heard. This is Opening Public Comment on other topics.

Ms. Sims speaks:
Okay. Thank you.

Chairman Walder speaks:
Thank you. Is there additional Public Comment? Seeing no additional Public Comment, then I will close Opening Public Comment. We'll come to the… Zoom. Thank you, Bryce. Coleen, do we have any individuals on the Zoom link that would like to make Opening Public Comment?

Coleen Thran-Zepeda, Senior Development Coordinator, speaks:
Thank you, Chairman Walder. Nobody has raised their hand.

Chairman Walder speaks:
Thank you, Coleen. That being said then, I'll close Opening Public Comment.

APPROVAL OF AGENDA

MOTION TO: Approve the agenda; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Bryce Clutts, Vice Chair
SECONDER:	Maureen Casey, Member
AYES:	Maureen Casey, Mark W Neddenriep, Bryce Clutts, David E. Nelson, Kirk E. Walder, Paul A. Bruno, Laurie K Lile

APPROVAL OF MINUTES

For possible action. Discussion to approve the draft minutes of the August 13, 2024 meeting of the Planning Commission.

MOTION TO: Approve the draft minutes of the August 13, 2024 meeting of the Planning Commission; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Bryce Clutts, Vice Chair
SECONDER:	Laurie K Lile, Member
AYES:	Maureen Casey, Mark W Neddenriep, Bryce Clutts, David E. Nelson, Kirk E. Walder, Paul A. Bruno, Laurie K Lile

PUBLIC HEARINGS

1. **For possible action: Discussion to approve, conditionally approve, deny or continue the Major Design Review application DP 24-0169 to allow an 80-foot (monopole) cell tower and associated network equipment within a 15-foot by 25-foot fenced equipment area, to include network cabinets and a standby diesel generator. The subject property is located at 1699 County Road, Minden, NV in the Public Facility (PF) zoning district within the Minden Community Plan. The applicant is Chris Hatch of Epic Wireless on behalf of Verizon Wireless. The property owner is East Fork Fire Protection District. APN: 1320-30-802-004**

Chairman Walder read the agenda item into the record.

Chairman Walder speaks:
As we traditionally do, the staff will make a presentation, we will ask the applicant to make a presentation, then they we will entertain questions from Members of the Planning Commission of the staff or the applicant. Then we will move to Public Comment and then we will bring it back to the Planning Commission for deliberation and possible action. So Linda, you have worked long and hard on this project, and you may proceed.

Member Neddenriep speaks:
Chairman Walder?

Chairman Walder speaks:
Yes, Mark.

Member Neddenriep speaks:
I have a disclosure to make before we get started.

Chairman Walder speaks:
I'm sorry. Thank you. Any disclosures that people need to make?

Member Neddenriep speaks:
I presently own an interest in the office building located at 1693 County Road. My wife and I have purchased and sold Verizon stock for many years. We currently have a small position that we directly control in Verizon stock, and I'm sure that if we look through all the ETFs and mutual funds, we may find additional shares there. I do not believe my ownership in the office building or Verizon stock will affect my ability to be impartial on the design review before the Planning Commission today.

Chairman Walder speaks:
Thank you, Mark. Any other disclosures? Maureen.

Member Casey speaks:
Mr. Chair, I was present at two Minden Town Board meetings to listen to the presentations given by Verizon and to listen to the comments by the Minden Town Board, including their last public hearing where they made the decision. I also met with Jacques Etchegoyhen, who sits on the East Fork board, and we discussed the comments that were made by the Minden Town Board and their decision, but we did not discuss what the Planning Commission was going to do. I only asked that he be present here in case the Planning Commission had questions of him being a representative on the East Fork board.

Chairman Walder speaks:
Thank you. Any other disclosures? Laurie.

Member Lile speaks:
Just out of an abundance of transparency, I have an account with Verizon for my mobile phone, so that's all my interaction with Verizon. I don't believe that is going to influence my decision in any way.

Chairman Walder speaks:
Thank you. Having said that, then go ahead, Linda, with your presentation.

Linda Doherty, Assistant Planner, speaks:
Good afternoon, Chairman, Planning Commission Members, everyone present. Today, you'll be presented with a design review for two new cell towers; one located at 1699 County Road, known as Fire Station 14, and one located at 1450 Stephanie Way, known as Fire Station 6. Although the design review requests are similar, each location will be reviewed separately, as you've mentioned. In each case, the proposed towers will allow co-location by other carriers, which is a code requirement, and they will also contain emergency communication equipment as well. Normally, design reviews are reviewed administratively; however, per code section 20.614.050, the Community Development Director may refer the design review for review and decision to the Planning Commission, which is why we're here. This will allow a much broader range of notification. Normally, noticing for design reviews, per NRS, is only sent to abutting properties and those directly across the street. The expanded noticing includes signage on-site and posting in the newspaper, online, and in the hard copy versions of the paper. I'd like to introduce Mr. Chris Hatch of Epic Wireless, who will offer his presentation on behalf of Verizon Wireless.

Chairman Walder speaks:
Mr. Hatch, if you can raise that microphone, you're taller than usual, so that sometimes gives us a better oral presentation. Thank you.

Chris Hatch, Epic Wireless Group, LLC representative, speaks:
Thank you so much. I would like to thank Linda for your presentation, and the Douglas County Planning Commission for your time here today, and consideration of the proposal for the Verizon project at East Fork Fire Station 14. This project, in coordination with East Fork Fire, is designed to fill a significant gap in coverage at Douglas High School, and the commercial, and residential areas in the area around Minden and beyond. I'm here with Epic Wireless representing the application for the project. Also, with us here today is Yvonne Pinto with Verizon Wireless, Municipal Engagement. She's been meeting with Members of the Board and community to discuss these projects. If you haven't met her, she'll be up later on to engage at the end of the presentation on some of those topics about the project. Our RF Engineer, Maher Zayouna, is here today from Verizon Wireless, he's the gentleman who designed this project at the location it is at. And David Witkowski from Oku Solutions is a third-party RF Expert who we brought on board to review all the data we brought before you to make sure it was factual and provide additional information as needed to the Commission.

Mr. Hatch began the presentation and covered the following topics:

- Douglas HS Fire Station
- Application Timeline

Mr. Hatch speaks:
Beginning in April 2022, the Douglas County Economic Development Department, school district and FCC contacted Verizon regarding network deficiencies in the county with specific concerns about coverage around Douglas High School. Verizon's Radio Frequency Engineers worked to confirm these gaps in service with confirmation of the information provided to them. We investigated multiple locations in the community and I started individual outreach with the high school and surrounding properties, which were appropriately zoned and with appropriate setbacks. This included the fire department, who were already talking with, who expressed a need to develop expanded emergency services and radio network infrastructure, and that these two projects would work hand in hand. After presenting each of the designs that we had put together and interested parties to Verizon, Fire Station 14 was selected as the best option to fill the gap in coverage with the added bonus of assisting the Fire and County EMS in supporting community needs. We then began negotiations on the design and lease terms with East Fork Fire. During that time, Verizon completed due diligence with the County and submitted a pre-application. With guidance from those meetings, Verizon worked to verify and complete all requirements for planning application submittal. With the lease in place in April, the planning application was finalized and I submitted the project for review to Douglas County Planning staff, thank you again, Linda, and consideration by the Town of Minden. After nearly two years since the identification of the service gap, this project went before the Town of Minden, and received a denial based on health and safety concerns.

Mr. Hatch continued the presentation and covered the following topic:

- Project Design
  - 80-foot monopole facility
  - 900-square foot network equipment area surrounded by chain link fence with tan slats
  - Equipment cabinets under snow cover
  - Room for collocation by additional wireless carrier
  - Fire Protection District has reserved space on the monopole

Mr. Hatch speaks:
That's an existing use, as the property is already being used to transmit Fire and EMS radio signals. There's a whip antenna on the top of the building at the fire station. With the expressed concern of some of the participants at the previous hearings, we verified that the tower and equipment is in fact non-flammable, and designed to meet and exceed all seismic and civil construction requirements for strength in high winds, earthquakes, fall zones, and safety. We provided structural documentation with our application showing that it meets those requirements and will so as it goes into the building permit process. This includes all setbacks to offsite fuel sources and propane tanks, the gas station, etcetera. We're also happy to report that the detailed concept drawings, zoning drawings, which you see in the planning application, were recently reviewed by County development office with no structural or design issues identified. Comments and corrections included some property line dimensions and easement notes on the site plan. The only structural concern was the requirement of a fence post detail that we were happy to add to the plans, otherwise, the County has found no fault in the design at this location. That includes the electrical, anchorage details, etcetera, the kind of things that come along with a plan once it makes it out of this process into building permit. A lot of that hasn't been generated yet, but the designs take into account that we will and I believe the Planning Commission has conditioned our approval based on meeting all of those requirements as we develop construction drawings and take them into permitting.

Mr. Hatch continued the presentation and covered the following topic:

- Photo Simulations
  - Looking south from Maverick gas station

Mr. Hatch speaks:
The project photo simulation shown here is of the 80-foot monopole tower painted a non-reflective tan color. This matches the size and design of every tower in Douglas County, same for the one built on top of a building nearby. Each one of them is conditioned by code to meet this exact specification; no greater than four feet in width, no greater than 80 feet in a Public Facility Zone, and painted a non-reflective color.

Mr. Hatch continued the presentation and covered the following topic:

- Photo Simulations
  - Looking north from County Road

Mr. Hatch speaks:
This is another view of the tower; it's the one on the left. The one on the right is a light in front of the fire station. The perspective view makes it look smaller because it's in the distance.

Mr. Hatch continued the presentation and covered the following topic:

- Service Gap
  - Gap in in-building coverage in the west Minden area
  - Lack of reliable in-building coverage in commercial and residential areas, including Douglas High School campus
  - Gap in in-vehicle coverage along Highway 395 & 88 and local roads

Mr. Hatch speaks:
The green area is the existing coverage from the tower. You can see there that that would be coverage you can get inside a building like this one. The yellow area is coverage that you wouldn't be able to get inside a building, we call that in-vehicle coverage, you get that while you're driving around. While the gray areas and even lighter gray areas are significant gaps where you would have very spotty coverage, you'd be outside waving your phone around at times to get coverage. As you can see from this map, beyond this point in town, Minden is experiencing a significant diminished signal from Verizon. The Verizon Engineer from this project, Mr. Zayouna, is here today and can answer questions about these gaps, and why this tower at this location is the best solution for coverage for the high school and the surrounding areas in Minden, and he'll be able to answer those questions at the end of the presentation.

Mr. Hatch continued the presentation and covered the following topic:

- Improved Service
  - New reliable in-building coverage for west Minden residents, visitors, workers, and emergency personnel
  - New reliable in-building coverage at High School, local hotels, offices, and other businesses
  - Total new mid-band in-building coverage to 8.4 square miles with population of 1,370
  - New reliable in-vehicle coverage along Highway 88 and local roads

Mr. Hatch speaks:
You can see the expanded in-building coverage here in green. The big green blob going in three directions; those are showing you the sectors the tower works on as it transmits in three different directions. The antenna is on the top. The yellow area and beyond, those will be the areas that still have coverage in just cars. The area where the two towers meet is right along the highway. The gaps that still exist off to the left, those are out in the wetlands beyond the residential zone, so those are still acceptable gaps. You can

see there, the residences, the trees and things are obstructing the signal as it goes out past the residences, up toward the sewer plant.

Mr. Hatch continued the presentation and covered the following topic:

- Network Exhaustion
  - Increasing demand on distant Verizon Wireless Gardnerville facility 1.1 miles southeast, which mush serve faraway users in west Minden
  - As TTI occupancy increases, data throughput drops below 5 megabits/second most days

Mr. Hatch speaks:
This is data from the existing Gardnerville Verizon site showing the site reaching capacity with everyday normal use on the sector that's doing its best to cover this side of Minden. You can see here, the red line is the number of people that are using it. It's the number of people, the data, calls, all of it aggregated together. So, the site goes up and it meets the ability to be utilized, it maxes out and as the usage goes up, the ability to supply data goes down, that's the green lines there dipping down below the red lines. So, every day, this is from April 12th to May 12, 2024, the site nearly reaches capacity while the data tanks. It goes from broadband speeds to dial up speeds. Members of the public have stated that they have service by other carriers and they have no need for Verizon service. The federal law does not support a denial finding based on other service providers coverage. The law provides that carriers must support full coverage in these areas for the services offered, and the FCC and Verizon are on notice to provide this coverage. The existing site reaching capacity shows a daily need for additional Verizon coverage near the high school, it exists. The federal law requires Verizon to fill it and we're trying to do our best to do so.

Mr. Hatch continued the presentation and covered the following topic:

- Best of 13 Alternatives

Mr. Hatch speaks:
In reviewing existing facilities and potential new locations to fill the gap in coverage, Verizon reviewed the following alternatives. Diligent work was completed and evidenced to the Planning Department with submittal of this project. We first looked at all existing towers and facilities, and use cases in the area. And after finding no existing co-location towers near the high school that didn't already duplicate or interfere with our already existing service, an extensive review was completed by Verizon, which included, again, a very detailed writeup that we submitted with our planning application. After reviewing the existing towers, we then began a more detailed review of potential development locations at and around the high school. This included extensive review of the planning code for required designs, setbacks, allowed heights, and towers. This included potential landlords that would be willing to accept a tower on their property, and careful modeling and signal produced from each location. As you can see on the map here, there are quite a few sites, quite a few alternatives we looked at. Our existing facility is the orange dot at the bottom right. That's a location nearby, I think that's at the end of County Road at 395. And the existing towers, there are two existing monopoles; one at the Sheriff's station and one across the street at the distillery. Those sites are very close to our existing Verizon facility and would duplicate the coverage from that area. We already have signal there and they wouldn't propagate additional signal over to the high school area. AT&T is number two there. You'll also notice, AT&T is also number one there. That's how cell sites work, you need multiples of them to have cells to communicate signal. So, the AT&T site on top of the high school, which is a small antenna, it's not a co-located facility, that's just an antenna. So, we are proposing our location, number eight, at East Fork Fire Station 14. Other locations around there are Public Facility zoned properties, commercial properties. All of them had their own

specific challenges for not allowing 80-foot height towers or 60-foot height towers and there are a number of setbacks in that area.

Mr. Hatch continued the presentation and covered the following topic:

- Sanitation District Alternative
  - Minden Town Manager identified this location 0.6 miles north of Proposed Facility
  - Leaves gap in in-building coverage around High School, Fire Station 14, and commercial areas
  - Coverage deficiency due to obstruction by buildings, including High School itself
  - Buildings obstruct line-of-sight of both downlink and uplink signal

Mr. Hatch speaks:
It was modeled at 80, 120 and 150 feet, with a taller one having the fewest gaps in coverage, but still not completely covering the area and leaves some major holes at the high school and the fire department. You can see that based on the yellow scatter at the bottom, it's circled there, that's the area around the high school and fire department. There's a large outdoor coverage only going right through the commercial district of Minden.

Mr. Hatch continued the presentation and covered the following topic:

- Sanitation District Alternative
  - May require second facility near High School
  - Taller facility needed to serve gap at this location, would require variance, subject to restrictive residential setback
  - Compromises collaboration with Fire District
  - At edge of Town with only vacant land north, an inefficient network design
  - Proposed facility ideally located near center of development, closer to more

Mr. Hatch speaks:
Developing a tower at the sewer plant may require a secondary facility near the high school. Based on those models, a taller facility would be needed to minimize the impact to nearby obstructions and might require multiple variances. This includes a 500 percent setback to the residential zones, frontage setbacks and height setbacks for the tower, which may or may not be subject to County review. So, that's something we're still researching now. We had a meeting with the sewer plant today to try to figure out what a tower like that would look like at that location. I can say without question that the East Fork Fire Station 14 proposal before you today does not require any height, frontage, or setback variances, and this location is not necessary or essential with a clear alternative already proposed. According to the code, in order to accept a variance, the County would require that the variance is necessary and essential to providing the applicant's wireless service. I'm hoping I'm being clear here; we don't need a variance. We can provide coverage from East Fork Fire Station 14, and we do not need variances otherwise, and we cannot represent them as necessary. Delaying the Fire Station 14 project by building or conditioning us to build at the sanitation district compromises ongoing collaboration with the East Fork Fire Station, their radio services, County emergency services systems being proposed at the locations and Verizon's coverage for personnel within the fire station offices and the public surrounding this area. A lone tower at this location at the edge of town with only vacant land to the north is an inefficient network design providing exemplary coverage to wetlands. The proposed facility is ideally located near the center of active developments, closer to more users and fully covers the high school. Verizon's RF Engineer is, again, here today to answer questions about this.

Mr. Hatch continued the presentation and covered the following topic:

- Principal Factors to Discount Alternatives

Mr. Hatch speaks:
Of the alternatives we looked at, each potential candidate was ranked by overall coverage to, and the fewest numbers of variances required and overall impacts to the community. From this list, East Fork Fire Station was a clear choice to fill the gap in coverage, with the greatest coverage over the school and lowest impact to the community being surrounded by commercial uses.

Mr. Hatch continued the presentation and covered the following topic:

- Complies with FCC Guidelines

Mr. Hatch speaks:
The engineers at Waterford Consultants reviewed the antenna design proposed by Verizon's engineering team and confirmed that the radiofrequency exposure will be substantially less than the FCC public limit, measured at 13.9 percent at ground level. With the outpouring of concern for exposure levels beyond the property line, we had Waterford's engineers perform further review for EME levels at the surrounding buildings, and once again found that all levels are below the exposure limits allowed to remain safe now. And in the future, with upgrades, co-locations, as is the normal practice under FCC guidelines for all towers in the United States. The Town of Minden Board Members suggested that Verizon provide verification to review these materials and possibly some public education ahead of the formal review. The hope was to provide clear, evidence-based education on health and safety, as well as the RF effects of a cell tower. Rather than providing another stamped engineer's report on top of another stamped engineer's report, which is on top of our engineer's design for the site, we decided it would be better to hire a third-party consultant, Mr. Witkowski, an industry expert and an independent third-party engineer, to review and present findings in person. In these meetings with the Town of Minden, he answered questions on his findings, provided facts in response to questions about health and safety for cell towers, 5G, and the electromagnetic spectrum. He's certainly open to answering any questions you have on the subject, and the controversy and misinformation being pushed at the end of the presentation today. But I would like him to present now on the topic of the EME and his verification of it.

David Witkowski, Oku Solutions LLC Chief Executive Officer, speaks:
Thank you, Chris. Good afternoon, Chair and Commissioners. I am the CEO of Oku Solutions. I'm an electrical engineer, I serve on the Institute for Electrical and Electronic Engineers, which is the IEEE. Relative to this proceeding, I am a member of the IEEE's C95 task group, which is part of the International Commission for Electromagnetic Safety. We produce the C95 family of standards from which governments around the world, including the Federal Communication, derive their guidance. So, I'm well familiar with both the FCC's guidance, as well as the basis of their guidance. I have done an analysis on this report that was stamped by Waterford Consultants. It predicted 13.9 percent of the maximum public permissible exposure on the ground and 64.26 percent of the public exposure on the roof of the office building, which is nearby, the two-story building. These are within the Federal Communications Guidelines for safety, which includes a 98 percent safety margin already built into that level. I also wanted to address a couple of things that came in in the supplemental packet that was provided from the County. Mr. McCollough, from a law firm, stated a few things in section eight of that letter and I wanted to address a couple of those. There were several things in there that I found to be confusing or questionable, but I attribute this to the fact that I don't believe that Mr. McCollough is an electrical engineer. He specifically conflated a few engineering things, including near field and far field surface area versus surface power density. He stated that the report does not include the public safety systems or the co-locations, and that

is true because Verizon is applying for their site, and once those other sites go to apply to be on that tower, then they will provide their analysis and that report will have to be generated at that time. But right now, Verizon is not applying for any co-locations or public safety antennas. He stated that the reports do not provide model details. Waterford's RFMaster, which is the tool that was used by the engineer at Waterford Consultants, is the industry standard for analysis of maximum exposure, it is one of the three tools that is used by the industry, specifically RFMaster, a product called Roof View. And then there's another company out of South Africa called IXUS, and that model is well known, and that product is actually, as I said, the standard for the industry. I would say that in the work that I do in third party analysis, I find RoofMaster to be 85 to 90 of the reports that I generate. That model has been developed in accordance with the FCC guidelines, it is used by professional engineers all over the country. I find no reason to question its veracity. Mr. McCollough also stated that the EIRP values used were at a single distance, in his words, 76 feet. In fact, 76 feet is the height of the antenna above the ground. The concern would be in the area of the antenna in front because antennas don't point to the ground, they point out towards the horizon. So, I believe that he made the mistake of reading 76 feet at the antenna center and thought that that meant that the analysis had been done at 76 feet. He also stated that it was not possible to independently verify the results of the EME report. In fact, any professional engineer who is familiar with using RFMaster, Roof View, IXUS could take the data, which was provided in the EME report, generate their own EME analysis, and they would have come to the exact same conclusions. So, I'll hand it back to Chris, but I'll be available for any questions. Thank you very much.

Mr. Hatch speaks:
Thank you, David.

Mr. Hatch continued the presentation and covered the following topic:

- Complies with County Requirements
  - County wireless ordinance requires monopole design (20.664.180)
  - 80-foot monopole allowed in PF-Public Facilities zone
  - Complies with height limit, so not subject to special setbacks
  - Monopole satisfies findings for approval of major design review (20.614.040)

Mr. Hatch speaks:
They have room for co-location of other carriers, one of which has already expressed interest at Douglas High School. Operations of communications equipment, antennas and even an existing cell phone tower at one location are clearly able to show existing use. And each project satisfies the findings for approval for a Major Design Review, a much more rigorous process than the basic admin review the code would normally require. I must say the County staff, thank you Linda, was wise in their understanding that these projects might come under a higher than normal level of review by the public and by the County, and they asked Verizon to provide materials for a Major Design Review to ensure that these projects were fully vetted against the code and engineering standards. Thank you, Mr. Hames, for your guidance as well, and County staff for your review and attention to detail. I would like to make sure it is said that Douglas County staff has been wonderful to work with, professional, and rigorous. It has been, sincerely, a wonderful challenge.

Mr. Hatch continued the presentation and covered the following topics:

- Approved by East Fork Fire Protection District
  - District Board unanimously approved lease on January 16, 2024
  - Deputy Fire Chief described benefits including:
    - Increased access to 911

        - Wireless emergency alerts
        - District has reserved space for on the tower
    - Director Barbara Griffin provided statement received from Sheriff Dan Coverly stating: "The Sheriff's office is 100% in support of this."
    - Meeting minutes described District Board's support:
        - President John Bellona - Landlines are becoming non-existent. If there is a hole in service and a landline is not an option, people could face major issues. This is a good project for everyone involved.
        - Secretary Mike Sommers - If there is a major incident within the District and support of multi-agencies is needed, many of those agencies may be Verizon users.
        - Director Bernie Curtis - It serves the people who respond first, and enhances communications.
        - Director Jacques Etchegoyhen - The people saving lives are in favor of this. The Board would be negligent if they didn't support the first responders with the tools that can be provided. Cell communication is a large tool. The better the coverage, the better for everyone."
- Conclusion
    - Verizon Wireless's proposed facility provides:
        - Solution to County, School District, and FCC coverage concerns
        - Much-needed wireless communication infrastructure for existing and future residents, businesses, and visitors in west Minden
        - Reliable communications for emergency services first responders in the community
        - Enhanced infrastructure for local schools and improved economic development opportunities for local businesses
        - Collaboration with Fire Protection District on improved communication needs
    - Request: Recommend approval to Douglas County

Mr. Hatch speaks:
It's with your consideration of the health and safety data from Waterford Engineer, verified by Mr. Witkowski, I would like to advise the Commission, with the guidance that might be offered by the County legal, if a presented project meets FCC guidelines shown; I think in triplicate at this point. Denial based on RF exposure is preempted by federal law. That is to say that the federal law prevents denial of a project based on the environmental effects of radio frequency exposure, which is the primary concern of most of the opposition in attendance here today. The Town of Minden's recommendation for denial, and basing any decision on that denial goes squarely against the FCC guidelines for decision making, and provides a clear path for appeal by any wireless carrier that submits a project before the Town of Minden and Douglas County. I ask that the Town of Minden's recommendation for denial be equally balanced against our absolute intent to respect the County code and the Planning Commission's choice to uphold the rules within it; a code which clearly identifies the location and design constraints that we are operating under. Public sentiment is strong against these projects. We understand and we sincerely care, but that does not change the code or how the towers work. Those that would argue that we have not met the engineering requirements to do so across many pages of dissent, as a gotcha, cite the minimum standards for Major Design Review. I must say that the dissent given in many of the pages of the letters supplied give you a gotcha moment and that's their ignorance on how planning submissions work or deliberately misleading you. These are design drawings, and in fact, in order to meet the civil requirements for building, these drawings are submitted in good faith for consideration of the design with the Planning Department. And again, I thank you for your extremely rigorous review. This team before you now truly cares about this community, we care enough to continue working on these projects, and doing our best to represent Verizon, and the community in public safety and health. So, it is our sincerest request that the Douglas County Planning Commission consider this project for approval, and thank you so much.

To review Mr. Hatch and Mr. Witkowski's full presentation please see the Agenda Packet material.

Mr. Hatch speaks:
I would like to introduce the rest of the Verizon team who can now answer any questions the Planning Board might have on this project, and thank you so much again, for your consideration.

Chairman Walder speaks:
Thank you very much, Mr. Hatch. Now, we'll go to questions that the Planning Commission Members would have of staff or of the applicant. Again, when we ask a question, if there's one particular member of your team that can answer the question, please step forward to the microphone, state your name and then provide your response. So, if you have questions of the applicant or of the staff, please raise your hand, and I'll recognize you for whatever time you need to ask and answer your questions. Laurie.

Member Lile speaks:
Thank you. This question is for staff; the applicant is showing on some of the exhibits that were submitted, the 80-foot monopole with the array of antenna close to the top. There is a dashed line showing the equipment for the fire department and then a whip antenna, which, you know, I'm not going to worry about the whip antenna. The fire department equipment seems like it would exceed the height of 80 feet, which is the limit for this application, and which would kick it into the realm of a Special Use Permit. Is that correct or are there any exemptions for the fire department?

Tom Dallaire, Community Development Director, speaks:
No. I'm not aware of an exemption. The fire equipment is located even on the Minden Inn, I don't believe that that's part of the cell phone tower height itself. 80-foot is the maximum height allowed in the code for the cell phone tower, and then this antenna, it shows it being attached to the top of that tower for the emergency services.

Member Lile speaks:
So, does that mean the fire department would be subject to a Special Use Permit to install the equipment?

Mr. Dallaire speaks:
I don't believe so.

Member Lile speaks:
Okay.

Chairman Walder speaks:
AJ, do you have comments that you wanted to add?

AJ Hames, Deputy District Attorney, speaks:
Yes. Thank you, Mr. Chair. Just on that point, the code differentiates between types of telecommunications facilities. There's facilities, there's sites, which are more like antennas, and then there are separately public safety telecommunications facilities. There isn't, as far as I know, any application to add any fire antenna to the top of the monopole at this time. But if there were such an application, I think staff would have to look at it to decide first what is it. If it's not considered part of the telecommunications facility under code, if it's characterized, for example, as a public safety telecommunications facility, that is not subject to the same height restrictions as a commercial telecommunications facility. But again, I don't know if that's what the outcome would be because there hasn't been an application for that yet. At this time, all that the Board is considering is the tower that's been proposed, which is 80 feet.

Chairman Walder speaks:
Thank you, Laurie. Paul.

Member Bruno speaks:
There are actually two issues that I want to raise with the folks from Verizon; first, Mr. Hatch, my apologies, I did not respond to you when you wrote an email to Commissioners. And that is because generally, any information that you give one, we try to, you give it to all of us at the same time. So, I was not being rude, and I didn't want you to take it that I was being rude that I didn't accept, and I appreciate the offer to communicate with us. The first topic I'd like to cover is the emissions issue, so Mr. Witkowski, you and I will probably converse on this one. The second is a design issue, which I think that'll go back to Mr. Hatch. I agree with Mr. Hatch's comment that the United States code does not allow a prohibition of cell towers on the basis of electronic emissions, and that is conditioned to the extent that such facilities comply with the FCC requirements, one of which has limitations on emissions. This, you have told us that the testing has indicated, is a substantial percentage below those maximums. The maximum exposure, which also I took a look at, are generally concerns, at least from the literature, that electronic emissions can disrupt cellular replication.

Mr. Witkowski speaks:
That's correct.

Member Bruno speaks:
Okay. I could not find any literature that directly addressed children whose cellular replication is much faster than an adult. Do you see what I'm saying?

Mr. Witkowski speaks:
I understand.

An interruption from the audience was heard.

Chairman Walder speaks:
No comments from the audience please while we are asking questions. We will have Public Comment at a later point. Thank you.

Member Bruno speaks:
So, on that issue, if you could direct us to studies because I just couldn't find any.

Mr. Witkowski speaks:
Okay, sure. So, the body of evidence that is out there includes many thousands of studies that the IEEE IES looks at in developing the C95 standard. There are certainly references that I could provide. Off, you know, off the top…

Member Bruno speaks:
Right. I didn't…

Mr. Witkowski speaks:
Right. But yes, certainly there are references that exist. I would also point out that recently, the World Health Organization issued the reports of a…

An interruption from the audience was heard.

Chairman Walder signaled the audience to be quiet with his gavel.

Mr. Witkowski speaks:
The World Health Organization released the results of a major study that was done over the course of the last decade, in which they did a meta-analysis on studies. They actually looked at over 5,000 studies and pared those down to less than 100 because many of the studies that they found were not of sufficient quality. This specifically dealt with the question of cancer. And of course, cellular replication is to a certain extent implicated in cancer, in some cancers. So, from that perspective, that went out also recently, there was a study that was released, it was another known as a cohort study that was known as cosmos. Cosmos came out, I believe, about a month ago and that also looked at the question of cancer. A cohort study, by the way, is approximate for the population itself. I mean, to truly study on human beings you would have to put them in a bed, and strap them down, and feed them out of a tube, and then they could never do anything for years. And then, you'd have to have people who were not exposed to RF in similar conditions, of course, no one would do that, it would be cruel to do so. So, a cohort study looks at the question of things like, as the population has begun to use more RF, what does the effect in the literature show for, say, cancer? So, we asked the question, since cell towers have been increasing since the late 90s, so we've had about 30 years of cellular over the, and then are cancer rates going up or down? And so, cohort studies are effectively looking at trends in population relative to other trends and things that are, for example, cell towers or usage of cell phones going up, whereas incidence and mortality of cancer has actually gone down since the late 90s. Those two curves are not correlated, ergo they cannot be causal. But I would be happy to provide you with the references that you asked specifically, and I'll…

Member Bruno speaks:
The reason why this is important, and it's not just a rhetorical issue, is because our development code 20.800.040 does have in it language that we are not to approve items that are materially detrimental to the public health. Now, I realize that the qualification is in there materially, which is why I asked you questions if you knew of any particular studies that the most vulnerable population might be exempt, which is the children.

Mr. Witkowski speaks:
In the development of the C95 standard, as I said, we look at quite a number of studies over the course of the time period. Usually, the ICES releases its standard about every ten years. Our last just came out in 2019, and from that, the FCC updated its guidance in 2021 based upon our results. Certainly, we look at a wide variety of… I mean, there are over 250 members of the ICES and they come from six continents around the world in a variety of disciplines ranging from medical doctors to engineers to academics to people who work in the industry, so there's a broad base of intelligence there in that group. I know many of them personally or professionally and I have confidence that they have done their due diligence on this topic. That being said, off the top of my head, I can't…

Member Bruno speaks:
I understand. I didn't mean for this to be a technical quiz because I had days to read these materials and have you on the spot here.

Mr. Witkowski speaks:
That's why I'm here.

Member Bruno speaks:
Okay. I would appreciate if you could get it directed at or at least that touched on this particular population because I did not find any. And the best thing that I could find were cancer studies, as you're saying,

which is correct, that's mutations in the cellular replication, which is what folks are generally worried about.

Mr. Witkowski speaks:
Typically, the concern is DNA damage, which can become carcinogenic, that's true. And with regards to the population studies that I mentioned, the cohorts, of course children are part of that cohort, as they are, you know, so children that have grown up in the cellular era living near these sources. The towers are extremely low power relative to the devices. If your child is carrying a phone in their pocket, that is a much larger source of RF in their life than in any tower. So, it's also related to things like Wi-Fi access points. I mean, if you place a Wi-Fi access point near a child's bedroom, then that would actually be stronger than a tower that is, say, a quarter mile away from your house because the energy falls off as the square of the distance, and as you move away from the tower that loss is exponential. So, within a few tens of feet of a tower you're actually dropping the levels down below the point at which your phone is actually impacting you more. And of course, light itself is electromagnetic energy.

Member Bruno speaks:
Yes.

Mr. Witkowski speaks:
I mean, you get more electromagnetic energy walking outside and standing in the sun than you do from anything else.

An interruption from the audience was heard.

Chairman Walder speaks:
I will give you the last warning; if I see people conversing out loud or interrupting any other speakers, I will ask that you be silenced. Please give every speaker the same respect that you want them to give you.

Mr. Witkowski speaks:
The audience member is right, they are higher frequency. Light is higher frequency and the higher the frequency, the more energy a photon has, that's just simply the photonic wave equation.

Member Bruno speaks:
For example, sunlight, which is the one that you used, yes, ultraviolet that can easily disrupt cells.

Mr. Witkowski speaks:
And that actually has UV light in it, which can disrupt DNA and it can actually cause cancer. So, because of that higher frequency visible light, infrared light, below those levels that is non-ionizing, it is not capable of breaking molecular bonds; therefore, it does not disrupt cells.

Member Bruno speaks:
It's interesting that you mentioned both, which I was going to ask you about, both the cell phone transmission and reception, as well as holding it at a constant. And you've answered that question, that it's actually a source of higher potential exposure in terms of electromagnetic emissions than a cell tower being at the ground level.

Mr. Witkowski speaks:
Cell phones are actually designed to operate just at the level of safety, so the 1.6 watts per kilogram, which is the near field effect or what's known as the SAR. That is the maximum that is allowed and the presumption being that it's about five millimeters away from your head. That's the level at which it is

tested and that is a significant source of RF in your life. If you're walking around with your cell phone in your breast pocket, your back pocket, you tuck it into your shirt, every time that that cell phone transmits, it is putting out a significant amount of RF into your body. If you give a cell phone to a child, you are subjecting that child to a significant amount of RF. It's at the level of safety, but just at…

Member Bruno speaks:
Yes. Was there any study or extrapolation, it wouldn't be a study, of course, because it's not existing yet, but was there any extrapolation of existing data to determine what the electromagnetic emissions might be at the daycare center?

Mr. Witkowski speaks:
It was actually. Yes, it was. So, the 13.9 percent of the public MPE on the ground was then, when it was reanalyzed, and it was a point analysis done, it was below that level. As I recall, it was something on the order of 12 percent. But it is lower than the highest point on the ground, but not lower than the roof of the office building because at that level is where the antennas are. So you're near to that antenna and that energy is coming directly over the roof of that building.

Member Bruno speaks:
It's been very helpful and I thank you very much. With permission of the Chairman, I'd like to ask my second set of questions, and that would be to Mr. Hatch. And thank you so much.

Mr. Witkowski speaks:
Of course. Thank you.

Member Bruno speaks:
Mr. Hatch, has there been any study of alternative designs considered? And what I'm speaking of is what you see often in areas in Texas, which apparently is where counsel for a group of the citizens is from, and Los Gatos, California, University Park, Texas, I'm aware in Southern California, they're called stealth towers. And many of the common ones, which are inapplicable for us in the Carson Valley, would be trees. They would stand out and you'd say, that's an artificial tree, if not just a cell tower. However, I have also seen applications, particularly with concentric antenna of the type that I saw in the report, which is suggested by the two new towers. And I apologize, I'm conflating the two and we're considering them separately. But for example, on a water tower, a false water tower, but one that was structurally potentially stronger from different angles than a monopole. And monopoles are often used, for example, with electric generation putting, everybody's aware of the blades on top. So, I mean, they're fairly strong. They can take a lot of vibration and they can take a lot of stresses, linear stresses; however, with legs, like on a water tower. And I don't know if any studies you've done for such stealth applications here in this instance, and then putting the tower part to the extent that it couldn't be on top of the concentric area of the fake water tower or even a real one. I don't know if you need to have water there. But has any consideration been given to alternative designs like that stealth design?

Mr. Hatch speaks:
Absolutely, and daily in my work. A high percentage of the towers that we propose and work with planning departments within communities throughout Nevada and California, where I work, are stealth facilities screened by trees, church towers, water tanks, a number of different apparatus that help to hide the view of the tower. It's one of the things we strongly considered when reviewing the planning code for Minden and Douglas County to make sure that when we were working inside the Town of Minden, we were following all of their design protocols. The County code requires that you follow the wireless ordinance unless it's otherwise preempted by the Town of Minden's design guidelines. After reviewing those extensively, trying to find the word tower, or screening, or design for them, we could find no

reference to the height, design, condition, stealthing, screening, or otherwise hiding away the tower, and we fell back onto the Douglas County planning code. And under the planning code, the code requires, unless you're looking for a variance, an 80-foot tower in Public Facilities maximum, a four foot or less in diameter in width, stealth trees are about 12-foot in diameter, a stealth water tank is about 16-foot in diameter, and that it be painted a non-reflective tan or a color that blends in with the community. So, we were conditioned by planning code to make, just like every tower across the street, the two you see, the one out near the Airport, every tower you see in the area is an 80-foot monopole painted tan. So, that's the requirement. We wanted to fit with what the planning code requires us to do. Now, if the Planning Department would like us to develop a tower at this location and change it to a tree, that would have setbacks.

Member Bruno speaks:
I'm not suggesting a tree. A tree, something that was more compatible.

Mr. Hatch speaks:
A water tank in that area because there is an alternative use at that location is…the fire department property is being used as training facility for training firefighters for East Fork Fire, as well as firefighters around the community who come in to do training at the facility. There's an existing use back there and they're using that area, so building a larger water tank would take a much larger compound area and interfere with some of that. It could be considered, I'd be happy to do so, but we were trying to follow the letter of the law exactly…

Member Bruno speaks:
I understand.

Mr. Hatch speaks:
… not ask for exceptions.

Member Bruno speaks:
I understand. But from the discussions we've had; for example, there are towers that are used for training purposes for fire stations all over. As a matter of fact, one right down on the base of Kingsbury that I see every day, and it's a tower that is utilized with windows for firefighters to get trained to carry the hoses up and something of that nature. And then, putting the, I mean, to be considered if you wanted something stealth in that area that did not look like a cell tower. I mean, their creativity, the imagination of an individual in terms of being creative, and I've never worked in this industry, so I'm just, this is off the top of my head.

Mr. Hatch speaks:
Very great designs. I've built two of them in my time and they are fantastic, but they're non-co-locatable structures, so that would work for one carrier. So, if we were going to accept development of a non-co-locatable tower, and this tower is designed to be co-locatable not only for East Fork Fire equipment, Douglas County Emergency Services equipment, Verizon's equipment, AT&T, T-Mobile, Dish Network, whoever needs to come along and use it, it's there. So, this is a co-locatable structure. Stealth trees take away the ability to co-locate equipment because you need room for the branches, otherwise you end up with a green bottle brush full of antennas. And the water tanks can only hold kind of a mitigated two carriers, there's not a lot of room inside. There are a number of different structures, but they all have downsides. We're building a tower that is an end all be all for the community, this one tower supports everybody. If we make it only work for Verizon, now AT&T needs one because they're going to see the improved coverage and they're going to want one. T-Mobile still needs coverage in the area. This is a solution for all of that.

Member Bruno speaks:
Thank you for your explanation. And I also want to put on the record, I saw Mr. Dallaire's head moving up and down in terms of the design of the monopole.

Mr. Dallaire speaks:
Yeah. If I may, Chairman? The design criteria is located in Title 20, 664.180.C, design criteria. And it basically just, I'll just read the first line here; support structures for wireless communication antennas shall be monopole type, the use of lattice tower structures or guy wired towers are prohibited. So, in compliance with the code, with the design review application, that's what he's expressed. And also, the four-foot diameter pole is in code, it's number two, and then the requirement is number five, for being co-locatable. So, they met all of the criteria in the code itself. The one that was being proposed in Genoa went to the Historical Society, and it was proposed as a water tower, and it was going to have to come forward to you guys anyway because of the variances required because of code. But that one dropped off the, I haven't seen any application for that particular location.

Member Bruno speaks:
Well, and for the audience and for the Verizon folks, that was an excellent example of a planning director politely telling me that whatever my ideas were that I was trying to put forward are absolutely invalid in this instance. And I'm sorry about taking up your time, but I…

Mr. Hatch speaks:
Thank you for asking them.

Member Bruno speaks:
Yeah, I just thought that a stealth might be a solution, clearly it cannot be. Thank you, Mr. Chairman.

Chairman Walder speaks:
Thank you, Paul. Very good questions, very good observations. Other questions by Members of the Planning Commission? Mark.

Member Neddenriep speaks:
Yes. So, Mr. Hatch, you showed a slide up there that said that at ground level it emitted 13.9 electronic emissions or something. The first question is, how many co-locations will fit on that, and if you fit 20 of them on there are you past the limit that's allowed?

Mr. Hatch speaks:
That's a question for Mr. Witkowski, who has an engineering stamp to back this answer up.

Member Neddenriep speaks:
Okay.

Mr. Witkowski speaks:
I don't want to speak to the design of the tower. Most towers are two carrier co-locatable. Is this a two or a three?

Mr. Hatch speaks:
Three.

Mr. Witkowski speaks:
Okay. Two cell, one EMS. Okay. So, two cellular, one emergency services. Emergency services radios, that's actually where I started out in public safety back in the 80s, they emit a certain amount of power for a period of time, and then they turn off. The average amount of power that comes off of the public safety antenna is extremely minimal relative to the cellular, which is operating all the time. Depending upon the design of the site, and I can't speak to what the other carrier, whoever that other carrier would be, would want to use in terms of antennas, and radios, and power, we would probably presume that it would be about double what we have right now. So, if we have 13.6 percent at this point, then we would have 27.2 percent at double. That's still well within the margin of safety.

Member Neddenriep speaks:
What is the margin of safety?

Mr. Witkowski speaks:
The margin of safety is set based upon the level at which an effect of RF energy can be measured on the human body. There is a 50-x margin placed underneath that, a 98 percent, and then that is the FCC's level. So, if we imagine that this is where the effect can be measured on a human being, we drop that down 50 percent, then this side is 13 percent under that reduction already. So, it is extremely far below the level at which an effect can be measured on the human body. That's how everybody in the world sets the standard; according to either the FCC's OET 65, the C95, the ICNIRP standard in Europe. It's pretty harmonized across the planet.

Member Neddenriep speaks:
Okay. I didn't quite follow all of that, so let me ask you another question. In the designs that they've come up with, it's a ten-foot triangular thing that's sitting on top, and they also have in, I'll call it a shaded area, halfway down the pole it looks like they have another array of the same type of towers. I don't think you can answer this, but Mr. Hatch, are you designing, are you assuming that you're going to have two of those?

Mr. Hatch speaks:
This works together and I think I might be able to put some of this in layman's terms for you. So, that would be where the co-location antennas would be proposed, there's an open space there. The towers are engineered and designed, over engineered and designed, for not only Verizon's equipment, but future equipment, down at that lower level to the maximum. So, the tower is structurally designed to be viable. If, say, for instance, Verizon, this tower were already up and Verizon was the second carrier to come along to take that space, we would then produce an EME report that factors in not only our own equipment, but the other EME in the area to make sure that combined, that area is not exceeding EME levels, that way we don't have to mitigate. And the mitigation would just be turning the site down to make sure it's within the health and safety standards. So, this is a repeated process that comes along with modifications submitted to planning and building, additional carriers going on the site, and just time itself. EME reports are constantly generated. These are tested and made sure they're all within the regulation guidelines for everyone all the time.

Member Neddenriep speaks:
Again, I apologize that I don't follow all of this. So, on your ten-foot panel that's triangular, that's Verizon only?

Mr. Hatch speaks:
At the top of the tower that is Verizon only, correct.

Member Neddenriep speaks:
Okay. So, if AT&T came in they would take your second space that you have in dotted lines?

Mr. Hatch speaks:
Correct.

Member Neddenriep speaks:
Okay. Thank you.

Mr. Hatch speaks:
And they would supply an EME showing that the tower in its entirety still passes all federal requirements for maximum permissible exposure.

Member Neddenriep speaks:
Well, never mind, I won't ask the next question. Thank you.

Mr. Hatch speaks:
Alright. Thank you. You might be able to clarify that one.

Mr. Witkowski speaks:
Do you want me to try to readdress the question? If you would please restate it so that I…

Member Neddenriep speaks:
All I was talking about is you have a ten-foot piece that's triangular and only Verizon can fit on that piece. You can't put more than just Verizon on that piece?

Mr. Witkowski speaks:
So, at the top level of the design is Verizon, that's the top tier of the tower, and then if co-location comes in, then it comes in at the second tier under underneath that.

Member Neddenriep speaks:
But is it standard for Verizon or any other carrier to need ten feet to stick their devices on?

Mr. Witkowski speaks:
You mean away from the center line of the pole itself?

Member Neddenriep speaks:
No. So, this pole is in the center, and you have a triangle around the outside, and each sides of that triangle is ten feet.

Mr. Witkowski speaks:
It is, and Maher may be able to answer that question as well. Maybe you want to talk about inter-sector interference and…

Member Neddenriep speaks:
Now, I know I'm going to be lost.

Laughter was heard.

Maher Zayouna, Verizon Wireless RF Design Engineer, speaks:
So, the reason why we…

Chairman Walder speaks:
Excuse me. Please state your name for the record for the Clerk. Thank you. Hold on just one second and Tanya can turn your microphone back on. Thank you.

Mr. Zayouna speaks:
My name is Maher Zayouna, I'm the RF Engineer for this project. The reason why we don't have Verizon antennas sitting next to AT&T antennas, for instance, is to avoid any interference because antennas are usually, there are metal parts into the design of the antennas. And they propagate very close frequency to each other, and if they are sitting next to each other with metal components it might cause, and mostly will cause interference that will lead to both of the companies not really providing an adequate coverage. And that's why it is industry standard to keep a vertical separation between our antennas and some other companies' antennas.

Chairman Walder speaks:
Thank you, Mark. If there's nothing else on your end, Maureen or Bryce? Bryce.

Mr. Hames speaks:
Mr. Chair?

Chairman Walder speaks:
AJ.

Mr. Hames speaks:
Thank you. Just to comment on that as well, if there was a subsequent antenna array that was added, our code would classify that as a telecommunications site, which would itself also be subject to its own design review, which is what we're doing here. So, the scrutiny that's being applied to this facility would also be applied to the additional site.

Chairman Walder speaks:
Thank you, AJ. Bryce.

Vice Chairman Clutts speaks:
Thank you, Mr. Chairman. Mr. Hames, you might want to keep your microphone ready. Correct me if I'm wrong, but as a Planning Commission, our purview here today is strictly around the design of the cell tower and whether or not it meets County code. It is not our purview to determine whether it meets FCC guidelines with respect to emissions, or health concerns, or any of that. Within our purview as a Planning Commission the design review is, and I don't want to overly simplify it, but it really comes down to does the design of the cell tower meet County code? Would that be accurate?

Mr. Hames speaks:
Yeah, I think that's a good summary of what the review is today. It's a review of the design and its impact on the neighboring community. But by federal law, it can't get into issues of whether or not the FCC should have approved this technology, or whether or not this technology should be deemed safe because that's a determination that's already been made by individuals above us, right, at the federal level. And then, federal code dictates that we cannot deny an application based on our own determination that the FCC got it wrong or something to that nature. We are limited by their findings and their conclusions, so, our review has to be based on, like you said, the design of the tower and that actual design, its impacts on

the community. And so, the factors that we're really supposed to stick to are those that are set forth in our code and they're in the Staff Report. And as long as those findings can be made, taking out of the equation whether the FCC got it right, right, we have to assume they did, so taking that out of the equation, can this project meet our requirements?

Vice Chairman Clutts speaks:
Thank you. So basically, for those of you in the audience, regardless of whether I agree or disagree, if I'm sitting out there, how I feel about this particular application and how I feel about the impacts in this study versus this study, is completely irrelevant to my role as a Planning Commissioner here, and the fact that I must review this based on whether or not the design meets the findings in County code. And I just think that's important, you know, we have to take our hats off. When we sit down here how I feel about something is completely irrelevant to whether or not it meets County code, and in this particular case, it's a design review application and that is what I have to review. And I'm not suggesting what my review is at this point, but I have to look at the findings, and I have to look at code and then make a determination. So, I wanted to get that on the record.

Chairman Walder speaks:
Thank you, Bryce. I have a couple of minor questions. If there are other questions from the Planning Commission Members, I can defer to them before I ask my questions, if not, AJ, if you can, again, continue to comment. I think Bryce brought up a very important point and I'd like to clarify because I did read Mr. McCollough's lengthy letter, and I thought that was very informative. And I appreciate the members of the public who engaged him to draw out a lot of the issues that they're concerned about. I think he did a good job of representing the views that you may have. But I did find a couple of things that were problematic, and AJ, if you could comment. The premise seemed to be based that this was a Special Use Permit, and I think the point's been made that this is not a Special Use Permit, this is simply a design review. So I would like to make sure that AJ clarifies that for the record.

Mr. Hames speaks:
Because they have not proposed a project that exceeds the height restriction for the zoning designation of that parcel, they are subject to design review instead of a Special Use Permit. If they had wanted a higher tower, then they would have had to apply for a Special Use Permit and the factors for consideration would be different. But this is within the 80-foot threshold, so it's just a design review.

Chairman Walder speaks:
Thank you, AJ. And then, just one minor point so we can be clear on the record; as this moves forward, Mr. McCollough also appeared to question the noticing. We did have a noticing map in the Supplemental Materials and I believe it does fully comply with the noticing requirements for a design review, in fact, it goes beyond those. Is that correct, AJ?

Mr. Hames speaks:
Yeah. As Linda or Tom noted at the outset, normally with a design review, the noticing that's required is just the abutting properties, so just anyone directly next to the parcel. But in this case, in an effort to try to provide as much notice as they could, I think staff elected to proceed with a notice that would be more typical for a Special Use Permit. Not because this requires a Special Use Permit, but because they felt like additional notice would be beneficial to the community, so they did go forward with that. I think for the project near the high school, I want to say there was almost 100 separate addresses that were noticed. And then, for the project off Stephanie Way, there were, I believe, 34 parcels that were noticed for these projects. So again, that was in excess of what code would typically require for these types of projects.

Chairman Walder speaks:
Thank you, AJ. I do want to thank the staff for going above and beyond in this instance because it is important we be transparent and provide as much notice as we can to as many people who are affected. If there are no other questions from the Planning Commission Members at this point, we will have an opportunity, if there are issues raised during Public Comment, to ask additional questions of staff or the applicant. I think the applicant can be seated at this point and we will begin with the Public Comment that's here in the room. Again, I would ask you to please be respectful of everyone's viewpoints. I do appreciate, in the last 45 minutes, how patient the audience has been and I respect that greatly. So, if you have Public Comment, please sign on the clipboard, print your name on the clipboard and then state your name for the record. If you could also indicate whether you are in the noticing region of the first property involved, this is the one on Fire Station 14. If you would indicate whether you're within that noticing radius, that would be helpful to us, then you'll have three minutes to make your comments. If you're able to stand along the wall here, and we can efficiently have you come up to the microphone, that would be helpful. But we will now entertain Public Comment on Agenda Item 1.

PUBLIC COMMENT

Carol Sims speaks:
Hi. I've lived in Minden for 13 years, I live on County Road. I would like to understand why you would put a cell tower by the most vulnerable. Children's brains are not fully developed. I was informed that you tested on the outside of the building of the preschool and it was only 11 millimeters or whatever that word is. Let's test the air inside the building at the level where the children breathe, not outside. This technology is harmful to humans and the environment. 5G multi-meter wave is known to heat up the eyes, skin, and testes. My particular concerns are for the unborn children, the elderly, and the disabled. Increased radiation near homes, refrigeration sized equipment cabinets, so the cabinet where they're storing their stuff is as big as a refrigerator, the taller poles. Fixtures weigh hundreds of pounds, what's going to happen when the wind reaches up to 100 miles an hour? There's a study that confirmed concerns that living near by a mobile phone base station increased the risk of developing headaches, memory problems, dizziness, depression, sleep problems and bad behavior, altered brain development, sperm damages, okay. And then there's a decline in birds, and bees, and butterflies. Also, we have neurological symptoms, hormonal changes, and cancer. Other countries are prohibiting cell antennas in sensitive areas like kindergartens, hospitals, nursing homes, and cell towers on schools, colleges, and playing fields. 5G will add to, not replace our current wireless technology, 5G will add another layer of wireless radiation to our environment. 5G will not only utilize wireless frequencies and higher frequencies sub millimeters and millimeters in order to transmit data at a super-fast speed. What's more important, our children's brains or super speed?

Chairman Walder speaks:
Thank you. Additional Public Comment.

David Seat speaks:
Trust. Verizon would have us trust that 5G is safe. The US government told us that the COVID scamdemic originated from a wet market in China. The truth is that the scamdemic originated from a bioweapon lab in Wuhan, funded by the murderous Anthony Fauci and his subversive gain of function funded by the US government. Trust broken. We were told by the US government and the pharmaceutical industry that the emergency use authorization COVID 19 clot shot is safe and effective.

Chairman Walder speaks:
Sir, if you…Excuse me, sir. Please keep your comments to the agenda item.

Mr. Seat speaks:
This is. This is., you'll see. My First Amendment allows me to speak this. This clot shot has been…The clot shot…I want to reclaim some of my time here. Trust broken. We were told by the US government and the pharmaceutical industry that the emergency use authorization COVID 19 clot shot is safe and effective. This clot shot has been shown by countless independent studies, and tens of thousands of courageous doctors, investigators, researchers, researchers, and analysts to be anything but safe and effective. Trust broken. We were told by the US government officials that Joe bribe me is sharp as a tack. Trust broken.

Chairman Walder speaks:
Excuse me.

Mr. Seat speaks:
The US government…

Chairman Walder speaks:
Excuse me. I Chair this meeting. You have been given instructions to speak to the agenda.

Mr. Seat speaks:
I am. I am. This is an oscillatory…

Chairman Walder speaks:
Sir.

Mr. Seat speaks:
My First Amendment right allows me to speak.

Chairman Walder speaks:
Sir.

Mr. Seat speaks:
Yes.

Chairman Walder speaks:
Please, we have rules of conduct.

Mr. Seat speaks:
The First Amendment trumps all your rules.

Chairman Walder speaks:
You have a First Amendment right to speak on issues that are relevant to the Planning Commission.

Mr. Seat speaks:
Let me…I'm laying the foundation, you will see where it goes.

Chairman Walder speaks:
Well, you're wasting your time.

Mr. Seat speaks:
No, I'm not. You're wasting my time. The US government has not conducted a single, meaningful, in-depth analysis of the harmful effects of 5G on living things. The telecom industry touts the meaningless, shallow analysis as the basis for claiming 5G is safe. There have been hundreds, if not thousands, of independent analysis of 5G that shows it is anything but safe. Trust broken. The government has demonstrated time, and again, through their corporate alliances that they are not looking out for the people of our country. The residents of Douglas County are looking to this Board for protection from the US government and corporate collusion evil. Vote no on the current 5G cell towers construction proposal. Thank you for allowing me to execute my God given First Amendment right.

Chairman Walder speaks:
Additional Public Comment.

Bob Russo speaks:
Yeah. I oppose the 5G tower at 1699 County Road. An October 2020 publication in PubMed referred to 252 EMF Scientists from 43 countries that came to the following conclusions about the effects of non-ionizing EMFs. “Recent scientific publications have shown that RF EMF affects living organisms at levels well below most international and national guidelines. Effects include increased cancer risk, cellular stress, increase in harmful free radicals, genetic damages, structural and functional changes of the reproductive system, learning and memory deficits, neurological disorders, and negative impacts on general well-being in humans. This is also growing evidence of the harmful effects of both plants and animal life.” A 2021 report was released by Doctor Christopher Portier, former Director of the National Center of Environmental Health, that concluded that there is a high probability that radio frequency radiation emitted by cell phones cause brain tumors, and that, of course, would apply to towers. This is a concern for children, studies have shown that they are much more susceptible to the damaging effects of RF electromagnetic radiation than adults. According to the Environmental Health Trust, children absorb higher levels of RF radiation deeper into their brains and bodies due to their physiological makeup, and the fact that their brains are still developing, and the rise of 5G technology in neighborhoods and near schools raises further concerns. And the proposed site in Minden being close to Douglas County High School, a dance studio, a swim center and very close to a daycare center where we have young children there daily is very disturbing. A July 2021 research report on the health impact of 5G requested by the European Parliament concluded that commonly used RFs are likely carcinogenic for humans and clearly affect male fertility, with possible adverse effects on the development of embryos, fetuses, and newborns. Years ago, smoking was promoted as being safe and we all know how well that turned out to be. Harvard Applied Physicist, Doctor Ronald Power, had this to say in a letter to the FCC on 5G expansion. “It would irradiate everyone, including the most vulnerable, to harm from radioactive radiofrequency radiation; pregnant women, unborn children, young children, teenagers, men of reproductive age, the elderly, the disabled, and the chronically ill.” We should not put convenience and corporate revenue ahead of the safety of our children and members of our community. Please vote no on this proposal. Thank you very much.

Chairman Walder speaks:
Thank you. Additional Public Comment.

Phil Nicholas speaks:
Members of Douglas County…

Chairman Walder speaks:
Excuse me, if you could state your name.

Mr. Nicholas speaks:
Oh, I'm sorry. Phil Nicholas.

Chairman Walder speaks:
And indicate if you are in the noticing radius.

Mr. Nicholas speaks:
I'm a couple miles south of both, so probably not.

Chairman Walder speaks:
Thank you.

Mr. Nicholas speaks:
I didn't get a flier, in other words. Okay. So, Members of Douglas County Planning Commission and other staff present….

Tanya Balda, Senior Deputy Clerk, speaks:
I'm sorry to interrupt, can you state your full name for the record?

Mr. Nicholas speaks:
Phil Nicholas. Okay. Third time. Members of Douglas County Planning Commission and other staff present, good afternoon and thank you for taking a few moments to hear from me. The benefits of the two proposals before you are so great that I took the afternoon off to attend my very first planning meeting, not on my bingo card for this week. I would like to reiterate what was noted earlier, this is a design review. Meaning that we're not here to, and I would hope that the Board would not be swayed by, I'll say, presentations on health and other things that are not a part of this, nor are presented by qualified people. That's just, and I'm not qualified, and a lot of other people aren't qualified. A Bachelor of Sciences, graduated second in my class. I have served in all kinds of professional technical roles, ranging from telecom support to engineering manager to major PC manufacturer. RF technology is nothing new to me, but I don't want to see those types of unsubstantiated concerns and bare fear, which are legitimate in some cases, to influence policy. Obstinance is not a virtue in civic management, you just, you have to look at everything. So, since it's design review, I live 1,500 feet from a tower. I've never driven past it and cringed, I just enjoyed its service, like we all do. So, as you've heard, East Fork Fire Protection District has approved this. The Sheriff is 100 percent in support, these leaders are not stupid. They are not unconcerned with our well-being or our community, but they are, however, pleading for the county, for the desperately needed infrastructure that these two sites will provide. Unless the Commission has a valid reason not arising from bear fear or unsubstantiated speculation, I encourage the Planning Commission and my elected Commissioners to approve these two critical infrastructure improvements. As for me, I'm tired of telling people I'm sorry, hang on, I'm heading through one of our valley's dead zones, I may lose you, I'll call you back. I'm tired of having to say that and these two towers will, specifically the one right now, especially at the notorious dead zone at 395 and 88, will provide substantial coverage. So, and I am, since it's a design review, I am not concerned about a tower. We have them all over the place and I've yet to hear a concern. I would say one of the most common online discussions here is I can't stand blank blank carrier, who's better? And the answer is it's tough in this valley. So this, again, would address our residents need, not just our first responders, but also our residents need, for better cell services. Thank you.

Chairman Walder speaks:
Thank you. Additional Public Comment.

Greg Roaldson speaks:
Hello. I've been a resident of Minden since 1991, in the Macland Subdivision. And I would first like to state that I respectfully disagree with Chris Hatch's comment that the Town Board of Minden denied based on health and safety. They denied based on Town ordinances, which is what you indicated, Bryce. So, at this part, I'm part of a grassroots effort called Minden for Safe Tech that is opposing the cell towers at Station 6 and 14. The group strongly believes the Minden Town Board evaluated the Town ordinances accurately and correctly in making their recommendation for denial of these projects. It is also our understanding that the Planning Division's basic charter has the responsibility for protecting the public health, safety and general welfare of the Douglas County residents and property owners in your evaluation process. In our opinion, Verizon continues to fail to meet its obligations to the Town and its residents related to its proposal in four main areas of the code. The towers are visually and esthetically displeasing. In fact, the Minden Town Board stated in their denial of the towers that they would be incompatible with the established character of our neighborhood. Two, the towers will reduce property values of nearby properties. The Town Board also states in their denial the proposed development will be materially detrimental to the public health, safety, convenience and welfare, or result in material damage, or prejudice to other property in the vicinity. Three, the towers will unreasonably and negatively impact existing businesses. The Town Board also found that there may be a negative impact economically to local businesses. And four, in our opinion, Verizon has not proven in its application that these towers meet safety requirements as it relates to structural integrity, electrical compliance associated with the 2017 National Electric Code, and fire risk mitigation from its electrical infrastructure. Lastly, I'd like to state that the Verizon and the fire department stated in their proposal that this will improve public safety, yet they present no data as such. No data was presented on how Verizon towers will improve the fire department's response times, emergency medical response times, door to balloon response times, as it relates to ST segment elevation myocardial infarction where 90-minute threshold should be maintained, or 911 calling. You cannot make a statement about improving service when you have not objectively measured your current performance and developed goals for improvement. A reasonable solution would be to incorporate what Carson City uses, which is cradle point wireless routers, which would enhance the fire department's mission critical communication structures. Further, it is inconceivable to me why the fire department of East Fork would place this staff at risk of harm. Since 2004, the International Fire Association has opposed these towers. I believe once you guys have objectively reviewed this data to the code, you'll come up with the rationale that will deny this proposal. Thank you for your time.

Chairman Walder speaks:
Thank you. Additional Public Comment.

Maria Hartman speaks:
Good afternoon. I've been a resident of Minden for 25 years. My business, Allie and Friends Daycare, and my home are both located on County Road, only a few feet away from Fire Station Number 14, where Verizon intends to bring in a cell tower. My school provides child care and education to 105 families with children between the ages of 12 months and five years old in a beautiful building specifically constructed to be a daycare. From our backyard, our children and teachers now have a gorgeous view of our mountains. It is heartbreaking to think that it could be completely blocked by this gigantic tower if it goes in. I'm not an expert on cell towers. I work with children and families, and I know parents really well. They want to know their children are safe while they are at work and that is what we do at our school. We keep children safe and offer parents peace of mind, but I am afraid if this tower is approved, I will not be able to provide a safe place for them anymore. As you know, winds are extremely high in our area. If this tower is knocked down by the wind, what if the tower catches fire? All the debris and fumes will fall directly onto our school giving us no time to take the children to a safe place. Murphy's law, as most of you will know, says, if anything can go wrong, it will, and at the worst possible time, in the worst possible way. Are you willing to expose our children to these dangers? Parents have clearly stated that if

this project is approved, they will pull their children from our school. Our employees have also confirmed they will leave. Our business will then have to close. You know the financial benefits this tower will bring to the fire station and Verizon, but do you know the financial damage this tower will cause to my business? And the 5,000 feet building will remain vacant as long as there is a tower right next to it. Are you aware of the fact that 20 teachers will lose their job and lose the income that provides for their families? And what about the 220 parents that will lose their childcare? Three years ago, I bought my dream home. It is located less than a block from Fire Station Number 14. If this tower is approved, the value of my home will be considerably reduced. I would have never bought this house if I had known a tower could be placed so close to it. Placing a tower in 69 County Road will cause our community tremendous financial damage, and stress, and I am confident that the Planning Commission will put our children and families first, and deny this application. Thank you.

Chairman Walder speaks:
Thank you. Additional Public Comment.

Harmony LaFrance speaks:
Hello. I am the Co-Director for Allie and Friends Daycare, located on 1695 County Road, next to where the possible location may be for the cell tower. I have worked at Allie and Friends for ten years now. I was 19 years old when I first started working there. In these ten years I have grown so much. I have worked with infants, toddlers to preschool, to an office aide, and now to the official director. I have been given not one, but two, scholarships offered by T.E.A.C.H., a program of Nevada Association for the Education of Young Children, to get a teaching degree so that I can continue the level of care for families. For the past few months, I have heard many concerns from parents, as well as coworkers, about how close the cell tower will be. I greet over 70 parents each morning and they have expressed how they don't want their children in an area with such jeopardy, they have said they are going to pull their children from our school. We will have to close our business. This is heartbreaking, as I know our child care is a safe, loving environment. If you were to go around town and ask families personally about our school, they would tell you what a difference we make in our community. They will tell you how much love and passion we bring each day to their children and the education that we provide for them. I love what I do and I plan on doing what I do for many more years to come, but how can I continue this level of care for families in Minden if we have to close our business? I'm scared I'm going to lose the best thing I know that I'm good at. Where are 20 members of our staff going to find work? Where are these families going to go? And oddly enough, most of us have something in common in this room today, and the common thing is, is that we are all fighting for what we believe in. We just want to make our community a better place. Please understand that we are not the enemy, Verizon. We understand that you are a provider for families just like us and you want to offer them a service just like we offer a service to our families. We are not against you putting a cell tower in the Town of Minden, we are just opposed to the location you are choosing and that is for safety reasons. I am confident that the Planning board will help us keep our precious school where it is now and where we can keep our children safe. Thank you.

Chairman Walder speaks:
Thank you. Additional Public Comment.

Bill Cerrito speaks:
Good afternoon. I'm a licensed Engineering Contractor and a Contractor for Department of Homeland Security under FEMA. Yesterday, in the report you received, two of these, actually you received three engineering reports. One of them from a civil engineer that says, “that Station 14 would not, he would not recommend this application for approval for any city or jurisdiction in the United States.” The electrical engineer says, “he was not able to find at Station 14 that Verizon is in compliance with the electrical specifications with the 2017 NEC.” Verizon has not presented burden of providing compliance

in advance of any decision and it has not. The evidence before the Commission does not support finding a code of compliance, so the project must be denied. The fire department at Station 14 was kind enough to let me go in their backyard and take an exact measurement of the distance of where the tower is proposed to the distance of Tractor Supply building. I took an exact measurement and what I have is 75 feet, that Tractor Supply building is within striking distance of that 80-foot tower. Not only that, there is a two-inch gas main that's offset off the building, which makes it two feet closer. How the fire department never saw this or noticed it is beyond me. Regarding children, regarding safety, the children at the daycare, the dance school, the swim center, and Douglas High School will have to develop new evacuation plans due to their close proximity to the hazards the tower presents and I'm not sure if they can do that. These towers are not safe. They're esthetically displeasing, which is a code compliance. Verizon can't fix that. They're unsafe in the locations that they're proposed. Verizon cannot fix that. These towers, no one wants to live next to one. These things look like toilet bowl brushes, they drop property values by 20 percent. What does that do to our town and our tax base? I'm asking the Commission to do the right thing for these people. And I appreciate, Bryce, what you had to say earlier about how you're going to make your vote. How about what the people of the Town of Minden want? You didn't mention that. That's all I have. Thank you very much.

Chairman Walder speaks:
Thank you. Additional Public Comment.

Susan Roaldson speaks:
Hi. I've lived in Minden 33 years and I live near Station 14. I oppose the cell towers at Station 14 and 6. By the way, AT&T works great in our area, we had to change. To what they were saying, Verizon, we have the ability to mitigate our cell phones and our Wi-Fi. So, you know, you can't compare apples and oranges. With the tower over our head, we can't mitigate that, we cannot do anything about it. I'm going to remind you that in 2021, the FCC was sued in the Court of Appeals. There was 11,000 pages of health information against, stating that RF radiation is dangerous, from all over the world and the FCC ignored that. They are still under judgment. They have not prepared an adequate safety report still to this day. And I'm going to say another thing; still to this day, there is no safety test done on children, none, none. As to the service gap area, I studied one of the maps that Verizon turned in, it had three different readings -85, -95, and a -105 dpm. The -85 was excellent service, -95 is good to average, and 105 is average. The lower the number, the better. A 120-signal negative dropped calls has dropped calls. A -130 is no signal. I did not see these numbers on the map. It looks like, to our group, that this 80-foot tower is overkill. Verizon has not shown yet that the signal strength is as bad as they proclaim. Verizon represents to the County that it lacks coverage in certain spots, but it is simultaneously telling the FCC it has adequate coverage. Verizon has alternatives that have not been considered, and I'm wondering why, like splitting, cell splitting and cell sectoring at the existing towers. Why? Why hasn't this been considered? The most important thing that I have learned in all my research is that we need distance; distance from our phones, from Wi-Fi, and from cell towers. Pinon Elementary, oh, I'm sorry, the high school, the daycare, the dance studio all fall under the peak output of density and intensity of this tower. As an RN, I'm sorry, that scares me for the children. Please do not allow these cell towers. We can do something. If we apply distance, we can help the community, we can help the fire department and Verizon. All we're asking for is distance. I just want you to know something, my beautiful, happy, healthy granddaughter goes to Allie and daycare is amazing daycare? Please do not place the cell tower on top of her or the other children at that daycare. Thank you.

Chairman Walder speaks:
Thank you. Additional Public Comment.

Petrina French speaks:
Hi. I'm representing a small grassroots group called Minden for Safe Technology, somebody's got to do it. I've lived here for 40 years, seen a lot of changes. We own two properties; one out off of Stephanie and one in the Macland area, both properties are within close proximity to the 5G tower that's being proposed. I'm concerned about the property value, as I am concerned about the fire hazards off of Station 6 with all that sagebrush around and Pinon Elementary School right across from where the tower is supposed to be built. Pollution, Verizon's definition of pollution is discharge, dispersal, seepage, migration or solids, liquids, gaseous or thermal, irritant or contaminant, including smoke vapor, soot, fumes, acid, alkalines. Waste includes materials to be recycled, reconditioned, or recycled. Verizon, are you polluting our area with these cell towers? Yes or no? This answer, based on Verizon's definition on pollution, is yes. They wrote this themselves. Do we want our neighborhoods and schools shaded by canopies of cell towers? Cell tower hazard includes pole overloading, and resulting fire, and electrocution hazards when poles topple due to high winds, earthquakes, and explosive, and toxic chemicals hazard from backup batteries. I don't know if you guys have lived here as long as I have, but I remember off Buckeye all the telephone poles snapping one year and we have such heavy high winds that we've seen trees snap as well. One year we held down our greenhouse with bungee cords. My husband said, let it go, let it go, insurance will cover it. I held on to that greenhouse like my life depended on it because I had collected frogs over at Winhaven to bring to my greenhouse to eat the bad bugs because we don't spray pesticides. I have an organic garden. I believe in health, and wellness, and I work hard to keep that. We are all concerned about the safety because of the strong winds and fire dangers. I asked for an independent study for the gap in coverage, which supposedly Verizon has done. We need an independent study. We are not looking to fatten our pockets, but Verizon is. So, I ask you, please do not pass this through, your residents in Minden and out in Johnson Lane are depending on you to make a wise decision for the residents that have lived here. Our lot was dirt, my husband built our house 40 years ago.

Chairman Walder speaks:
Ma'am, your time has expired.

Ms. French speaks:
Oh, okay.

Chairman Walder speaks:
Thank you.

Ms. French speaks:
Thank you. I'm sorry.

Chairman Walder speaks:
Thank you.

An interruption from the audience was heard.

Chairman Walder speaks:
No. No comments from the audience. You can approach if you haven't already spoken before. We're continuing with Public Comment.

Casey Rodgers speaks:
I'm also a resident of Minden, Douglas County. I'm a part of the Minden for Safe Technology and I'm opposed to the towers at 1699 County Road, Station 14, as well as 1450 Stephanie Way, Station 6. These towers will be visually obtrusive and esthetically displeasing, and as we've mentioned many times, they

look like toilet bowl brushes. I sit on my porch in the morning, I sit on my front porch in the evening. The Carson Range mountains that I look at and view every day will be obstructed by this cell tower, this 80-foot cell tower. It faces those mountains and it faces that fire station directly. It's two streets away from my home. It's across from Pinon Hills Elementary. I'm opposed to it because of all the reasons stated prior. I don't need to beat a dead horse, but I'm just going to beat it with that, they've already said it. That's all I'm going to say, except for one final thing; Chris Hatch had mentioned that federal law does not support cell towers not being able to provide coverage, but guess what, and because of the gaps, but other carriers have already covered those gaps. Take care and have a great day.

Chairman Walder speaks:
Thank you. Additional Public Comment.

Rhiannon Kamper speaks:
Hi. I am part of the Minden for Safe Technology group and I just want to say that I oppose this tower at Station 14. Is this the one that we're talking about right now or is it six? Well, I oppose both towers4, and I just want to agree with everything that my group said before me. And I'm just wondering, I know that your job here today is to just go over the design review and to approve that, so who is here to protect the community from the health and safety? I'm just wondering because if your job is only to approve things, but yet they don't follow code because we do have codes in our town that do state that it has to be safe for our community. I'm just wondering who's supposed to protect us? So, I hope that you deny it. I am, Allie and Friends, the owner is a friend of mine, and I know that she has a great business that provides great service for our community, 105 families, and I think that it should be considered that she's been here for a long time. She's a big part of our community and I don't want to see her lose her business. So, thank you.

Chairman Walder speaks:
Thank you. Additional Public Comment.

Jackie Tappan speaks:
Hello. I'm a full-time working mom and it's really hard to be away from your child for 40 plus hours a day. I was very lucky to secure a spot at Allie and Friends, it was a very long waitlist. My daughter Lila got in at one and a half years old, and she'll be there through 2027 when she starts school. I have no opposition to technology. I have a Master's Degree in engineering from MIT, I'm an Engineer at Bently Nevada. I promote technology, I use it every day. I'm just questioning the particular location of the cell tower. There are a lot of areas, as we know, open spaces that we all love in Nevada, that's part of why we love living here, and placing a cell tower right beside a daycare where 105 children are there 40 plus hours a day, it seems like we could do better. I know there's been comments from Maria, the owner of Allie and Friends, that some of the parents have stated that they would move their children out of the daycare if the cell tower went through. I'm here to personally say that I would remove Lila from that daycare. I would have to find another location. What was stated before is there are studies, right, and we use cohorts to try to understand because it wouldn't be ethical to do actual testing on children by, I believe the word was used, securing them in a location for long periods of time to truly understand the impact that these emissions might have on them. Unfortunately, if I kept my daughter at this daycare for the next three years for 40 plus hours a week she is kind of that study, is she not? She would be there and then I guess we could understand ten, 20 years from now what the impact of that was. And as a mother, I'm not willing to take that risk. I just want you to understand that some of these discussions today of concerned parents and maybe moving their children, it is a reality, and I just wanted you to know from a parent that has a child at the daycare. So, thank you.

Chairman Walder speaks:
Thank you. Additional Public Comment.

Cindy Trego speaks:
Good afternoon, Planning Commission and Board. I'm a member of the Minden for Safe Technology group. If you haven't visited Verizon's updated new generation towers patents, I would suggest you do that. There was one that was approved February 16, 2021, and there is carcinogen, isotropical radiated power, and of course the RF concerns. So, I would just ask that you do go and review that patent for that, you'll probably find some good information. I also echo the comments made by our team members. We are confident; however, in the Commission's ability to interpret these ordinances appropriately and deny these applications. We are instilling trust that you will find all factors, will weigh all factors carefully, and make decisions that aligns with the best interest of the Town of Minden and its residents, and businesses, in accordance with the established ordinances and your Master Plan, which I read in its entirety. We want to thank you for your time and consideration. And also, I would like to say these are voices that are in your packet today that are not here because they are working people, but these are people that oppose this tower and these are the voices of the silent majority in the Town of Minden. This is just from one business, these signatures. Thank you for your time.

Chairman Walder speaks:
Thank you. Additional Public Comment.

Sean Maloney speaks:
I have one daughter at Allie and Friends and I have another one going in in about three months. I don't understand why the tower has to go there to help support the high school and the fire department. We have two sanitation plants in Minden that are a little bit farther away from homes and other businesses that could possibly be a better site. And if it's about sending more signal to the high school, can we put a smaller booster at the high school? My parents live out deep in the woods and they have a Verizon booster at their shop that helps send internet and cell phone service to their house because my parents work from home. I don't understand why we can't put a tower at the sanitation plants, and maybe potentially a small booster to help the high school, and for radio frequencies for the fire departments. It can't be that hard to run a wire across town, just like you guys did with the fiber through downtown 395 through Gardnerville and Minden, just a boost to everything. I don't understand why that location has to be the actual spot. There has to be another way, I think. Thank you.

Chairman Walder speaks:
Thank you. Is there additional Public Comment here in the meeting room? Seeing none. Coleen, if you are monitoring the Zoom comments, could you let us know if we have individuals on Zoom who would like to speak on this issue?

Coleen Thran-Zepeda, Senior Development Coordinator, speaks:
Thank you, Chairman Walder. Yes, I have W. Scott McCollough that has raised his hand. I'm going to move him into the room now.

Chairman Walder speaks:
Thank you. We can't see you on this process we're using with Zoom. If you would please state your name for the record and then you'll have three minutes.

W. Scott McCollough speaks:
Thank you very much. I'm the author of the two filings that we made; one last night, and then this morning. I'd like to very quickly go through a couple of points. I want to start off by agreeing with your legal

counsel on a very important thing. We agree that federal law does not allow you to deny these sites based on concerns about the health or environmental effects of electromagnetic radiation, to the extent that they are compliant with the FCC rules, we agree. Now, we don't think that they have made that showing. But yeah, we agree, and we're asking you don't decide no because of fear that emissions within FCC limits are going to hurt people. People have legitimate concerns about that. I indeed was the lawyer that argued the case to the D.C. Circuit from the 2019 FCC decision that one of the Verizon representatives mentioned, where they sort of changed their standards, and that court sent the case back to the FCC to study a lot of things, including impact on children, but that's not why we're here today. We don't think Verizon has proven that its exposure levels will comply, and that's what I think everybody needs to focus on, so I'll turn to that. I heard some of the criticism of what we said, and frankly, I think they're misconstruing what our argument was. Yes, we did speak about that one point, that 76 feet, and we did mention that's not a ground level measurement, that is the center point, the center radius. What the problem is, is one cannot independently replicate the findings about the ground level exposures. We have models, we know how to run models. We tried to run the information that was provided through a model that we have and we could not replicate Verizon's results. Now, I understand a third party has stood up, and said we did and we can, but that is an interested third party hired by Verizon. The FCC rules say that the documentation has to be independently verifiable by third parties, such as us, and we cannot do that. On the alternative's analysis, Verizon did not take a look at whether it could improve its existing three sites using existing methods like cell splitting or cell sectoring. They say that those things are at capacity, but those two methods would actually allow them to materially increase the capacity. Let me also move to one other very quick question.

Chairman Walder speaks:
Sir, I'm sorry, you can't see our timing lights or our timing device, but you've consumed three minutes. I'll allow you in another sentence or two to conclude.

Mr. McCollough speaks:
Yes, I will pick one topic. We believe that this is not eligible for design review and the reason is we believe that you really do need to consider the fact that that public safety radio is going to be on top of that tower. It's in the designs, it's prewired for the designs, that means it is not eligible for design review. Even if you do a design review…

Chairman Walder speaks:
Sir, I'm sorry, you've gone considerably over. Thank you very much.

Mr. McCollough speaks:
Thank you.

Chairman Walder speaks:
We appreciate your comments. Coleen, anyone else on Zoom who would like to make Public Comment?

Ms. Thran-Zepeda speaks:
Thank you, Chairman Walder. No, that was the only one.

Chairman Walder speaks:
Thank you, Coleen. Then I'll close Public Comment and we'll come back to the Planning Commission. Mr. Etchegoyen, are you in the hallway? Okay. We will close Public Comment on this issue and come back to the Planning…Yes, sir.

Jacques Etchegoyhen speaks:
I am on the East Fork Fire and Paramedic Board of Directors. I think our comments were read into the record at the very beginning of your hearing. I appreciate your time, your public service. Obviously, I am not a scientist, but for many years, 35 years ago, I did sit where you sit today. And we're a nation of laws, and you have to look at, I think what the state law, federal law and what your County code says. And I was a part of writing the Master Plan in Douglas County some 30 years ago. And at that time, we got the national award for the best Master Plan in the United States. Again, I'm not familiar with today's code, what you're working under, but at our board meeting, we voted unanimously in favor of this because we thought it met all the conditions that would meet County code and other things, other layers of requirements. And we still believe that today, I hope you'll consider that. And I'm not here speaking on behalf of the board, I am one board member of five. And again, appreciate your public service, and your time, and I apologize for coming in late.

Chairman Walder speaks:
Thank you. I will then close Public Comment and we'll come back to the Planning Commission Members. Now would be the appropriate time, if Members of the Planning Commission have comments or questions that they would like to address to staff or the applicant. Dave, you had your hand up, go ahead.

Member Nelson speaks:
Yeah. I'm going to bloviate a little bit here because I can. I was born in 1945, before the end of the war, so I'm a member of the Silent Generation. But I grew up with a lot of baby boomers during that period and I'm a child of the 60s, so to speak. And going to our gentleman there with the brave, the American flag on his chest, don't trust the government; absolutely. Now, that's just one point. But the reality is that we're here trying to decide something that is really affecting a lot of people in our county. And I think the first thing we should do as Planning Commission is do no harm. People that are in medicine, that's their code and I think it's my code too, is do no harm. And I mentioned that because I've been a realtor for over 50 years in California and Nevada, and this tower will affect this area. And Finding B on our list says the proposed development is compatible with, and preserves the character, and integrity of adjacent development, and neighborhoods, and includes improvements, or modifications either on site or within the public right of way to mitigate development related adverse impacts. No modification of adverse impacts has been presented at all. I don't think Finding B can be met, especially when you consider a business that is next to this that may lose half of their customers or the value of the homes in this area. As a realtor, when I know there's a tower in an area, I am, by my code of ethics, required to tell that buyer that there is a tower in the radius of this house that you're looking at. I can't not tell them that under my code of ethics, okay. So, when I sit here today and look at this, and look at Finding B, I have to vote no on this request. Thank you.

Chairman Walder speaks:
Thank you, Dave. Other comments that Planning Commissioners want to make at this point, or questions that they have of staff or the applicant? Bryce.

Vice Chairman Clutts speaks:
Thank you, Mr. Chairman. First and foremost, I want to thank staff. As Chairman Walder said earlier with respect to the noticing, this is clearly a sensitive issue and it was important to go beyond the noticing requirements. It was important to you as staff to say, you know, we're not going to make this decision as staff when we have the ability to put it before the Planning Commission. We thank you for putting that burden on us; that's what we're here for. I think it's important that we get public input and I appreciate all of you for being here. This is a tough one. And what many folks in the public, and the citizens of Douglas County may not understand is how much time we spend reviewing hundreds and hundreds of pages of documents. Most, well, I was going to say most of us have full-time jobs, but I think I'm the only one

here that that does. But all of us take a lot of time to make sure that we understand, and many times the decisions aren't made until the very end because we want to hear the input from the public, and ask questions and that. So, I never come to one of these meetings with my mind made up. I come here with information and I try to ask questions. That being said, I would agree with my colleague, Mr. Nelson, that the biggest challenge for me is that I don't believe that this is compatible with, and preserves the character, and integrity of the adjacent development and neighborhoods. And I am not aware of whether it will have an adverse effect on those neighborhoods or on this particular neighborhood, and as a result, I will not be supporting the design review.

Chairman Walder speaks:
Thank you, Bryce. Other questions or comments? When we do reach a final decision I'll ask for a motion, and then those people who, again, as Bryce and Dave mentioned, the findings are on page 50 to 53 that must be found to be met for approval. So, I would ask for people to make individual comments if they cannot approve those findings, but now is the time for further questions or comments. Laurie.

Member Lile speaks:
Thank you. I do have a question for the applicant. I understand that the code requires the monopole design. I don't know that it actually addresses the design of the antenna array. Is it possible to do a flush mounted antenna array on this pole, and possibly a flag pole design or something of that nature?

Mr. Hatch speaks:
The specific terminology used is monopole, which is industry standard for a steel apparatus that allows antennas to be added onto the outside of it. The stealth flag pole or smokestack sites are specifically screening requirements and typically need to be about five feet to six feet wide in order to hold the modern antennas that are used inside. There would be radios, a number of apparatus that are all inside of there. So, in order to meet a four-foot maximum diameter, a properly engineered, we did supply documentation showing that monopole tower that matches the same design you'll see on the horizon around town, across from the fire department, the T-Mobile tower, multiple towers around here, the monopole tower doesn't allow for screening because there's just too much equipment at the top to do that. It would not be able to hold all the equipment.

Member Lile speaks:
I'm disappointed that that's the case because I do feel like this is an incredibly prominent location in the community; it's the entrance to Minden. This tower, by your own visual assessments, is going to be highly visible coming into town. And the visual stimulation given on page 122 shows that very entrance to Minden, where that beautiful sign is, we're going to see this giant tower, and that's just the tip of this. If the second array goes on to the midsection of it it'll be even more visible. I just feel like this location, because of the visual impact that you've provided us, it is just not the best location for this facility.

Chairman Walder speaks:
Thank you, Laurie. Other questions or comments from Members of the Planning Commission? If not, we can have a motion on the table. Go ahead, Bryce, if you had a couple more comments.

Vice Chairman Clutts speaks:
Thank you, Mr. Chairman. If you'd just enlighten me for a moment? One thing I would like to say is what I was hoping for, well, not hoping, that's the wrong word, what I was wondering is we talk about public safety, and there's been a lot of discussion around public safety of the children and the people within the community. What I didn't hear today is that this is a public safety issue with respect to emergency systems within the county, whether it's the fire department or the police department, and anybody speaking to the necessity for this tower to be at this fire station right here in the middle of this community. And so, at the

end of the day, that was a big reason for my concern with respect to Finding B is that I didn't hear that. I didn't hear that we have to have this tower right here because it's going to provide emergency management support to East Fork Fire and the Douglas County Sheriff's Department. And so, that would indicate to me that there are other locations within the county where this may be appropriate, and can still address any concerns that they have, and maybe it doesn't, but I didn't hear anything to the contrary today. So, I just wanted to put that out there, that absent that, I can't again, I can't support it based on the fact that I don't believe it meets Finding B.

Chairman Walder speaks:
Thank you, Bryce. Other comments on this issue? Maureen.

Member Casey speaks:
Thank you, Bryce and thank you, Laurie. I've been going back and forth, and back and forth, and back and forth. I like the location. I think that filling the gap is a very, very needed thing because I know in my subdivision there are a lot of elderly. These are people who have lived there for 30 years and we have 911 coming in constantly. So, the gap is very important because there is no cell service. However, Laurie makes a point, that's the entrance to the city. And Tom saying, well, we have code and this is what code says, so we can't really condition it to make it look better, having a tree there. A fake tree there would look really dumb, you know. Honestly, that would look horrible. And then, in order to put a water tower there that looks like the one you were going to put in Genoa, which I thought looked great, to have the base, the structure would interfere with East Fork. And that's a shame because I think if it had the Town of Minden and the Minden logo there, that would look wonderful and that'd be a nice entrance. So, it's back and forth, back and forth, back and forth. The fact that this was basically started by Douglas County Economic Development, and the schools, and the FCC weighed heavily on me. I thought that was very important. And that this is zoned Public Facilities, it meets all the findings, and it complies with the code; that's very important. The emotions, those are strong. The daycare center that she says, well, I'm going to be put out of business and people are going to leave. Well, the first time she came to us she said, I have 105 kids, but I have 200 families on my waiting list. Well, if you lose 20 kids, you have room for all those people on the waiting list, so that doesn't sway me all that much; however, if she loses half her teachers, that is important. So, you know, back and forth, back and forth, back and forth. So, I guess at the end of the day, it is the entrance to our city and that's very important. So, if you could come back with something that looks better or we come up with something, I don't know, but Laurie's argument was very, very important, and then what Bryce said about if East Fork had a stronger argument that we need this because of our emergency communications. I appreciate Jacques being here, but if we had had something stronger from them. And again, I want to thank staff because I know Linda put in a lot of time and Tom put in a lot of time on this. And thank you Kirk for keeping a hold on the meeting.

Chairman Walder speaks:
Thank you, Maureen. Paul or Mark, any comments now or are we prepared to have a motion, and then comment on the motion? Mark.

Member Neddenriep speaks:
No. I wanted…

Chairman Walder speaks:
Excuse me, AJ wanted to interject.

Mr. Hames speaks:
Thank you, Mr. Chair. I just wanted to ask a follow up question to Ms. Casey, if that's all right? Ms. Casey, I think you noted that the applicant had met the requirements of code. I assume you mean the

design criteria that are described in Section 180 of Chapter 664 of Title 20, but it almost sounded like you meant they had met all of the requirements for a design review required by Chapter 614, so maybe you could just clarify on the record which of the design review elements or factors you believe are not met by this application?

Member Casey speaks:
They met all the design requirements in our code that were required of them, the monopole, all of that. But with regards to the findings, the neighborhood compatibility, they don't meet that.

Chairman Walder speaks:
Thank you, AJ. Thank you, Maureen. Mark.

Member Neddenriep speaks:
Well, I echo Maureen's sentiment, and I guess my question to AJ is, is this an up or down vote, or is this a continuance that we could do, or does Verizon even want to go down that road?

Mr. Hames speaks:
Mr. Chair? As indicated in the description for this item, you can approve, you can approve with conditions, you can deny, or you can continue; those are your four options. The continuance would have to be with, if you are going to continue outside of the normal review period, it would have to be with the consent of the applicant.

Chairman Walder speaks:
Bryce.

Vice Chairman Clutts speaks:
Mr. Chairman, if you will allow me, I'm prepared to make a motion. I recommend that we deny the Major Design Review application DP 24-0169, based upon its inability to make the required findings to 20.614.040, particularly Finding B, listed in the Staff Report.

Chairman Walder speaks:
Bryce has made a motion to deny the application; is there a second?

Member Nelson speaks:
Second.

Chairman Walder speaks:
Dave seconds the motion. I'd like to have further discussion. Paul, you have not weighed in, and I would also like to weigh in then. Go ahead, Paul.

Member Bruno speaks:
Do you wish to weigh in first? I didn't mean to usurp.

Chairman Walder speaks:
Chair traditionally goes last.

Member Bruno speaks:
Thank you, sir. I wanted to make a specific comment that my opinion is also that the tower is inappropriately placed under item B. The condition B requires compatibility with the neighborhood, and based upon the pictures that have been, and then they were accurate, simulated, but simulated, it would

in fact be incompatible with the neighborhood as a gateway to Minden. However, I make those comments specifically as to B, and I need to make comments as to condition H, and we are all mindful with the fact that there are an interplay of federal, state, and local law in this regard. 47 U.S.C. 332(c)(7)(B)(IV) does indicate that we as a Board and the county as a whole cannot regulate the placement, construction, modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions, to the extent that such facilities comply with the Commission's regulations concerning such emissions. Thus, the first concern that I raised in my discussions with both Mr. Hatch and Mr. Witkowski, the electrical engineer, had to do with our code, Section 20.800.040 et seq, and I would say that based upon the maximum exposure models, the discussions that we've had with respect to compliance on the FCC regulations, I cannot say that the tower material has developed a material detrimental to public health or is materially detrimental to public health; thus, I think it satisfies the requirement in H. Now, my personal disappointment was that I was so off base and my planning director got me back on track because I was thinking, how can we somehow make this more compatible with the neighborhood, with design, or something similar? And I was told, and in fact, it was read to me that a monopole is required. And I'm afraid that a monopole of this height of this design with two antenna arrays is not compatible with the neighborhood; thus, I will be voting in favor of Bryce's motion.

Chairman Walder speaks:
Thank you, Paul. Maureen, did you have something to interject before I conclude?

Member Casey speaks:
Yes. I notice our representative from Verizon wants to say something.

Chairman Walder speaks:
Unless there are questions that the Planning Commission Members want to direct them, I'd prefer to conclude at this point.

Member Casey speaks:
She just wanted to say something prior to the motion being made.

Chairman Walder speaks:
Please, go ahead.

Yvonne Pinto, Verizon Wireless Municipal Engagement representative, speaks:
Thank you so much. As was mentioned, you can deny, continue, approve. We would ask that you continue this to allow us to discuss further with planning on a potential design change, if possible. This is the single best location for this placement. And some other things that were brought up, such as the safety to the area that East Fork Fire hadn't quite brought forward the case. I do know that I met with Larry Goss, and right now they're in partnership with Washoe County for what's called a perimeter evacuation system, and what that requires is cell coverage. As fires happen in these mountains, what they can do is the people who have their various cell phones, whether they're on vacation, whether they're residents, they will get an evacuation notice with basically an outline of where they're supposed to avoid because there's fires in the areas. But right now, Douglas County can't participate because of the gaps in the service. So, East Fork Fire is desperately looking to join Washoe County in that. In fact, Washoe County has approached Verizon, AT&T, and T-Mobile in seeking to put their communication equipment, much like the East Fork Fire Department has, on our structures because they don't have the budget to build the facilities and we do. So, this is the type of partnership within the communities we're looking to engage with. So, if we could work with planning where there might be a granting of a design change, we would welcome a continuance. Your Douglas County Emergency Manager, Brent Finster, actually wrote in support of this project. It's part of the public record that he said that it would improve the gaps in services and the existing

LMR service. So, it isn't just East Fork Fire, it isn't just the Sheriff's Department, it's also your own Emergency Communications Manager that's supporting this project. And lastly, I know we've talked about the EME; we are in compliance. I urge you to read the Environmental Health Trust versus FCC decision, not a website version, but actually read the decision; you'll find some interesting dialog in that case. I'm an attorney. I won't even pretend to tell you how I read it. I would like you to read it yourself.

Member Bruno speaks:
There's no need to comment on that because I indicated to you that I think you have satisfied that condition, condition H, you have satisfied.

Ms. Pinto speaks:
We would entertain a continuance. If the Planning Department is willing to work with us, we're willing to work with them. We want to service these gaps. I've heard from community members who have, even Mr. Roaldson, who opposes the project, admits in her written statement and her verbal statement today, she was a longtime Verizon customer, but when she moved to this area she had to change service because she couldn't get reception. So, those are the types of things we're trying to avoid, prohibition of service to this area. We're trying to establish a redundancy, so you have more than one carrier, so that you have the safety covered for this area, and that's why we would ask for a continuance. Thank you.

Chairman Walder speaks:
Thank you. Dave, go ahead.

Member Nelson speaks:
Yeah. Just to answer you on that, we're really talking about location, location, location; the three main words in real estate. And in doing so, that doesn't change Finding B, which you have not met, and I don't see you meeting it, so I don't know why we would continue this.

Chairman Walder speaks:
Thank you. No, I don't want to have too much more back and forth. Thank you. You've had ample time for your comments and we appreciate that. Thank you, Dave. I have not weighed in on this, and I would like to take a minute or two to talk about my view of the proposal and where we're at. And then, AJ, if you could assist me, I would like to comment on the procedural situation we're in. First of all, on the merits of the case before us, I am very conflicted. I do appreciate all the Public Comment; it was very meaningful, very heartfelt, and very helpful. But I think in this particular case, we have a fundamental conflict in several ways. We have a fundamental conflict between what the County code says in 20.664.180 on the monopole, and then we have a conflict with the design review findings, B, which requires someone to mitigate any adverse effect. To me, they are impossible to comply with both. I mean, obviously there's many cases where the code conflicts, there's many cases where the code contradicts, and that's a difficult decision we have to make. And then, the other portion of it, which I find frustrating is, I used to be in Washington, DC and worked for various agencies of the federal government, but in this case, the federal government is telling the municipalities what to do and how to measure their projects. And I always tend to believe that the best form of government is the local government, they know best how to make the decisions, but we, Douglas County, cannot tell the FCC and any regulatory or legislative body in Washington, DC what to do. Unfortunately, that's the law of the land. So, that is another conflict that I wrestle with when I'm coming to a conclusion on a matter like this. So, I would tend to say that the applicant has met the findings, as frustrating as that is, following the letter of the law, and they've done what they can do to provide the best possible option. So, those are my comments; that's my position. We are in a situation where a motion has been made to deny. We can go ahead and vote on that motion. If there is a sentiment to take other actions, such as have a continuance, then it would require the maker of the motion and the seconder of the motion to withdraw the motion, and a new motion to be made on the

table. I would also want to make the Members of the Planning Commission and the members of the audience aware that there is a provision of County Code 20.28.020, which is post-decision proceedings, and it outlines what appeals can be made. We are the final decision making authority in this matter, but it can be appealed to the Board of County Commissioners, so that should be something that people weigh in their decision whether to continue with the motion on the floor and approve it, or disapprove it, or to withdraw and take other action, but that's up to the maker of the motion and the seconder of the motion at this point. AJ, did I get the process, situation correct?

Mr. Hames speaks:
Yeah. The motion has been made, it's been seconded, so now essentially it belongs to the entire body. So, there should be a vote on the motion, unless there is a request by the maker of the motion to withdraw the motion, in which case, if the request was made, then the Chair should discern whether there's any objection to the withdrawal of the motion. If there's an objection to the withdrawal of the motion, then you would vote on whether the motion should be withdrawn. And then, depending on the outcome of that vote, you would vote on the motion.

Chairman Walder speaks:
Bryce, up to you.

Vice Chairman Clutts speaks:
Thank you, Mr. Chairman. I'm not willing to modify my motion.

Chairman Walder speaks:
The motion has been made by Bryce, and seconded by Dave to, I'll let you speak on the motion as we've, as I restated, to deny the application. So, any further discussion on the motion to deny? Paul.

Member Bruno speaks:
Is it productive, and I've listened to the appeal from Verizon that they would be willing to consider other kinds of structures or other kinds of modifications that might be done to overcome the objection that many of us or some of us have articulated to Finding B; however, is that to no avail because we are bound by the code that requires a monopole structure of 80 feet?

Mr. Dallaire speaks:
That question, Commissioner Bruno, is that basically, can they come forward with a modification that doesn't meet code? Yeah, it would be a Major Variance in that case to this application, in this design review, which is what they were trying to avoid in the first place. So, they met all the boxes, and checked the boxes in the code, and a major modification to the code was what would be needed in that particular case.

Member Bruno speaks:
Maybe the applicant would rather take it on appeal, as you've indicated, to the extent that this motion is approved, Mr. Chairperson.

Chairman Walder speaks:
Thank you, Paul. With that being said then, I can call the roll. If you have additional comments on the findings that cannot be met, you can make those at this point, and I'll take a roll call vote. In favor of the motion would be to deny the application. Laurie?

Member Lile speaks:
I have no further comments. My vote is to approve the motion.

Chairman Walder speaks:
Laurie votes yes. Paul?

Member Bruno speaks:
I vote aye on the motion, but my comment is it is based on the failure to satisfy condition B with respect to the location, and where it is, and apparently the way it has to look.

Chairman Walder speaks:
Thank you, Paul. Dave?

Member Nelson speaks:
Aye. No further comment.

Chairman Walder speaks:
Thank you, Dave. Mark?

Member Neddenriep speaks:
Aye. No further comment.

Chairman Walder speaks:
Maureen?

Member Casey speaks:
Aye.

Chairman Walder speaks:
Bryce?

Vice Chairman Clutts speaks:
Aye.

Chairman Walder speaks:
And the Chair votes no. I believe the findings can be met. So, it's six votes yay, in favor of denial, one vote no, and the motion that Bryce made is approved.

MOTION TO: Deny the Major Design Review application DP 24-0169, based upon its inability to make the required findings to 20.614.040, particularly Finding B, listed in the Staff Report; carried.

RESULT:	**APPROVED**
MOVER:	Bryce Clutts, Vice Chair
SECONDER:	David E. Nelson, Member
AYES:	Maureen Casey, Mark W Neddenriep, Bryce Clutts, David E. Nelson, Paul A. Bruno, Laurie K Lile
NAYES:	Kirk E. Walder

Chairman Walder speaks:
I'd like to take a 15-minute recess at this point, before we move to the next item. Thank you.

A break was held.

Chairman Walder speaks:
It's now 4:05 PM and I will call the Planning Commission meeting back to order. We had concluded Agenda Item 1. We're now on Agenda Item 2.

2. **For possible action: Discussion to approve, conditionally approve, deny or continue the Major Design Review application DP 24-0170 to replace an abandoned cell tower with an 80-foot (monopole) cell tower and associated network equipment within a 30-foot by 30-foot fenced equipment area, to include network cabinets and a standby diesel generator. The subject property is located at 1450 Stephanie Way, Minden, NV in the Public Facility (PF) zoning district within the Johnson Lane Community Plan. The applicant is Chris Hatch of Epic Wireless on behalf of Verizon Wireless. The property owner is East Fork Fire Protection District. APN: 1420-27-401-011**

Chairman Walder read the agenda item into the record.

Chairman Walder speaks:
Linda, you can go ahead, and begin on this item, and then we'll hear from the applicant.

Linda Doherty, Assistant Planner, speaks:
This is another design review that we have deferred review to you all. Thank you very much. This location is at 1450 Stephanie Way, known as Fire Station 6. This also received expanded noticing. There were 34 parcels noticed and it was a 600-foot radius. Now, I will introduce, again, Mr. Chris Hatch.

Chris Hatch, Epic Wireless Group, LLC representative, speaks:
Thank you, again, Linda. I'd also like to make sure, I have some support up here with Yvonne from Verizon, just in case my voice cuts out halfway through. I will say my new prescription is not helping me read my notes and see up there, so I'm just going to stick to my notes this time. I would like to, once again, thank the Douglas County Planning Board for hearing the project before you today. This is our Heybourne project at Fire Station 6. For your consideration, is a proposed Verizon cell tower at East Fork Fire Station 6. This project, in coordination with East Fork Fire, is designed to fill a significant gap in coverage, and emergency services in the commercial and residential areas in Johnson Lane, around the fire station and nearby school. Yvonne Pinto will be here if I start cutting out, for municipal engagement. Maher Zayouna, to answer any questions about the siting of the location and the design. Mr. Witkowski from Oku Solutions is, once again, here, as he has reviewed the materials as a third party to the project.

Mr. Hatch began the presentation and covered the following topics:

- Heybourne Fire Station 6
- Application Timeline

Mr. Hatch speaks:
Once again, in April of 2022, Douglas County Economic Department, school district and FCC contacted Verizon regarding network deficiencies within the county, with concerns about coverage throughout the county. Verizon Radio Frequency Engineers worked to confirm the different gaps in the area and generated projects based on those. The Verizon team investigated multiple locations within the community, and after narrowing our search to a least intrusive means for development in this area, Fire Station 6 was selected as the best location to fill the gap in coverage, and we began negotiations with East Fork Fire. During that time, Verizon completed part of the required due diligence with the County to submit a pre-application. We went through the projects in detail, and with guidance from these meetings we worked with the Planning Department to complete all of those requirements and make the submittal before you today. With the lease in place in April, the planning application was finalized and submitted

for you to review today. It's identical in form and function to the tower at Station 14; 80-foot monopole painted tan with antennas at the top, and we hope you can consider it apart from the previously submitted project.

Mr. Hatch continued the presentation and covered the following topic:

- Project Design
  - 80-foot monopole facility
  - 900-square foot network equipment area surrounded by chain link fence with tan slats
  - Equipment cabinets under snow cover
  - Room for collocation by additional wireless carrier
  - Fire Protection District has reserved space on the monopole

Mr. Hatch speaks:
It will be replacing an existing cell phone tower already on the property. That would be, again, existing use for radio communications from the property. The tower and equipment is non-flammable, is designed to meet and exceed all seismic civil construction requirements for strength, and high winds, and safety up to 120 miles an hour in a class two environment, if anyone's looking for the details on that. The project has also been reviewed by the County Development Office, with no structural or design issues found; same as at East Fork Fire Station 14.

Mr. Hatch continued the presentation and covered the following topic:

- Photo Simulations
  - Looking east from Stephanie Way - with existing tower

Mr. Hatch speaks:
This is a photo simulation of the existing cell phone tower at the fire station. You can see here a 60-foot Clearwire tower. Clearwire went out of business; the tower stayed in place. That was designed for three antennas and some microwave equipment, substantially less equipment than is required these days by modern 4G, 5G cell phones. This was a 3G tower. We will be replacing it with an 80-foot monopole of similar design. Again, less than four feet in diameter, less than 80 feet tall, room for co-location equipment, and it will be available to other carriers for co-location.

Mr. Hatch continued the presentation and covered the following topic:

- Photo Simulations
  - Looking east from Stephanie Way - with replacement tower

Mr. Hatch speaks:
This is another view from the north in a residential area looking south toward the cell tower and school beyond. That is the 60-foot tower.

Mr. Hatch continued the presentation and covered the following topic:

- Photo Simulations
  - Looking south from Mac Drive - with existing tower

Mr. Hatch speaks:
That's the 80-foot tower; not a lot of difference at that range.

Mr. Hatch continued the presentation and covered the following topic:

- Service Gap
  - Significant gap in service in Johnson Lane area
  - Gaps in in-building coverage throughout residential neighborhoods

Mr. Hatch speaks:
You can see here the existing coverage from the site just north of Minden; we call it the Minden Tower. That is sending signal out over that entire community. You can tell it's doing its best to try to reach as far as possible, but every tree, every home, everything in the way sort of blocks the signal as you go. The first gap in service that you'll see there, it's about the exact same distance that you would say a sewer plant to Fire Station 14, so it's 0.6 miles, that's where the service starts to get gaps. The area in yellow is service that you can get outside of your home. That extends up onto the hill there, where you can get good line of sight back to the tower, and the areas is surrounding in gray or spotty white areas with significantly diminished coverage or no coverage whatsoever. This would be out in the BLM land beyond. Mr. Zayouna is here, again, to talk about how this map came together, how these gaps were covered, if you would like, and why we chose the Fire Station 6 location to fill them.

Mr. Hatch continued the presentation and covered the following topics:

- Improved Service
  - New reliable in-building coverage for Johnson Lane residents, visitors, and emergency personnel
  - New reliable in-building coverage at local school
  - Total new mid-band in-building coverage to 5.9 square miles with population of 2,425
- Network Exhaustion
  - Increasing demand on distant Verizon Wireless Minden North facility 4.6 miles northwest, which mush serve faraway users in Johnson Lane
  - As TTI occupancy increases, data throughput drops below 5 megabits/second most days

Mr. Hatch speaks:
What you can see here in this slide is that the red is, again, the usage of the site. It's going up to 100; that's capacity. That means someone's on the phone and someone else is not on the phone. The green is the dip in the data. You can see this area, because it is a modern upgraded split sector, all the bells and whistles site like has been recommended by the letter of dissent that we received, this site has been upgraded to the max. It has great throughput, but the demand, the users, the people in the area suck it up like that. We are at capacity on this site and this data here shows from existing usage from May 14th to June 16th the need is there. Verizon customers are in this area, and they're using it, and we need to fill that gap and that need for those customers.

Mr. Hatch continued the presentation and covered the following topic:

- Best of 13 Alternatives

Mr. Hatch speaks:
In reviewing the area for expansion of coverage, I found a number of appropriately zoned properties that would support cell tower builds. Planning code requires us to consider existing co-location ahead of any new structure build, so the existing Clearwire tower was singled out as the best location for co-location in the area. Unfortunately, upon reviewing the Clearwire tower, we found that it was not structurally substantial to meet building code should we move to the next phase in the project. So, to ensure that we

design another project, well, we proposed another project on the property, which would be a replacement of that tower. I then begin work developing a replacement tower project in a clear spot in the back of the property. And you will notice here, none of the other properties reviewed presented the same opportunity for coverage, and added the added benefit of working hand in hand with emergency responders; that would be the gray spots up there.

Mr. Hatch continued the presentation and covered the following topic:

- Principal Factors to Discount Alternatives

Mr. Hatch speaks:
When we looked at the fire station's existing pole, it was too low at 60 feet. We needed it up higher in order to reach the same site across the way, another 80-foot tower, insufficient structural capacity. We looked at the properly zoned properties, like the elementary school. Again, that's not a good location due to the residential setbacks in that zone. The Douglas County water tanks that surround it, a number of different locations. There's a cell type site at that location for a specific reason already, which is it's a great location to cover that community. So, ruling out the existing locations and trying to work with the existing tower on the property to replace it, we chose to work with East Fork Fire and open discussions with them at that time. The advent of these projects with East Fork Fire actually began at this project. When I reached out to the fire department about replacing the tower this is where my outreach and discussions with Larry Goss, Assistant Fire Chief. We talked about a lot of synergy that might be able to be created between Verizon for developing the County EMS systems, their own radio networks, developing emergency backup power, a number of different options that might benefit the fire department, as well as help develop Verizon's emergency services, 911, and data coverage in the area. This was a no brainer for us. The fire department was on board and they had a number of different locations that also met our needs. So, with this, we kicked off these projects in Douglas County with the full support of the fire department.

Mr. Hatch continued the presentation and covered the following topic:

- Complies with FCC Guidelines
  - Engineer with Waterford Consultants confirmed that radio frequency exposures will be substantially less than the FCC public limit
    - 2.52% at ground level
  - Denial based on RF exposure preempted by federal law

Mr. Hatch speaks:
Mr. Dave Witkowski, a third-party engineer, is, once again, here to answer questions about his review of the EME report.

David Witkowski, Oku Solutions LLC Chief Executive Officer, speaks:
Thank you, Chair and Commissioners. We were retained by Epic Wireless to review the Waterford EME report. They predicted 2.52 percent of the public maximum permissible exposure on the ground. We found no reason to question those results. Our analysis tracks with that. I will note that this is about, it's over five times lower than the other site that we discussed earlier today. So, from an EME perspective, this is actually less energetic than the one that we were discussing earlier. I'm available for any questions if you have any. We talked extensively in the previous. I don't think I need to go over the letter from McCollough or anything. I'll just give you back that time.

Chairman Walder speaks:
Thank you very much. Questions of…

Mr. Witkowski speaks:
Sorry, he's…

Mr. Hatch speaks:
I'm not done.

Chairman Walder speaks:
You're not finished? Okay.

Mr. Witkowski speaks:
He gots more.

Mr. Hatch speaks:
That's just Dave. Thank you.

Mr. Hatch continued the presentation and covered the following topic:

- Complies with County Requirements
  - County wireless ordinance requires monopole design (20.664.180)
  - 80-foot monopole allowed in PF-Public Facilities zone
  - Complies with height limit, so not subject to special setbacks
  - Monopole satisfies findings for approval of major design review (20.614.040)

Mr. Hatch speaks:
With your consideration for the health and safety of the data presented by Mr. Witkowski and Waterford Consultants, I'd like to state that the project presented before you today meets all the County wireless ordinances for monopole designs, operations of community communications equipment, antennas, and even an existing cell tower on site that shows existing use on the property for the same purpose. They are 80-foot monopoles that we're proposing in the community that meet zoning requirements. They comply and do not require variances, height limits, or setbacks, and have room for co-location for other carriers, and each project satisfies the findings of approval of the Major Design Review with maybe some questions that I would like to pose to the planning board later on about Finding B, so I'll get to that in a moment.

Mr. Hatch continued the presentation and covered the following topics:

- Approved by East Fork Fire Protection District
  - District Board unanimously approved lease on January 16, 2024
  - Deputy Fire Chief described benefits including:
    - Increased access to 911
    - Wireless emergency alerts
    - District has reserved space for on the tower
  - Director Barbara Griffin provided statement received from Sheriff Dan Coverly stating: "The Sheriff's office is 100% in support of this."
  - Meeting minutes described District Board's support:
    - President John Bellona - Landlines are becoming non-existent. If there is a hole in service and a landline is not an option, people could face major issues. This is a good project for everyone involved.
    - Secretary Mike Sommers - If there is a major incident within the District and support of multi-agencies is needed, many of those agencies may be Verizon users.

    - Director Bernie Curtis - It serves the people who respond first, and enhances communications.
    - Director Jacques Etchegoyhen - The people saving lives are in favor of this. The Board would be negligent if they didn't support the first responders with the tools that can be provided. Cell communication is a large tool. The better the coverage, the better for everyone."
- Conclusion
    - Verizon Wireless's proposed facility provides:
        - Solution to County, School District, and FCC coverage concerns
        - Much-needed wireless communication infrastructure for existing and future residents, businesses, and visitors in west Minden
        - Reliable communications for emergency services first responders in the community
        - Enhanced infrastructure for local schools and improved economic development opportunities for local businesses
        - Collaboration with Fire Protection District on improved communication needs
    - Request: Recommend approval by Douglas County Planning Commission

Mr. Hatch speaks:
The project is in direct collaboration with the Fire Protection District and we understand the level of opposition to this project. It was not present during the initial installation of the tower that's on the property, but we understand that level of skepticism may have increased over time. But it exists on the property, we're mindful of it, and we wish to propose the least intrusive means of developing a cell tower in the area by building one where there is one. We feel this is the best way we can cover Johnson Lane and is our sincere request that the Douglas County Planning Commission consider this project for approval. With that, I'd, once again, like to invite my team up here and hand my presentation over to Yvonne, who can have some additional words.

To review Mr. Hatch and Mr. Witkowski's full presentation please see the Agenda Packet material.

Yvonne Pinto, Verizon Wireless Municipal Engagement representative, speaks:
Thank you, Chris, and thank you, Planning Commission, for hearing us on this.

Chairman Walder speaks:
Excuse me, if you could pull that microphone a little bit closer to you?

Ms. Pinto speaks:
Certainly.

Chairman Walder speaks:
There you go. Thank you.

Ms. Pinto speaks:
Thank you, Commission, for hearing us on the second matter. I would like to address, I believe I said it on the record for the previous one, but would like to repeat that this project also has the support of the Sheriff's Office, the County Emergency Communications Manager, the East Fork Fire District, not only their board members, but also their firefighters. I believe, in your packet, I read through the entire packet, all the opposition, all the support, there are a couple of firefighters who have actually put forward their support saying they are not representing the fire district, they just they want safer communication and the gaps filled in the area. Again, there are two systems identified; one by Mr. Brent Finster of the Douglas County Emergency Communications, where he has said that there's gaps in service that need to be filled,

plus the LMR system will be supported by that. There is also the newest technology that the counties in Nevada, in this area, Washoe County… To give you a little more information, Washoe County got some grant money and that perimeter evacuation route that relies on cell service, adequate cell service in the area, so that residents, people traveling through, can identify evacuation areas and where to go from. Washoe County got the grant money, brought in the other counties in the area, and that's the system that they want to put in place so that there isn't a huge gap in communicating with the public at large when these evacuations are occurring. So that it can be uniform across the board, we're looking for redundancy with multiple carriers in the area, not just one or two. That's usually the gold standard when you're talking about safety for an area; when one system goes down, another one fills in. The McCollough letter that came in, I don't know how much we want to go into that, except we received it about 24 hours, a little less than 24 hours ago. The visual impact is not going to be the same as the project prior to this. There is no entrance to a city. This is replacing an existing cell site, a tower that's already on the property, so the visual impact will only change in that it will be a better system that can support co-location where the existing one couldn't even if you tried. As Chris mentioned, it can only hold 3G and most of the carriers have gone away from 3G at this point. The design guidelines do meet the code requirements for the monopole. The property values, that's one of those things, I know they mentioned it in their letter, but it's not subject to the code's wireless facility standards and not a part of the design review. Proximity to homes and businesses, wireless facilities are allowed in Public Facilities zones, and this one does comply with the 80-foot height limit without requiring any special variances or anything of that nature. There is always a question, and there was a question in Mr. McCollough's letter of generator, and with equip antennas; it was brought up on the previous item. Again, our monopole, as submitted, is what's up for design right now and it meets all the code requirements. The drive test, I will let Maher speak to the drive test. Cell splitting, I've heard that mentioned a few times now. Cell splitting at nearby existing sites to increase capacity; this was mentioned by, in Mr. McCollough's letter. This ignores the evidence of coverage gaps in West Minden and Johnson Lane, which cannot be resolved by increasing capacity at distant sites. This is also one of those items that's not subject to the design review, which is what we're here to hear today. The EME reports, David just spoke to those, and those stand on their own. They meet the federal guidelines, and the federal guidelines are reviewed, the most recently, I believe, was 2019, they're reviewed every couple of years. So, the idea that they're never reviewed is just simply inaccurate and he can speak more to that. I welcome any, Chris, do you have any other questions? I would conclude my presentation at this point and invite any questions.

Chairman Walder speaks:
Did you want to make other comments at this point or wait for our questions?

Mr. Hatch speaks:
I think I would like to address them in your questions.

Chairman Walder speaks:
Okay.

Mr. Hatch speaks:
Thank you.

Chairman Walder speaks:
Members of the Planning Commission, questions for the applicant or for staff? I just have one question, I may have missed it, what's the height of the existing cell tower that you would be taking down?

Mr. Hatch speaks:
60 feet.

Chairman Walder speaks:
60 feet. Okay.

Mr. Hatch speaks:
Within a few inches.

Chairman Walder speaks:
And you would locate the new tower in a somewhat different location, but still on the property within 100 feet or whatever of the existing one, back a little further?

Mr. Hatch speaks:
Yeah. Rather than impacting the utilities and foundation of the building there, we're just going to take that tower down to grade, and then build another tower 100 feet back.

Chairman Walder speaks:
Thank you. Other questions for the applicant at this point? Paul.

Member Bruno speaks:
Just a question about the monopole, is it a series of cans that are welded together, and then put…

Chairman Walder speaks:
Paul, if you could bring that microphone close to you? When you lean back, you really don't get much. Thank you.

Member Bruno speaks:
I apologize. Is the monopole a series of cans, and then stacked or is it a single piece? Do you know?

Mr. Hatch speaks:
The exhibit I provided with you is in the planning application; this is the design for the tower. It is a monolithic steel structure, so it's a single sheet that's enrolled and welded, so that will have all the gussets and everything. So, it's a single piece when it's said and done.

Member Bruno speaks:
And there's only two splices in the entire monopole?

Mr. Hatch speaks:
I believe so, yes. Just for transport.

Member Bruno speaks:
Yeah. So, it's a pretty stiff strong structure.

Mr. Hatch speaks:
You'll see there that it's designed to class two requirements, which is the wind load in this area. That's 120 mile an hour gusts, all seismic requirements, foundation will match the Geotech to make sure all engineering matches and exceeds the current requirement, with a safety margin for future equipment.

Member Bruno speaks:
Perfect. Thank you.

Chairman Walder speaks:
Thank you.

Vice Chairman Clutts speaks:
Hey, Paul, as an attorney, do you want me to help you interpret that?

Laugher was heard.

Member Bruno speaks:
No. We've built enough wind farms out in the ocean that I recognize it.

Chairman Walder speaks:
Thank you, Paul. Thank you, Bryce. Other questions or observations at this point before we open to Public Comment? Seeing none, then we'll open it to Public Comment. Again, if you would come to the podium, print your name, state your name, and then you will have three minutes for your Public Comment.

PUBLIC COMMENT

David Magnotta speaks:
Good evening. I live at 2782 Gordon Avenue. I am four houses away from where you want, they want to put this. I understand fully you're only taking in to what the planning board here are adapting to, but I want to answer questions for you. One, there's a playground within 50 yards or less right there where I take my 17-month-old granddaughter, there's a ball field, everybody's in that area. This is a wide-open area. David, you made a perfect comment, I'm four houses away, what's my property value going to go to? What about the new development that you also approved that they put in 26 new homes? That's going to be in their backyard. Okay. I'm originally from New Jersey. I served 25 years as a volunteer EMS. I served at 9/11, which is our anniversary tomorrow. I was at the ground zero for 72 straight hours. Okay. Bryce, we went by pagers and other stuff. We didn't use cell towers; we used boosters. Where I came from was called Bergen County, a very highly dense populated area. We got along fine without cell towers to communicate and everything. Okay. Please take this into consideration. You have a school right there. Like I said, I received one of those letters. I'd like to know where the rest of the people, the 37 people, you said that were given those things. Please take… This is just a bad location. The tower that's there, all there is is this little skinny, little tiny antenna that goes up, and that's a volunteer, was a volunteer fire department. There's nobody there anymore. My neighbors across the street from me, last year, his garage burned down. I said, where's the volunteers in this department and I was told they don't, there's no volunteers anymore. You know, they had to come all the way from the East Fork place to put the fire out. Unfortunately, his garage burned down, you know, so that's my other thing. It's not a good location. I'm sorry. Thank you.

Chairman Walder speaks:
Thank you. Thank you for your service. Additional Public Comment.

Greg Roaldson speaks:
Back again. For the record, I'm not a lawyer. I am not an RF Engineer. My primary background was critical care medicine and that's what I base a lot of my foundation on in my remarks. I do know this, that when the fire department and Verizon says this will enhance communication related to emergency medicine, I'm not, I don't buy that argument at all; not when you haven't produced information that's suggestive that there is a problem in the immediate situation. And I refer to you my comments earlier where I said I don't see anything how this is going to improve department response times. I don't see anything that it's going to improve medical response times. I don't see anything where this was big for me in healthcare; door to balloon times as it relates to heart attacks. The fire department is critical in that nature. I don't see where this is going to help that situation at all and I do not see where it's going to enhance 911 calling. Paramedics use standardized protocols when they deliver health care. If there's an issue on the floor or in the field, they deal with it based on those standardized protocols. They don't need

anything else when they're acting on their own accord. I know that your guys' main objective is difficult. I know this is a contentious issue, more than a contentious issue. Hell, it made me nervous just being here. But you're here, and your main charter, again, is to protect public health, safety, and the general welfare of us. So, in doing that, make your decisions based on those ordinances that you feel are valid in respect to, I go back to this being a structural issue that, in my opinion, the burden of proof hasn't been proven yet. And I can tell you, having my daughter's house right next to the fire that just took place, if for some reason this electrical system fails, and there is a fire, and there's a fire started out there, it's going to be tough to fight. So, I'm very concerned about that as a citizen and that I respectfully ask you guys to make a decision based on those ordinances alone. Thank you.

Chairman Walder speaks:
Thank you. Additional Public Comment.

Susan Roaldson speaks:
Hi. I've been an emergency room nurse for 45 years. I'm retired now. I worked in this valley and Carson Tahoe emergency room for 33 years. I agree with this gentleman here when he said we can do without. I was on duty one day, we had a patient come in sweaty, diaphoretic, in the middle of a heart attack. We had no doctor, no communication. We had opened early. We knew exactly what to do. Why? Because of standard of care. The paramedics know what to do, the RNs know what to do. We can do it without a physician if we have to. It's better to have that physician there. So, the two nurses that were on duty that day, we stepped up forward, looked at each other, and we said, let's go, and we did it. And we got that patient safely to Carson Tahoe in an ambulance in the Cath lab, and he lived. So, you know, we have all had to deal with poor communication. 911 calls, they require the least amount of RF, or whatever you want to call it, signal from the towers. When, I do live in an area where we have decreased signal, and we still get the 911, we were able to make 911 calls; we did. We got the Amber alerts, we got the emergency weather, we got everything with Verizon. We chose to change because AT&T was cheaper, and then we found out it worked better. As far as the fires, cell towers have been linked to multiple fires; the Woosley Fire, the Malibu Fire times two in California, and the Silverado Fire. You can look this up; it's all on record. Tony Simmons, an Electrical Engineer PE, states that all electrical devices, and he works with cell towers, will fail at some point. This really alarms me because we were going to put a tower in Genoa right up against those trees. Again, my husband and I just had to evacuate our daughter's house out in Washoe Valley. I'm telling you, we had no idea how fast that fire surrounded us. That's the same fuel that's out there in Johnson Lane. If that throws sparks, or falls down, or collapses, or the wind blows it over, mind you, we have a greenhouse that was rated at 130 miles an hour because of this area and their pole is only rated at 120, that doesn't make sense to me. But when we saw that fire surround a house quickly, we were shocked. As a registered nurse, I have a problem with anybody who says that this RF signal is perfectly safe. I'm sorry, nothing is. One of the worst overdoses I ever saw as a nurse in the emergency room was Tylenol, Tylenol, and people think it's safe. No, you can never say anything is perfectly safe, ever. Again, we have the ability to mitigate in our own homes, but not with towers over us. This tower out in Johnson Lane is a fire hazard.

Chairman Walder speaks:
Thank you. Additional Public Comment.

Petrina French speaks:
Oh, God. Hi. I have an acre out in Johnson Lane, off of Stephanie. This proposed tower, Station 6, is a fire hazard. We have sagebrush out there, mountains, livestock, chickens, a beautiful acre that we bought 14 years ago, and actually purified it; it was a dump. So, we have a lot of blood, sweat and tears out there, as well as Station 14. This is a little bit different because businesses aren't surrounding it, just a elementary school 300 feet away from the proposed cell tower. In order to get a fire, electrical fire, out you have to cut lines; that takes a while. Johnson Lane is also a flood zone, and my property value will go down quite

a bit. And I'm just asking that you please deny the application based for our group, Minden for Safety Technology. We're fighting hard every day. Not everybody can be here and stand here or be in this room for hours like we all have. People have to work and make a living. My husband is 71 and still working hard to keep the wolf off the back door. I've been a stay at home mom for 33 years. Yes, we do own two properties, but that's not without a lot of blood, sweat and tears. Okay. And I work hard at keeping my husband healthy so he can still go to work. I've raised two kids in this town. I know you guys really probably don't care about that. We are here to preserve our county, our town. Johnson Lane; guess what? It was reported in the newspaper many years ago that it is the most desirable place to live because people are happy out there. Why are people happy? Because it's rural. You can have chickens, you can have horses, you can ride your horse down Stephanie and not have a problem with it. So, I hope that you'll take that into consideration. Thank you.

Chairman Walder speaks:
Thank you. Additional Public Comment.

Casey Rogers speaks:
Again, I won't beat a dead horse because everything they said is about the same thing I would say. The only thing I want to remind you is that the Carson Range of mountains is the way my front porch faces, and I will be direct, that pole will be directly in front of my home. I can see the old pole already. When I bought my house, nobody told me there was a cell tower there; probably because it wasn't working. If it was, I would have never purchased my home. If I go to sell my home, 20 percent less than what the value is going to be because there is an 80-foot monopole, right, two streets up and blocking the Carson Range view of mountains. Who wants to buy a front porch looking house when there's no view to look at except for a cell tower? That's no fun. I did not purchase my home for that. So, please take those things into consideration; that it is going to be visually obtrusive, and esthetically displeasing, and keep my home at the value it's supposed to. I appreciate it.

Chairman Walder speaks:
Thank you. Additional Public Comment.

Bill Cerrito speaks:
Good afternoon or evening? I'm a licensed contractor, licensed engineering contractor, and a contractor for Department of Homeland Security under FEMA. Again, you received the engineer reports. Our civil engineers dated in a separate document that Station 6 on Stephanie Lane, that he would not recommend the application for approval for any city jurisdiction in the United States. He also provided a wind load information in that report. So, we all know about our wind loads in this area, and sometimes they do exceed 120 miles an hour, so that needs to be addressed. The electrical engineer said something similar, stated he was not able to find at Station 6 that Verizon is in compliance with the electrical specifications with the 2017 NEC. Verizon hasn't presented a burden of proving compliance in advance of any decision, and it has not. The evidence before the Commission does not support a finding code compliance, so this project must also be denied. Mr. Walder, you asked a great question in the last meeting that we had about why isn't any of the fire department here to argue for this tower if they find that they need it, and the answer to that is there is no need. We've argued this for five months with the Minden Town Board, and one-time firemen showed up, and the only thing that he said was this would improve our response times. Well, I've witnessed firsthand, the response times are great, they're amazing. And back when Station 14 was a volunteer fire department, if you remember that, they responded to a couple different incidents when nobody else did, and one of the reasons why the County made them sworn firemen. For the same reason you denied the other tower is the same reason that you should deny this one. These are esthetically disgusting. They block our beautiful view of this mountain range that we have here. Minden is a historic rustic town, and it's not San Diego, it's not Los Angeles. These things don't belong in our town next to our schools. This tower is approximately 375 feet from Pinon Elementary School, and they're going, they

may have to change their evacuation plans, which I don't know if they can or not. They don't belong here. Genoa killed it. We need to stop it here. It doesn't belong here. And in closing, I want to say that, in all due respect to Verizon, and Chris, and we talked, and I would provide, and this offer still stands, provide my engineering services to you to find a more suitable location. We're not saying you can't have a tower; we're just saying you can't have it in these neighborhoods. Thank you for your time.

Chairman Walder speaks:
Thank you. Additional Public Comment.

Rhiannon Kamper speaks:
Hi. I am here in opposition of the cell tower at East Fork Station 6. I am directly affected by this tower, as it sits in the middle of my neighborhood. I am asking that you deny this tower for the same reasons you denied the tower at Station 14. This doesn't mean that I am against 5G and the advancement of communications. I'm simply asking that you find another location that is out of view and out of the middle of our neighborhood. With all the open land available in this beautiful valley, I do not see any reason why a less obtrusive location can't be found. These towers are very ugly, even when they try to hide them, and it does not go with the esthetics of our neighborhood, as 80 feet will be the tallest structure, high above all the roof lines. To the side of the fire station is a community being built with homes starting at $1 million; is that the kind of view you get these days for $1 million? At one of the board meetings, Chris Hatch mentioned the towers reach beyond eight miles. Verizon has a tower already in Johnson Lane and placing a tower at this proposed location would create redundant coverage, as these two towers would only be a few miles apart. Other locations were evaluated, like BLM, the water tower, which is high above any obstructions and far away from site, and the NV Energy Plant also away from site. These locations would not be in our view, while still hitting the gaps because it would be within the eight miles that they said the towers reach. Furthermore, the location at the sewer plant in town had not been evaluated and presented for alternative site because, as Chris said, it was actually a location that was on the Master Plan. How I understood that was that they have plans to come back with more applications. Please get clarification as to how many ugly towers they plan on installing in our beautiful valley. People move here for the gorgeous views, the small-town feel, the friendly community, and a simpler life, not because we provide lightning speed internet that requires ugly towers that take away from the nostalgia of our town. Have you been to Reno lately? Once you see these towers, you can't unsee them, and they're everywhere. And all for what? Faster connection and instant gratification. I have never had phone call problems until 5G was introduced and rolled out. Please do not allow this tower to go up in our neighborhood and find another location. I know we can't talk about health and safety because they can't provide the studies that haven't been done; however, I don't think we should be placing towers near children so they can be telecom's test subjects. I remember when smoking was good for you and no one died from cigarettes, until they did, so just think about that. Thanks.

Chairman Walder speaks:
Thank you. Additional Public Comment.

Cindy Trego speaks:
Good afternoon, Planning Commission Board. I'm part of the member group of the Safe Technology for Minden. Just a couple of quotes from letters off the Environmental Health Trust when they did some studies with real estate appraisers, brokers. It actually sells people that have long tenures in the community, which, you know, you could attest to as well, Mr. Nelson. The perception is a reality in the real estate business. The visual obstruction made by a cell tower would take away the peace and tranquility of the clients that moved to this country area to achieve natural views and creates decreased property values. We ask that you please do not, do the right thing, and reject the proposal to build this 80-foot cell tower, which would dominate the skyline and take away from the majestic beauty that this area currently provides. Thank you for your time.

Chairman Walder speaks:
Thank you. Is there additional Public Comment in the meeting room? Coleen, if you're still there, do we have anybody on the Zoom call that would like to make Public Comment?

Coleen Thran-Zepeda, Senior Development Coordinator, speaks:
Thank you, Chairman Walder. I am still here and I do have W. Scott McCullough that would like to comment, again. I'll move him in.

Chairman Walder speaks:
Mr. McCollough.

W. Scott McCollough speaks:
Yes, I am here. Thank you, once again.

Chairman Walder speaks:
We don't really have any rules about, I hate to sound, what's the right word? Discriminatory. We don't really have any rules about out of state or out of town people making Public Comments, so I'll let you go ahead, but can you please keep it within three minutes? We don't want to make this a habit or practice of allowing people from all corners of the world commenting on Douglas County, but go ahead.

Mr. McCollough speaks:
Thank you very much for the special dispensation, and I will. I'm very mindful of how the prior one went. I want to make just a couple of points. Property values, we do think that those are things that you need to consider within your findings; Finding A, B, G and H. I think it's in there. With regard to alternatives, the Verizon representative said that cell splitting would not solve their problem, but I noticed she didn't mention cell sectoring. One of the things that does is allow you to extend the reach of your existing tower because of the use of directional antennas, so I think they need to take a look at that. Third, you've heard a lot about electrical and structural safety. I know that it is the tradition for that to be done during what many call the building process after a permit is issued. I'm not sure that that's really feasible, and this is going to come up again and again when you do wireless. The FCC shot clock only gives you a certain amount of time. Here, I think it's 150 days, which is about till December 15th, if my calculations are correct. If you approve this, and after all of that is done, then we're going to have to go into the design phase under this process, and if there is a contest over code compliance, electrical or structural, you're going to bump up against that deadline. I do this all over the country. I'm finding that more and more of these zoning authorities are moving the code compliance up to the front end, precisely because of the shot clock problem. Thank you very much.

Chairman Walder speaks:
Thank you. Anyone else, Coleen, on Zoom?

Ms. Thran-Zepeda speaks:
No, he was the only one. Thank you.

Chairman Walder speaks:
Thank you very much. Then I'll close Public Comment. We'll come back to the Planning Commission for any questions or observations they have now of staff or the applicant, or we can move towards a motion and final action. Dave.

Member Nelson speaks:
Yeah, I, a little bit of a quandary here because I made some statements earlier that I really believe in. And the question for me at this point is, does it make any difference whether it's one person that's affected by

this or 100? In the last case, I felt there was a lot of people affected by this. This time it's a lot less people would be affected, but they are affected. And I saw the movie, again, that I've seen many times, A Man for All Seasons, the other night, and I don't know how Sir Thomas More would approach this. But for me, it is kind of a similar situation and I think it affects one person it's just as bad as affecting hundreds, so that's my position. Thank you.

Chairman Walder speaks:
Thank you, Dave. Maureen.

Member Casey speaks:
I have a question. The last speaker made a comment about using the old antenna, and my question to you is regarding the feasibility of using the old antenna. My thought is that the old antenna would be, regardless of how tall it is, it would be structurally unsound to hold new equipment; is that correct?

Mr. Hatch speaks:
That would be a correct assumption. And I do worry, there were two things that were addressed with using the old antenna or the tower that was there; that's not structurally viable in order to meet the conditions that are being put upon us by the County to make sure that it's rated for wind. I know there was some doubt over the 120 mile an hour being the rated wind conditions for this area, but that is what is in the code, and these are designed with a safety factor far beyond that; that's just the base design. This is not going over in 120 or 130 mile an hour wind. And then, I believe there was also the discussion of sectoring the existing tower; that might have been some bleed over there. The tower is already sectorized, so that, again, it's been upgraded to its fullest extent. So, the existing tower and upgrades to the existing tower in Johnson Lane, it's at capacity, we've already shown that in our charts.

Chairman Walder speaks:
Thank you, Maureen. Any other comments or questions on this particular agenda item? If we're ready to move to a motion, again, the findings are on page 217 to 219. They are the same findings that we had for the first agenda item, although the facts and the circumstances are different in this particular case. So, if you are commenting and voting for or against the proposition, if you could keep those findings in mind. Maureen.

Member Casey speaks:
Mr. Chair, I'd like to make a motion. I would like to, my comment is, to me, this is a completely different item than the one we had before. This is an existing tower, and it's not in the center of an existing dense neighborhood, it is not the entrance to the town. Whether it's Gardnerville, Gardnerville Ranchos, the Town of Minden, or even if this was down in, the entrance to Wild Horse or any of the denser subdivisions, I would feel differently, but this is out in the rural area. I feel it's a much safer area with regards to people. It's set back in the back end of the lot. It's a very rural area. I just have a whole different feel for this. I know we don't talk feelings, we talk facts, but sometimes I talk feelings. But anyway, I would, again, like to note that Douglas Economic Development, and the FCC started this rolling, and I believe that this meets all the findings. So, I'd like to make a motion to approve the Major Design Review application DP 24-0170, based upon the ability to make the required findings pursuant to 20.614.04 A-H listed in the Staff Report.

Chairman Walder speaks:
Is there a second to Maureen's motion of approval?

Member Bruno speaks:
I second the motion.

Chairman Walder speaks:
Paul seconds the motion. Any comments on the motion? Paul.

Member Bruno speaks:
I'm in agreement with the Commissioner. And I think that I depart with my colleague, Commissioner Nelson, in that the character of the neighborhood is distinctly different from the first application that we had today. H is satisfied, that is condition H, is satisfied in both, but this one particularly satisfies B because it is not a gateway circumstance, and in going out to the location it is compatible, obviously, because there already was an antenna out there. So, I think the circumstances are considerably different and I support the motion to allow the tower in this particular location satisfying all the conditions, including B.

Chairman Walder speaks:
Thank you, Paul. Dave.

Member Nelson speaks:
I'd like to make one other statement too, and that is I haven't been convinced that this will not harm children and it is across from a school. I don't think we'll know for another 50 years what kind of damage this can do to a child, so that's my other reason for not approving this.

Chairman Walder speaks:
Thank you. Other comments before we take a vote? Laurie.

Member Lile speaks:
Thank you. I'm a bit torn on this because I do think that the visual impact from the tower itself is actually potentially greater out here because it's designed for three antenna arrays and it seems that antennas are maybe a little bit larger than they were in the facility at Fire Station 14; however, it is not the same at all with respect to the impact on the community as a whole. It is not in that very prominent location where it's very visible by everyone. I appreciate the impact it may have on a few people and their view shed; that's never a happy thought. However, I don't know that there's a better location that would not impact anyone. And the thought that there is already an existing pole there, which is highly visible, to me feels like a different situation. So, I do believe that the findings for approval on this site can be met.

Chairman Walder speaks:
Thank you, Laurie. Bryce.

Vice Chairman Clutts speaks:
Thank you, Mr. Chairman. I agree with my colleagues that I think this is a completely different situation than the one before. As I mentioned earlier, if I was sitting in the crowd, whether I've got feelings about the health benefits, or what they are, or what they aren't, I have no idea, and I'm not at liberty to weigh those today based upon the rule of law, so I have to look at this from a design review perspective. I don't believe that this particular application is anywhere close to the one before in terms of that, and so I do believe it meets Finding B, and whether I believe it meets Finding H or not is irrelevant, and because it meets all the findings, I'll be voting in support of it.

Chairman Walder speaks:
Thank you, Bryce. Other comments? Mark.

Member Neddenriep speaks:
I too agree that this is a different situation. I drove around out there, it is a lot more rural. I am sorry that cell phone towers are not the prettiest things. I just hope that maybe Tom can help us revise the County

code so that we could allow water towers or other objects out there that might require more than just a monopole, but I will be voting for this.

Chairman Walder speaks:
Thank you, Mark. Paul, additional comments?

Member Bruno speaks:
Yes, I think we do have the opportunity to look at Title 20, and I think this, if I may impose, make a note by it so that the mandatory language with respect to the monopole is modified so that we can use all of the capabilities of the industry to make these stealth, and I think that would be very helpful for the community as a whole. Thank you.

Chairman Walder speaks:
Thank you, Paul. If there's no other comments, then I think we can take this by voice vote. All those in favor of Maureen's motion to approve the Major Design Review say aye. All those opposed?

Member Nelson speaks:
Nay.

Chairman Walder speaks:
So, it's six votes in favor, and Dave is voting against, and the motion is approved. And that concludes this agenda item.

MOTION TO: Approve Major Design Review application DP 24-0170, based upon the ability to make the required findings pursuant to 20.614.04 A-H listed in the Staff Report; carried.

RESULT:	**APPROVED**
MOVER:	Maureen Casey, Member
SECONDER:	Paul A. Bruno, Member
AYES:	Maureen Casey, Mark W Neddenriep, Bryce Clutts, Kirk E. Walder, Paul A. Bruno, Laurie K Lile
NAYES:	David E. Nelson

CLOSING PUBLIC COMMENT (NO ACTION)

Chairman Walder speaks:
And we will now move to Closing Public Comment. At this time, Public Comment will be taken on those items that are within the jurisdiction and control of the Planning Commission or those agenda items where Public Comment has not already been taken. Is there any Closing Public Comment here in the meeting room?

Casey Rodgers speaks:
I just wanted to thank you all for your vote on Station 14; I really appreciate it. I know that it's going to protect the children at Allie's daycare. I know that you guys don't know enough and I know that you can't vote on health, but I really do appreciate you guys, your vote on that, and then I'm just going to leave it at that. Thank you.

Chairman Walder speaks:
Thank you. Additional Closing Public Comment? Coleen, anyone else on Zoom appear to have Closing Public Comment?

Coleen Thran-Zepeda, Senior Development Coordinator, speaks:
Thank you, Chairman Walder. We have no hands raised in Zoom.

Chairman Walder speaks:
Thank you. If there are no other Closing Public Comments, then I'll close Public Comment. I do want to thank the staff again. Linda, you and Tom have done an excellent job on this issue. It's been a long process, and we really appreciate your hard work and your dedication to the mission. Tanya, thank you very much. The Clerk's Office always does an excellent job. Coleen, thank you as well for manning the office and the Zoom call. AJ, excellent legal advice, as always, so thank you very much. And we do thank the public who are still here for their participation. So, thank you very much, and the meeting is adjourned.

ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting adjourned at 5:04 PM.

Respectfully submitted:

_____
Kirk Walder, Chairman
Douglas County Planning Commission

ATTEST:

_____
Amy Burgans, Clerk-Treasurer

COMMUNITY DEVELOPMENT
1594 Esmeralda Avenue, Minden, Nevada 89423

Tom Dallaire, P.E.
DIRECTOR

775-782-6201
FAX: 775-782-6297
website: www.douglascountynv.gov

Building Division
Engineering Division
Planning Division
Code Enforcement

~~December 13, 2024~~ January 10, 2025 **CORRECTED**

FILED
NO.
1/15/2025
DATE
DOUGLAS COUNTY CLERK
MINDEN, NV
BY MP **DEPUTY**

Michael Cabrera, Snell & Wilmer
mcabrera@swlaw.com

William Peterson, Snell & Wilmer
wpeterson@swlaw.com

Willow Cornelius, Snell & Wilmer
wcornelius@swlaw.com

Chris Hatch, Epic Wireless
Chris.hatch@epicwireless.net

RE: Continuance of appeal (DP24-0204) of the Planning Commission's decision to deny Development Application DP24-0169, a major Design Review to install an 80-foot (monopole) cell tower and associated network equipment within a 15-foot by 25-foot fenced equipment area, to include network cabinets and a standby diesel generator. The subject property is located at 1699 County Rd, Minden, NV in the Public Facility (PF) zoning district within the Minden Community Plan. APN: 1320-30-802-004

To all concerned,

During the Board of County Commissioner meeting on December 5, 2024 Paul Albritton, counsel for Verizon Wireless, requested a continuance of the appeal of the Planning Commission's decision to deny Development Application DP24-0169, as detailed above. After discussion and receiving Verizon Wireless' consent to ~~waive~~ extend the "shot clock", the motion to continue the appeal until April 3, 2025 was unanimously approved (5-0).

This will be the final continuance granted, per Douglas County Code 20.24.050(2)(B):

An applicant shall not be granted more than a total of two continuances on the same matter, unless the public body determines, upon good cause shown, that the granting of the additional continuance is warranted.

If you have any questions please feel free to contact me by email or phone at ldoherty@douglasnv.us or (775) 782-6209.

Thank you,
Linda Doherty

Linda Doherty, Assistant Planner
Douglas County Community Development

APPROVED JANUARY 16, 2025

The Regular Meeting of the Board of County Commissioners was held on Thursday, December 5, 2024, beginning at 10:00 AM in the meeting room of the County Administration Building, 1616 8th Street, Minden, Nevada as well as was streamed via Live Stream – Video Link, Douglas County YouTube Channel. **When applicable, the minutes below have been transcribed.**

CALL TO ORDER
The meeting was called to order at 10:00 AM.

COMMISSIONERS PRESENT:
Wesley Rice, Chair
Sharla Hales, Vice Chair
Mark Gardner, Commissioner
Walt Nowosad, Commissioner
Danny Tarkanian, Commissioner

STAFF PRESENT:
Dan Coverley, Sheriff
Jenifer Davidson, County Manager
Doug Ritchie, Chief Civil Deputy District Attorney
Nicki Leeper, Assistant County Clerk
Tanya Balda, Senior Deputy Clerk

Chairman Rice speaks:
Before we get started, there's a couple of housekeeping items to cover. Number one, Mr. Gilbert will not get here until he gets off of the bench; business comes first, I suppose. Justice must prevail. So, that item will be heard when he gets here. And for those of you who are here for Items 6, 7, and 8, Item 6 will not be heard until after 1:00 PM, Item 7 will not be heard until after 1:00 PM, Item 8 may or may not be heard because it has been a request for a continuance by Verizon as they look for alternate locations. So, if you're here for Item 8, we probably will not be hearing that today. We will call it on the agenda when it's proper time, and we'll see what happens from there, but don't be too optimistic.

PLEDGE OF ALLEGIANCE
Led by Chief Civil Deputy District Attorney, Doug Ritchie.

PUBLIC COMMENT (No Action)

Chairman Rice speaks:
Before the Public Comment starts, I would ask that if you are here for a specific item, please wait and hold your Public Comment until that item is heard on the agenda. The Board of County Commissioners conducts the business of Douglas County and its citizens during its meetings. The Board may impose reasonable content neutral restrictions on Public Comments, such as comments that are on topic and are not within the jurisdiction, authority, or control of the Board of County Commissioners, or if the content of the comment is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounts to a personal attack or interfering with the rights of other speakers. There's a whole page of this stuff, but I will just say, Public Comment is limited to three minutes per speaker, unless additional time is granted by the Board Chairman. The Board of County Commissioners uses timing lights to ensure that everyone has an opportunity to speak. You will see a green light when you begin, and then a yellow light which indicates that you have 30 seconds left and should conclude your comments. Once the light turns red, please sit down. Having said that, Public Comment is now open.

Ellie Waller speaks:
Good morning. Up until early yesterday evening, I thought, truly believed, that providing comment asking you as the Board to slow down the South Shore Area Plan was a viable request. As many governing bodies, many contentious topics appear on agendas during the holiday season; the area plan is no exception. This is not an area plan amendment, in my opinion. It is merely a contemptuous, veiled failed attempt to fast track Barton Hospital and associated healthcare subdistrict, which has been removed and which has cost the County in consultants fees in excess of $80,000 to produce an initial environmental checklist that corrects the area plan boundary to eliminate a split zoning for a mobile home park, signage regulations that were omitted from the original plan, incorporating an energy conservation strategy, and providing a platform so TRPA can add their Phase 2 workforce housing. In what world do these ministerial changes add up to 80K, in my opinion? There is no logical reasoning to be going forward with this piecemeal planning. TRPA staff has verified that they will go forward with Phase 2 workforce housing amendments that they approved in December of 2023 in early ’25 regardless or not if our area plan is submitted. This is what an area plan amendment should look like, it's chapter by chapter, and this is not what we're doing. So, I'm not sure, now that the Barton Hospital has been removed, why we're going forward. Furthermore, notwithstanding the TRPA disingenuous guidance to Douglas County down this path, it cannot be made an excuse for disrespecting the affected property owners that do not even know they've been disrespected. All involved have made a mockery out of this process, and no one involved can or has stated the obvious, in my opinion. 2011 is when this process began and went afoul, in my opinion. The casinos, the commercial property owners, South Tahoe Alliance of Resorts, TRPA, Lake Tahoe Visitors Authority, Steve Teshara representing the Prosperity Center, three representatives from Edgewood, attorney Mr. Feldman, the Tahoe Transportation District, and other numerous stakeholders came together to draft the South Shore Vision Plan. No one, in my opinion, from the public was represented. What kind of process is this that doesn't include or request public input from those most affected? If you were living in the area plan boundary wouldn't you want to be part of the future planning of where you live? Stop calling this effort an area plan amendment, it's not benefiting the greater population, that should, which is called the Tahoe Township, come clean because of a failed attempt to move Barton forward with built-in incentives.

Chairman Rice speaks:
Next.

Thelma Rogers speaks:
I would like to see the Sheriff's department budget increased.

Chairman Rice speaks:
Your name, please.

Ms. Rogers speaks:
Pardon. Thelma Rogers. I would like to see the Sheriff's department budget increase so that we can have more traffic enforcement on Johnson Lane. One major problem is those trucks and cars coming out of business parks on the south side of Johnson trying to turn left and they can't. With the trucks and cars, with so many now, there is no break in traffic, and so these big trucks from UPS, and Starbucks, and those, and others have a hard time pulling out there, and some of them just pull out. They don't care about oncoming traffic or anything else. And I would have to say, mostly, I've seen that with UPS drivers. But when the trucks do get in on Johnson Lane there's cars following that don't want to be behind the trucks, so they pass on double yellow lines, frequently. So, I really would like to see an officer out there that likes to write tickets, and stop some of this stuff, and help these truck drivers get out in traffic safely. I mean, there's, I'm sure all of you have tried to make a left turn and, oh, there's a car just that much too far, I can't do it right now, I got to wait, that one's just a little, and that's what's happening out there.

There's just not the break there should be for these guys to get out, and it's going to be very dangerous pretty soon. Thank you.

Chairman Rice speaks:
Thank you.

Stacie Clark speaks:
Good morning, Commissioners. Piggybacking on Thelma, I used to live off of Pyramid Way, and we had two gravel mines, and the trucks that pulled out. And if you look at the crash data, which I'm happy to share, I pulled it, the crash data increased drastically with the advent of those gravel trucks that Thelma was talking about, so I do concur with her with regards to safety. I'm here because I'm concerned about the Ordinance 2024-1639. It, in my opinion, is a Band-Aid on the problem and not inclusive of Fremont. It doesn't allow for traffic controls. And frankly, you all have the ability to run it up the flagpole to get permitted vehicles and permitted trucks out there. I do not support this. I know today is just the first reading. I know it's not open for Public Comment. And as you know, I'm a retired scientist. So, while I'm not here in support or denial of the cell phone tower, as a previous teacher, I also can state that please take the studies that they have done seriously. I would like to oppose that ordinance and ask for it to be replaced with a permit only truck. With your license plate readers that you're asking for monies up at Tahoe, you can easily put in license plate readers at the access, egress and ingress, of the mine. So, that is my conclusion. Thank you.

Chairman Rice speaks:
Thank you.

Jim Jackson speaks:
Excuse my voice; it's breaking up today a little bit. The first thing I'd like to clear up is, I received, I did not receive it, but an email was sent to me stating that I was in favor of this ordinance that you're going to bring up for the first reading today. I believe when I mentioned in open meeting, I was in favor of an ordinance that restricted traffic on the side streets; that was correct. But I am not in favor of this ordinance because it falls very short on what needs to be done up in the area. Fremont was not included, East Valley south of Johnson Lane was not included, and a four way stop at Johnson and Fremont is not included in here. All those things should be included, plus much more. So, I am not in favor of this ordinance the way it is written; I want to make that very clear. One of the other things, and I just changed my whole approach this morning, is a flawed agreement between Knox and the County was made based on a flawed environmental study. Two flaws do not make a right. This whole thing is an absolute mess. And in the spring, when the trucks start really moving down there, we're going to have some real problems. It's up to you folks to fix the problems that have now been created, and a lot of people are going to be here to say that. The other thing that I was going to mention is, when this agreement came up you didn't listen to the people. We had this room filled, the hallway filled, the front lawn filled, and a petition with over 700 names on it that was all put together in two days, and you did not pay any attention to that. That was not a good idea. Now, you've got these cell towers going in. I hope you pay attention and listen to the people that live in the area on these items. I don't hold much hope to that because you didn't listen to us. And the last thing, at this point, that I want to bring up is, I read an article in the paper about four weeks ago about the budget of the County and how much of it went to employees, how much of it went to benefits for the employees, how much of it went to turning on the lights in the County buildings, and when you were all said and done you only had like $4 million left over. A person mentioned to me this morning that even at that point, it was refined further to where there's maybe only $1 million left over. You can't fix the roads that need to be fixed, you can't do any of the other stuff. So, I was thinking, maybe we need to get Elon to come into the County and take a look at it, like he's going to do to the federal government, and see where we can cut back. Thank you.

Ron Conway speaks:
Good morning. My wife and my house back up to Johnson Lane. I'm here today to talk about your proposed ordinance that is going to make a bad situation a whole lot worse. You don't understand truck traffic; you have no clue. Come spring and summer, when the trucks actually start running, because you ain't seen nothing yet, what's going to happen is the cars traveling on Johnson Lane are not going to want to be behind those trucks anymore. Now, they're going to go to Stephanie and all the side roads. So now, you're going to have double and triple the traffic on Stephanie where there's a school. What you need to be looking at is how to get some of those trucks off that road, and how you do that is stop the bypass. Most of those trucks go down that road, turn right on Fremont because they don't want to go down 395 and through town. You can take 25 to 50 trucks off that road a day with the correct ordinance. This is not it; not by a long shot. Now, I spent all my life in the public sector. I was the guy who thought out of the box. There is a way to get it done. You folks have not asked. You have not thought about it. In fact, the only thing I hear in this building is we can't do that. You know what happened to you in the public sector if you said, oh, we can't do that? You'd be looking for a new job. I worked for two of the most successful companies in the country. Their philosophy was you don't say we can't do that. You say, how do we get it accomplished? It's a mindset. All you folks just give up. We can't do nothing. That's not true. It's not the fact. If you ask for help, the residents have more experience, and more capability, and more knowledge than this entire building, but you don't ask for help. You shove stuff down our throat. That agreement is absolutely absurd. You need to take trucks off Johnson Lane before you can start to fix any problem. I'm not talking all of them. I'm not talking Knox. I'm talking the ones that use Johnson Lane and Fremont as a thoroughfare, a bypass. And if you don't believe me, put somebody out there in a chair and count the trucks that go by.

Chairman Rice speaks:
Thank you, sir. Next.

Beth Wallace speaks:
I'm an 11 year resident of Zephyr Heights. Commissioners, I know this is an agenda item that is going to come up, Item 6, and I will make specific comments at that time, but over the lunch break, now that it's being heard this afternoon, I would ask you to postpone any action on the Conserve Nevada MOU presented today by the Douglas County board of Parks and Recreation Advisory Board. I'm requesting this because, as you are aware, the Parks and Recreation Advisory Board had a meeting planned this last Tuesday, and that was postponed due to a violation of the Nevada Open Meeting Law, and it's been rescheduled for Monday, December 9th. So, I ask that you postpone any action, as the public and residents of our area, we have not had any questions answered or any input provided. Thank you.

Chairman Rice speaks:
Thank you.

Elisabeth Lernhardt speaks:
Good morning, Chairman. Good morning, Commissioners. I'm also asking for the same point. Agenda Item 6 should be pulled from today's agenda. The community outreach through Parks and Recreation meeting has been short notice canceled due to OML violation. As said, it was rescheduled for Monday. We have not had time to vet this and we don't have an opportunity to familiarize ourselves with the item. So, I please ask you to reconsider and pull it from the agenda. Thank you.

Fred Farley speaks:
When I was preparing, I just noticed there's going to be some confusion, if I talk about the board, I mean, the TRE GID water board. And if I talk about you folks, I mean BoCC, but I won't be really talking about you, I don't think, just for clarification. You haven't done anything wrong that I know of, but listening to all these people, I'm not too sure. I've got three minutes, and I've rehearsed this, so I apologize if I talk

fast. I can provide written copies. Some months ago, there was a discussion in this room, before this Board, the BoCC, regarding citizen concerns about the incompetence or the competence of the TRE GID Board. Since then, four of our Board Members down there have all quit. All office staff have quit. Newbie efforts to fix the GID issues have been earnest, but many issues remain. At that meeting, long ago, a gentle person's agreement was resulted in a pinky swear from the GID board to keep the BoCC posted on voluntary status reports. How has that been going for you? If you haven't gotten any reports yet, well, it's your call, but I'll bet you could learn a lot from our GID. As a regular attender of GID monthly meetings since the 90s, I offer here my own teachable moments and observation for your consideration. You guys run a good meeting here, you do, you really do, but you waste a lot of time with things like, I don't know, Treasurer's reports, public information, Public Comment. Early in 2023, we had a Treasurer just say month after month there is no Treasurer's report or I don't have one, move on. That actually worked. It saved a lot of discussion, saved a lot of argument, saved a lot of trees. The board now seems to have adopted a program where it only provides reports as it is able. Documents for discussion of Treasurer's reports, budget or audit approvals, rate increases, they're only provided when they can, and they may not be provided at all. When the attendees get used to it, that becomes how it is. The public is never going to be an expert in Open Meeting Law violations. Since documents are only sporadically reported at the meetings, I have asked for copies of all Treasurer's reports. If I ever get some, I'll let you know. I did get one Treasurer's report back in 2023, to be fair. I couldn't make heads or tails of it, so I took it to every banker from TRE to Carson City, and the best one, that I just loved, handed it back to me laughing and said, this looks like what my son gives me when he says I'm done with my homework, I want to watch TV. I send him back to his room. I know the BoCC has no direct jurisdiction over the GID, but you will when they collapse. This Board has already had to manage the failure of two very small water GIDs, and I don't think anybody involved in that process has kind memories. This GID has a half a million dollar budget and seven $100 water accounts; do the math. It's not going to be fun if they collapse. We can look for ways to help them cope now, while it has, while they have money and a functioning system or we can wait till they're broke and the infrastructure is broke too. I hope you guys can do the math because I don't think the GID can. Oh, yeah, this just in, our latest Treasurer just quit, and the Board Members told me that they became aware that, just recently, another Board Member has had sole control of the checkbook, unsupervised and unreviewed.

Chairman Rice speaks:
Thank you, sir. Your three minutes are up.

Mr. Farley speaks:
There's lots more to report; I just ran out of time.

Chairman Rice speaks:
Is there any further Public Comment? Seeing none, we will close Opening Public Comment, and somebody is rushing to the microphone.

Sheryl Lemke speaks:
Hi. Just in case I'm out of town when you have the 5G info, I just want to let you guys know that I personally get, it feels like I'm getting murdered when I'm around… I had to get rid of my Wi-Fi. I went with Verizon for a while, and their phone, their connection was actually cooking me internally. And I felt like you turn on a boiling oven, and you open up the door, and I just felt the heat, and I could not, you know, it felt like literally, I was, it was murdering me. So, on behalf of all the red-tailed hawks, the birds, the grass, the horses, the land, I'm urging you guys not to get any more Wi-Fi or the 5G towers. It's a weapon. And luckily, I'm old enough, and I travel, kind of between the Canadian border and the Mexican border, and helping people with their horses, so I'm out in the country. And I could tell you that every single area where they put the 5G towers, it's a dead zone. There's no more plants. I mean, like, there's dead grass. The hawks, the eagles, they're not flying in those areas. The horses are sad. And then, usually

the old ranchers, they get crippled really quick. My dad's been trying to help with a smart meters and the, you know, doing what the city wants, and he's a very strong, powerful, great man that would run 100 miles, and sprint 50s, and he's in a wheelchair right now. And another rancher that I know, that I'm going to go see probably next week, they had a nice ranch out in the country, they sold it, they moved into town, kind of by like a 5G tower, he just had a heart attack. He's getting, his whole body is collapsing. So, for the people that are handicapped and the people that can't really speak or the people that don't know about nature, not living in nature, you're living in a city, you kind of, they numb you down. They're cooking you slowly like they would cook a frog, so you don't really notice it. And I'm in and out, and so I really, really notice it. And it's, I feel that it would put every single human being, and every animal, and every life force in more of a harm's way, so I urge you…

Chairman Rice speaks:
Thank you. Is there any further Public Comment? Seeing none, we will close Public Comment and we will move on.

APPROVAL OF AGENDA

Chairman Rice speaks:
Are there any changes to the agenda other than what I've already…

Commissioner Tarkanian speaks:
What's the status with the Parks and Recreation not having their meeting? Is that a requirement? Before we look into it.

Chairman Rice speaks:
I do not believe so. Counsel?

Doug Ritchie, Chief Civil Deputy District Attorney, speaks:
Thank you. No, it's not required, it's advisory. But also, at this time, just to clarify that there was no, any assertion that there's a violation of Nevada's Open Meeting Law is incorrect. There was a notice by the Tahoe Sierra Clean Air Coalition alleging a violation. It's a technical area. But they said that the law requires that notice where the supporting material can be located has to be in the agenda, the agenda for that advisory board, so the questions concerning the agenda should be referred to Brook Adie, Community Services Director.

Commissioner Tarkanian speaks:
I don't really care what decision they made for why they delayed it. I guess my concern is, why we want to hear it before the advisory board gives us their recommendation. I mean, this Board here, I think when we had our norms and procedures said, well, we need to give really great deference to all these advisory boards. If we show them we don't respect their opinions… Is there a reason why we're taking it now and not delaying it? And if there is, please let us know.

Jenifer Davidson, County Manager, speaks:
Mr. Chairman, Members of the Commission, it is my understanding that Item 6 is a time sensitive matter and we cannot wait for an advisory opinion of the advisory board in this case, in this instance. We had referred the matter to the advisory board as a courtesy, it was not required. If you have additional questions, I do have two members of staff able to step up to the mic.

Commissioner Tarkanian speaks:
Can you tell us why it's time sensitive?

Ms. Davidson speaks:
With that, I'll turn it over to Mr. Morgan.

Scott Morgan, Assistant County Manager, speaks:
Mr. Chairman, Members of the Board, just to give you an update, the Park and Recreation Commission had a Special Meeting planned where we noticed a large portion of the neighborhood to talk about a number of things, primarily was to get public input regarding the Warrior Way parking program, a review of what happened last year and recommendations for steps going forward, also to solicit a recommendation from the advisory board to restrict no parking along Highway 50 from Skyland all the way to the state line. Those were the primary. As a result of having that meeting, we stacked a number of things. This was an update to the commission; it was not set for a recommendation. The projects being funded by this action taken on Item 6 are already included in the County's trails plan, have been previously designed, and have been recommended and approved by this body through its planning effort. It was an update to the Park and Recreation Commission and a courtesy to the neighborhood to give them an update. But on that matter, it was expanded slightly to talk about the intersection of Highway 28 and Highway 50, and the proposed park and ride facility, the proposed trailhead there, as well as the invasive species inspection, aquatic facility, and to talk about maintenance of those facilities, and to get the Park and Recreation Commission to weigh in that section as an advisory. It was not specific action by the Park and Recreation Advisory Board to hear or make a motion regarding this action, since it had been previously approved by this body, as well as the Park and Recreation Advisory Board. Also included was an opportunity for the fire district up at the Lake to talk about the helicopter pad at George Whittell High School. And so, that was really the content. It was just kind of bringing the community together. It truly was unfortunate that that meeting got canceled because, you know, we were hoping to cover a lot of ground.

Commissioner Tarkanian speaks:
Mr. Morgan, I love hearing your responses and I'm going to miss them after January. I guess I didn't hear though why there was a time sensitivity of approving this now.

Mr. Morgan speaks:
Because we're cooperating with other agencies, Washoe County, who are trying to solicit this. The long short, we'll give you some history on that item, this is the reauthorization of Ballot Question Number 1, which is a $200 million bond issued by the State of Nevada some time back, and it was reauthorized about six years ago by the State Legislature. Included was $5 million for the bike path in Tahoe, and so Douglas County wants to get in line to compete for that money for this pre-approved, pre-prepared, preauthorized section along Edgewood, along Highway 50, not narrowing Highway 50, this has been previously designed, and to enhance the Laura Drive trailhead. It's time sensitive because we would like to compete with Washoe County and Carson City for a portion of that money to make these improvements.

Commissioner Gardner speaks:
Mr. Chair?

Commissioner Tarkanian speaks:
I have a follow-up question.

Commissioner Gardner speaks:
Mr. Chair? Wait a minute. Mr. Chair, I believe this is out of order because we are discussing an item that is on the agenda before we've even approved the agenda.

Chairman Rice speaks:
No, we are discussing the agenda.

Commissioner Gardner speaks:
There has been no motion then?

Chairman Rice speaks:
No, there has not been a motion.

Commissioner Gardner speaks:
So, we're discussing…

Chairman Rice speaks:
I asked if there were any changes or corrections to the agenda.

Commissioner Gardner speaks:
But we need to approve the motion or the agenda, and then we can discuss whether or not… I guess we need to have a motion before we discuss whether or not we want to remove an item from the agenda is what I'm suggesting.

Chairman Rice speaks:
Thank you.

Commissioner Tarkanian speaks:
I'm not real sure how these rules work, but it seems to me if you're going to make a motion before you have the facts to determine what you want on the agenda, how do you do that? I'm not, just let me finish for a second. Let me finish for a second. I have no problem, I'm not going to make a motion to change the agenda. I wouldn't want to unless I know the facts of whether it should be on or not, so I ask simple questions to get information of whether it should be or not, and I think that's what this discussion was. I was only going to ask one more thing to Mr. Morgan, if I can?

Chairman Rice speaks:
Please do, so that we can get on.

Commissioner Tarkanian speaks:
Well, I mean, we could get on real quick and not even have it, if you wanted that. My last question was, you said you want to compete with those other two agencies, but this MOU is a cooperating document, so we would all be working together with it. Are you saying if we don't address this on December 5th instead of December 19th we will no longer be a part of this MOU?

Mr. Morgan speaks:
I may have Community Services Director Adie respond to that, but part of that is there's $5 million available, and we all understand that that's most likely going to be used for improvements or a match. And we want to be part of the MOU to, I guess, compete federally or statewide for additional funds and make sure our project in Douglas County is in the program. And if Brook has something she'd like to add, to say, if we don't do it now, it's just going to be Washoe County and Carson County who are a part of the MOU. And so, we would like to cooperate with them to make sure that our project is included in this proposal.

Commissioner Tarkanian speaks:
That's a very good reason. Thank you.

Vice Chairwoman Hales speaks:
I'll move approval of the agenda.

Chairman Rice speaks:
Thank you. Is there a second?

Commissioner Nowosad speaks:
Second.

Chairman Rice speaks:
Moved and seconded to approve the agenda. All those in favor say aye. Any opposed? The motion carries.

MOTION TO: Approve the agenda; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sharla Hales, Vice Chair
SECONDER:	Walt Nowosad, Commissioner
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Walt Nowosad, Danny Tarkanian

CONSENT CALENDAR

MOTION TO: Approve the Consent Calendar; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Walt Nowosad, Commissioner
SECONDER:	Danny Tarkanian, Commissioner
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Walt Nowosad, Danny Tarkanian

A. For possible action. Discussion on the Douglas County Treasurer's Monthly Statement for October 2024 submitted per Nevada Revised Statutes 354.280(2). (Amy Burgans)

B. For possible action. Discussion on the Douglas County October 2024 Investment Report submitted per Douglas County Code 3.02.040. (Amy Burgans)

C. For possible action. Discussion to accept the cumulative voucher sheets submitted under NRS 244.210 for checks and electronic fund transfers issued for the 10/04/2024 Payables, 10/04/2024 Payroll, 10/11/2024 Payables, 10/16/2024 Payables, 10/18/2024 Payables, 10/18/2024 Payroll, 10/22/2024 Payables, 10/23/24 Payables, 10/24/2024 Payables, 10/24/2024 Payables #2, and 10/28/2024 Payables. (Amy Burgans)

D. For possible action. Discussion to enter a new contract with Meeder Public Funds, Inc. to provide discretionary investment management services to Douglas County in accordance with the County's investment code and policy for another three (3) years for an advisory fee of 0.075% (7.5 basis points) of assets under management. (Amy Burgans)

E. For possible action. Discussion to approve the agreement between Douglas County and Carson Valley Health to provide Medical Services for the indigent population of Douglas County. (Jodi Martinez)

F. For possible action. Discussion to purchase one transit van for the Senior Services Home Delivered Meals Program for a total cost of $57,599.25 from Corwin Ford Reno. (Ryan Stanton)

G. For possible action. Discussion to approve the revised Parks and Recreation 2025 Program and Facilities Manual. (Brook Adie)

H. For possible action. Discussion to Terminate Land Lease 057 with Alpine Development Group, LLC at the Minden Tahoe Airport for non-payment of rent, and declare $92,089.08 in unpaid rent and fees unrecoverable. (Heather MacDonnell)

I. For possible action. Discussion to terminate Land Lease LL096 with Ronald Snedecor at the Minden-Tahoe Airport due to non-payment of rent, and authorize the Airport Manager to take all necessary action to terminate the lease, dispose of any personal property therein, and collect the sums due. (Heather MacDonnell)

J. For possible action. Discussion to accept $33,620 from the Federal Fiscal Year 2024 Homeland Security Grant Program (HSGP) through the Nevada Division of Emergency Management for the Community Emergency Response Team program; adopt Resolution 2024R-132 augmenting the Emergency Operations budget in the same amount; and authorize the Director of Emergency Management to sign all related documents. (Kara Easton)

K. For possible action. Discussion to accept $48,244.58 from the Federal Fiscal Year 2024 State Homeland Security Grant Program (HSGP) for radio system preventative maintenance; adopt Resolution 2024R-133 augmenting the Telecommunications budget in the same amount; and authorize the Director of Emergency Management to sign all related documents. (Kara Easton)

L. For possible action. Discussion to accept $51,028.66 from the Federal Fiscal Year 2024 Emergency Management Performance Grant (EMP Grant) for the Department of Emergency Management; adopt Resolution 2024R-134 augmenting the Emergency Operations budget in the same amount; and authorize the Director of Emergency Management to sign all related documents. (Kara Easton)

M. For possible action. Discussion to accept the auditor's report on Douglas County's general ledger cash balances through October 31, 2024, per Nevada Revised Statute 251.030. (Kathy Lewis)

N. For possible action. Discussion to approve the purchase of two (2) budgeted motor pool vehicles from Champion Chevrolet for a total of $107,740.50 for Fiscal Year 2024-25 under Nevada State Contract 99SWC-S1495 and authorize the County Manager or Public Works Director to sign all related purchase order documents. (Jeff MacDonnell)

O. For possible action. Discussion to approve a $198,900 construction contract with Haen Constructors for the Cave Rock Water Treatment Plant Strainer Project; authorize the County Manager or Public Works Director to execute the contract and change orders up to 10% of the original contract price; and approve Resolution 2024R-128 to augment the Project 24W01 budget in the amount of $208,890 from Capital Reserves to Capital Outlay. (Rick Robillard)

P. For possible action. Discussion to approve the purchase and installation of three new license plate readers at Lake Tahoe form Odin Systems Inc. in the amount of $24,277.50. (Undersheriff Elges)

Q. For possible action. Discussion to authorize the Douglas County Sheriff's Office to accept the donation of a 2002 Piston Bully Yukon 8210 Sno Cat and 1994 Maxey Trailer from Douglas

County Sheriff's Search and Rescue to be used for emergency winter call outs. (Undersheriff Elges)

R. For possible action. Discussion to authorize the Douglas County Sheriff's Office to purchase a 2025 Dodge Durango Pursuit vehicle, for use by the Douglas County Sheriff's Office Traffic Division, for a total outfitted cost of $77,350.03. (Undersheriff Elges)

ADMINISTRATIVE AGENDA

Chairman Rice speaks:
I will again note that Items 6, 7, and 8 will not be heard until after 1:00 PM, so if you're here for those, enjoy your lunch.

1. For presentation only. Presentation of Proclamation 2024P-131 recognizing East Fork Township Justice of the Peace Paul Gilbert for 42 years of dedicated service to Douglas County. (Chairman Wesley A. Rice)

Chairman Rice read the agenda item into the record.

Chairman Rice speaks:
Fellow Commissioners, if you'll join me. Paul, I'm sorry, Your Honor, it's good to see you, my friend. Paul usually shuns public notoriety.

Paul Gilbert, East Fork Justice of Peace, speaks:
Very much.

Chairman Rice speaks:
Yes, you do; however, we're not going to let you do that today.

Chairman Rice read the proclamation into the record.

Chairman Rice speaks:
Thank you, Paul.

Applause was heard.

Judge Gilbert speaks:
Well, now that everyone's really bored, I'd like to thank you. There's numerous people in the audience, I don't want to just pick people out, that I need to thank, going from my brother to the Slater family. Thank you.

Dan Coverley, Sheriff, speaks:
The Sheriff's Office has, obviously, had a long history with Paul, now Judge Gilbert.

Judge Gilbert speaks:
Some good and not so good.

Laughter was heard.

Sheriff Coverley speaks:
My family, personally, has known the Gilbert family for my entire life. I think Paul was in a PE class when my dad left, and my mom gave birth to my brother and I. He's been a mentor and a friend, a perfect example for me on what to do, and how to act in my law enforcement career, and you're going to be missed. This is just a memento from us to you of your time on the bench. I really loved being in court when you were the Judge because it worked out very well.

Laughter was heard.

Sheriff Coverley speaks:
Thank you for your service and I know that we'll see you around.

Applause was heard.

Photos were taken.

Chairman Rice speaks:
Before we move on, when I moved here 33 years ago I knew one person, that was my realtor. The next person that I met was Paul. I became a Reserve with Douglas County, and then later a Category 1 Deputy, and then I was Paul's first Deputy Constable. My serial number was ten. You have been a friend and I can't tell you how much I love you. Thank you, Paul. And I got through that.

Applause was heard.

RESULT:	**PRESENTATION HELD**

2. For presentation only. Presentation of Proclamation 2024P-135 recognizing Douglas County Chief of Staff, Melissa Elges for Excellence in Public Service. (Chairman Wesley A. Rice)

Chairman Rice read the agenda item into the record.

Chairman Rice read the proclamation into the record.

Chairman Rice speaks:
Thank you.

Jenifer Davidson, County Manager, speaks:
I think the only person whose proclamation might be longer is going to be Scott Morgan's. I will keep my comments brief. Apparently, I used all my words in the proclamation. They were very…

Chairman Rice speaks:
Oh, you did this.

Ms. Davidson speaks:
Yeah, they were very well deserved. Melissa has been a model of excellence for this organization, and frankly, she's a little bit of a unicorn in the sense that she has so much to contribute no matter where she lands in life. So, since I have run out of words, I'm going to borrow from the words of others, and I'm going to try to keep it light hearted so I don't lose it up here. How many people have seen the movie Wicked recently or seen the musical? No. Okay, so in my analogy…

Laughter was heard.

Ms. Davidson speaks:
I'm trying to make people laugh. In my analogy, I'm wearing the green coat, so you can figure out which one of us is Elphaba and which one of us is Glinda. When I told Melissa that I was interested in becoming the County Manager the conversation that followed was incredibly supportive, but the version that now plays back in my head, having recently seen the musical, is Melissa said back to me, you will be popular. And then she said, and even in your case, though, it's the toughest case I've yet to face, don't worry, I'm determined to succeed, follow my lead. When I see depressing creatures, she was referring to me in this case, with unprepossessing features I remind them on their own behalf to think of celebrated heads of state or especially great communicators. Did they have brains or knowledge? Don't make me laugh. They were popular. It's not about aptitude, it's the way you're viewed. Oh my gosh, I'm just going to get through it. Okay. So, it's very shrewd to be very popular, like me. Melissa is very well liked in our organization, and in the proclamation one of the things that I hope she's most proud of is promoting and fostering a culture of people in this organization matter. She invested in people, she cared about people, she mentored people, and I counted myself one of the lucky among them. And I thank her so much for her mentorship and her leadership. I won't read the second song from Wicked that reminds me of Melissa, but I will let you know that because I have known you, you have changed me for good, and I thank you so much for that. Last quote, Melissa's a big Brené Brown fan. If you're a student of leadership, she quotes Brené, and I completely understand why given your background. And Brené has adopted this quote from Theodore Roosevelt, which has always been a really pointed source of comfort for me, and definitely something that we have to keep in mind in the County Manager's Office. So, Brené said, and then she gets into Mr. President Roosevelt's quote. Brené said, "there are a million cheap seats in the world today filled with people who will never be brave with their own lives, but will spend every ounce of energy they have hurling advice and judgment at those of us who are truly daring greatly." And this is President Roosevelt's quote, "it is not the critic who counts, nor the woman who points out how the strong person stumbled, or where the doer of deeds could have done them better. The credit belongs to the woman who is actually in the arena, whose face is marred by dust, and sweat, and blood, who strives valiantly, who knows the great enthusiasms, the great devotions, and spends herself to a worthy cause, who at best knows the triumph of high achievement, and who, at the worst, if she fails or at least fails while daring greatly so that her place shall never be with those cold and timid souls who know neither victory nor defeat." Thank you, Melissa, for daring greatly with me. I can't wait to see you defy gravity in your new role. You're going to be amazing.

Chairman Rice speaks:
Melissa, you are up.

Melissa Elges, Chief of Staff, speaks:
Okay. Oh, my goodness, this is a lot of emotion. Thank you so much. I'm going to read this because if I don't, I'm afraid I won't get through it. So, bear with me, I will get through it. So first, let me say this decision was not an easy one, obviously. When I imagined this moment, I always pictured myself standing here in support of my husband's retirement long before mine, but the past almost 13 years with Douglas County have been an extraordinary journey. What made it truly special wasn't just the work we accomplished, it was, like Jennifer said, the people. The County is filled with some of the most passionate, dedicated individuals I have ever known, and your commitment to serving the community and its people is remarkable, and it's been a privilege to be a part of. I'll never forget the first time I drove into the Carson Valley, and as I dipped into the Valley I thought to myself how incredible it would be for this to be my new home. Over the years this community became just that, a home for me and my family. And I brought my two sons here today because I wanted them to know that they've been a part of this journey, too. Every time I was called out in the middle of the night or spent long hours in the Emergency Operations Center, they supported our mission just as much as I did. They've been the unseen force behind my work, helping

keep this community safe, resilient, and engaged. I'm almost done; I promise. I know I owe deep gratitude to so many people. To Jenifer and Scott, thank you so much for your unwavering support, belief in me, and mentorship. To the incredible first responders, regional partners, engaged stakeholders and public servants I've worked with, your dedication is unmatched. It's been an honor to collaborate with you, and I am forever inspired by the work and the heart that everyone has for this community. I will also undoubtedly miss working alongside my husband. We've been so blessed to do so many amazing things together. As I step into the next chapter I want to leave you with one request; always keep the community at the heart of everything you do. Public engagement and connection matter deeply, deeply, so much. They are the foundation of effective service, and please never forget your PIO. And while leaving this role is bittersweet, it's not goodbye. I'm stepping into a new mission to support regional efforts in providing quality healthcare for our community. I'll also be reaching out to many of you for our help with Carson Tahoe's Healing Our Kids Crusade. Mental and behavioral health are in crisis, not just here, but across our region and our great state. It's a challenge we can only tackle together, and I hope you will join me in this critical work. Finally, I know there are many changes and transitions happening in the County right now. Change is inevitable; it's one of the only constants in life. I encourage all of you to come together during this time, support each other, extend grace, and embrace the new faces stepping up to carry the important work that we've all dedicated ourselves to. Thank you for the time, the trust, and the collaboration we've all shared. I'm so excited for what the future holds and all that we will continue to accomplish together. Thank you.

Applause was heard.

Dan Coverley, Sheriff, speaks:
I first met Melissa when I was the Admin Captain and we worked on some emergency incidents, a big flooding deal, and I noticed how good she was at her job, and how the communication to the community, and the residents, and letting them know the information that we wanted them to have to help keep them safe and give them some direction on what was going on was so important. When I got elected, I asked her if she would help me and the Sheriff's Office to do what she did on those incidents, and she's done that ever since. I've had some big things going on, the homicides when I first was sworn in in 2019, and I don't know that I would have been able to do that on my own, to navigate the media, and the messaging, and stuff without her help. You've been a huge service, not only to me as the Sheriff and the Sheriff's Office, but to the community and to getting our message out, and letting them know the important things that they need to know to keep them safe, and the information that I want them to have so that they're better prepared and can make decisions. So, this is just a small token of our appreciation and affection for you. You will be missed. Luckily, Ron can keep me updated on what you're doing up there.

Laughter was heard.

Sheriff Coverley speaks:
The only complaint that I have is that you're going to Carson, and I'm just not a big Carson guy.

Laughter was heard.

Sheriff Coverley speaks:
I'll try to get over that. So, here you go. Thank you very, very much.

Applause was heard.

Ms. Elges speaks:
Thank you.

Chairman Rice speaks:
Before you get out of here, Ron, would you come up, along with the family, so we can get a nice picture of you?

Photos were taken.

RESULT:	**PRESENTATION HELD**

Chairman Rice speaks:
Now that we have all the happy stuff taken care of, we'll take a ten minute break.

A break was held.

3. For presentation only. Introduction of Ordinance 2024-1639, an ordinance amending Douglas County Code, Title 10, Chapter 10.08 (Control Devices), to establish vehicle restrictions prohibiting truck traffic on portions of Wildhorse Lane, Vicky Lane, Clapham Lane, Kayne Avenue, Gordon Avenue, Fuller Avenue, and East Valley Road. First Reading. (Jon Erb)

Chairman Rice read the agenda item into the record.

Jenifer Davidson, County Manager, speaks:
Mr. Chairman, I'm sorry, if I may, please? Thank you, Mr. Chairman, Members of the Commission. I just have a disclosure I need to make on the record. My father lives on Kayne Avenue, and it is one of the streets listed in this, so I am disclosing that for the record. Is there anything further that I need to state? No. I'm good. Thank you.

Jon Erb, Transportation Engineering Manager, speaks:
Thank you, Mr. Chairman, Members of the Board. As Mr. Chairman read, this is Ordinance 2024-1639 to amend the code for vehicle restrictions on the various roads. I'm here for any questions from the Board.

Chairman Rice speaks:
Seeing none. Okay. Commissioner.

Commissioner Gardner speaks:
Thank you, Mr. Chair. So, as I understand it, Mr. Erb, what this is intended to do, I know we've had some concerns of residents in the Johnson Lane area with BLM and BIA approving Painted Rock Mine. There has been some concerns of residents in that area of trucks exiting, in accessing, basically making, traversing between Johnson Lane north to Stephanie Lane to get out to 395 and vice versa. So, these are the roads that, as I understand it, are through connecting roads between Johnson Lane and Stephanie Lane, and that's what our intention here is to do, is to, even though Knox has indicated and others have indicated that they have no intentions to do that, this prevents them from doing that; is that basically the gist of this ordinance?

Mr. Erb speaks:
Yes, Commissioner Gardner, that is the intention of this ordinance.

Chairman Rice speaks:
Any further comments or questions? Vice Chairwoman Hales.

Vice Chairwoman Hales speaks:
Just to follow up a bit and ask a question. This is really intended to help mitigate the impacts of that Painted Rock Mine and I know the County is working on a number of fronts in that regard. There have been questions about why Fremont is not included, and I thought maybe, to provide information over the coming weeks before this is heard a second time, maybe you could just address why Fremont is not included.

Mr. Erb speaks:
You want me to address that today; is that what you're asking?

Vice Chairwoman Hales speaks:
Just like in just a couple of sentences.

Mr. Erb speaks:
There is an agreement between the County and Knox, and those roads are mentioned in it, so I'll defer that to the legal counsel for a response.

Doug Ritchie, Chief Civil Deputy District Attorney, speaks:
If I may? The agreement allows Knox to use East Valley/Fremont for deliveries within the county, that is why this ordinance does not address that, because the agreement allows the use of that road. I'd also, just to clarify, the purpose isn't to restrict just trucks operating from the mine site, it's any trucks, that can include Douglas Disposal, any trucks along those side streets which will prevent, as Commissioner Gardner indicated, heavy truck traffic cutting between Johnson Lane, and Stephanie, and those residential neighborhoods.

Vice Chairwoman Hales speaks:
I'll look forward to a full discussion when we return to this and I just have a genuine interest in hearing what the residents want at that time.

Chairman Rice speaks:
Any further questions or comments from the Board? Seeing none. Thank you, Mr. Erb.

A member of the audience asked when the second reading would be.

Chairman Rice speaks:
The second reading will be December 19th.

RESULT:	**PRESENTATION HELD**

4. For presentation only. Presentation of the 2024 Hazard Mitigation Plan (HMP) which will include an overview of the significant hazards and projects highlighted in this 5-year plan. (Kara Easton).

Chairman Rice read the agenda item into the record.

Kara Easton, Emergency Management Director, speaks:
Thank you, Mr. Chair, Members of the Commission. We felt it important to present our Hazard Mitigation Plan, as it is up for update and review. This plan must be reviewed and updated every five years, so we just wanted to give you an overview before the final adoption, which will come back to you guys at the

next Board meeting on the 19th, pending any big Public Comment or changes from FEMA. So, just a brief overview, the last time we updated it was in 2019.

Ms. Easton began the presentation and covered the following topics:

- Hazard Mitigation – Douglas County Emergency Management
- What is Mitigation?
  - FEMA Definition: "Risk management actions taken to avoid, reduce, or transfer risks by reducing the impact of disasters"
  - Long-term actions that can be conducted throughout all phases of a disaster.
  - Every $1 invested in disaster mitigation saves a community $6 on response.
- What is a Mitigation Plan?
  - Analysis of the various hazards that could affect Douglas County
    - Probability, Extent, Impact
  - Identifies various actions and strategies that can be used to mitigate risk:
    - Life/Safety, Technical Assistance, Cost, Support of Community Objectives
  - It is NOT an Emergency Operations Plan

Ms. Easton speaks:
So, probability of an earthquake is fairly low even though we are a very seismically active state, but the impact would be very great to our community. So, we go over various hazards and choose the ones that have the biggest impact to our community. We identify various actions and strategies that can be used to mitigate risk. Some of the things we look at are culverts for flooding, defensible space for wildfire, public education, just so people are aware of how they can be more better prepared, like the strap for your hot water heater, things of that nature, generators for our critical infrastructure so we're able to still operate that in the event of an emergency, and then studies, which we typically don't do so much through the Hazard Mitigation Program, but those things can be highlighted in the plan. This is not an Emergency Operations Plan. These are all things we're doing before the emergency happens, or to, obviously, try not to have the emergency impact us as much.

Ms. Easton continued the presentation and covered the following topics:

  - Ultimate goal of reducing the loss of life and property by lessening the impact of disasters
- Contributing Partners

Ms. Easton speaks:
We had nine key offices throughout Douglas County. We did have comment from others, but they were the main players. I'm not going to read them all to you. And then, our community partners, obviously we work very closely with our fire districts. East Fork did a lot of work with this, as well as Tahoe-Douglas. And then, most of the partners on that screen will benefit from this plan, as well as all of the GIDs and special districts within Douglas County. They will be able to apply for mitigation funding because they are mentioned in this plan, and they obviously face a lot of the same disasters as the County itself.

Commissioner Gardner speaks:
Ms. Easton, before you go, when you say they can apply for assistance, this is not from the County, but from FEMA; is that what you're talking about?

Ms. Easton speaks:
Correct. The grant application would go to the State, yes, and the County would have to help them, basically sponsor the application, because we are the grantee from the State.

Ms. Easton continued the presentation and covered the following topic:

- Changes
  - Aligns with FEMA guidance and terminology
  - Aligns with new community plans:
    - 2020 Master Plan
    - 2024 Strategic Plan
    - 2024 Stormwater Master Plan
    - 2023 Community Wildfire Protection Plan
    - 2024 Capital Improvement Plan

Ms. Easton speaks:
Now, not everything listed in those plans is eligible for mitigation funding, but that really helps us encapsulate everything we're trying to do within the county.

Ms. Easton continued the presentation and covered the following topics:

  - Goals and Objectives include a greater focus on resilience
  - Added Technologies and Man-Made hazards
    - Not eligible for FEMA Hazard Mitigation Assistance (HMA) grants, but important for long-term emergency planning

Ms. Easton speaks:
Grant money is only available for natural disasters, but a lot of these technological and manmade hazards tie into those natural hazards, so that's why we put them in there.

Ms. Easton continued the presentation and covered the following topics:

  - Completed 23 of 47 mitigation actions & developed 52 new actions
- Findings - Natural Hazards

Tanner Dye, Emergency Management Coordinator, speaks:
So, for some of the findings of the mitigation plan, I think to no surprise, wildfires, floods, and winter storms were our top three hazards that we identified. We've ranked these all based off of location, extent, probability, and then just concern amongst the general public and County staff for these hazards. We've added seven new as well; thunderstorms and lightning, extreme heat, straight line winds, landslide, infestation, and seiches, as well as new hazards.

Vice Chairwoman Hales speaks:
Can you take questions?

Mr. Dye speaks:
Yes.

Chairman Rice speaks:
Of course.

Vice Chairwoman Hales speaks:
That last thing, I didn't even know how to say that word and I had to look it up, so maybe you could pause on that.

Mr. Dye speaks:
Yeah. So, a seiche, that's basically a wind driven wave, almost like a small scale tsunami. So, at Lake Tahoe or Topaz Lake, earthquakes or heavy winds could cause these waves to come onto shore and damage infrastructure or people.

Ms. Easton speaks:
We'll test you next time, Vice Chairwoman Hales.

Mr. Dye continued the presentation and covered the following topic:

- Findings - Technological Hazards

Mr. Dye speaks:
We identified flash flooding along irrigation ditches and canals. The State Hazard Mitigation Plan identifies that as a technological hazard, so we did as well. We also identified utility failures, planned shut offs, hazardous materials incidents, and dam failures.

Ms. Easton speaks:
I just want to jump in on this real quick. We talked about technological hazards not being eligible for mitigation money; however, as we know, with NV Energy we've had a lot of planned power outages with winds and they relate it to wildfire problems. So, we are actually working with NV Energy to try to bury the power lines in our Genoa area because that's the one that gets shut off the most, and so because we can use it as a wildfire mitigation that's how we are able to potentially get money. Don't count that in as getting it, but that's something we're looking into, and NV Energy would help foot the bill on the grant match that the County would have to have if we were to do that project. So, those are things we can partner with our private sector on and get funding, and then also tailor it to that natural disaster, even though it would take care of a technological hazard as well.

Mr. Dye continued the presentation and covered the following topic:

- Findings - Human-Caused Hazards

Mr. Dye speaks:
For our human caused or intentional hazards, the top four that we identified were cyber-attacks through ransomware, an active shooter incident, cyber-attacks through SCADA, which is Supervisory Control and Data Acquisition for utility lines and infrastructure, and then terrorism as well.

Mr. Dye continued the presentation and covered the following topics:

- Mitigation Strategies
- 74 total mitigation actions were identified across 5 goal areas:
  - #1: Protect Lives, Property, and the Natural Environment
    - Ex. 1.8.1. Add rain gauges to existing warning systems.
  - #2: Promote Disaster Resilient Development
    - Ex. 2.3.3. Review and update ordinances and model code every 6 years.
  - #3 Increase Public Awareness of Local Hazards
    - Ex. 3.1.3. Expand hazard awareness in educational sites such as regional science fairs and speakers.
  - #4 Partnerships and Implementation
    - Ex. 4.1.2. Build and support local partnerships with stakeholders in the community.

  - #5 Strengthen Emergency Services Capability
    - Ex 5.2.1. Bolster the size and training program of Community Emergency Response Team (CERT) and other volunteer organizations to provide an organic volunteer response capability.
- Financial Impacts
  - Required to be eligible for FEMA Hazard Mitigation Assistance Grants
    - Required for FEMA public assistance categories C-G
  - Apx. $3,240,647.53 has been spent on mitigation projects since 2019 iteration of the plan
  - Apx. $2,022,361.00 in submitted grant applications

Commissioner Gardner speaks:
You've submitted $2 million; what's your anticipation of being able to successfully get that?

Ms. Easton speaks:
So right now, with FEMA, their review process takes quite a long time. It's usually an EHP, Environmental and Historic Preservation, so that's where all those grant applications for the $2 million are. If we get them, the County will have to match 25 percent of that, and that total would be $505,000 approximately out of County funding, and the rest would be covered by the grants.

Commissioner Gardner speaks:
So, the $3 million has been spent on mitigation projects; that's by the County?

Ms. Easton speaks:
The $3 million between 2019 and now, only $183,000 was grant money. The two projects that we got hazard mitigation grant funds were for a generator at the Animal Shelter, and then to hire a contractor to help us update this plan. So, it was only $183,000 out of $3.2 million.

Vice Chairwoman Hales speaks:
Are these grant applications annual opportunities?

Ms. Easton speaks:
Yes.

Vice Chairwoman Hales speaks:
Okay. Thanks.

Ms. Easton speaks:
You're welcome.

Ms. Easton continued the presentation and covered the following topics:

- Public Comment
  - Douglas County Residents are invited to review the plan and provide their feedback to Douglas County Emergency Management: dcem@douglasnv.us
  - 30 day review period is open from November 15th to December 14th
  - https://www.douglascountynv.gov/government/departments/emergencymangement
- Questions?

To review Ms. Easton and Mr. Dye's full presentation please see the Supplemental Meeting Materials.

Chairman Rice speaks:
Thank you for a very thorough presentation.

Ms. Easton speaks:
You're welcome.

Chairman Rice speaks:
Any further questions from the Board? Seeing none. This is for presentation only. We thank you.

Ms. Easton speaks:
Thank you.

Chairman Rice speaks:
Well done.

RESULT:	**PRESENTATION HELD**

5. For possible action. Discussion to authorize the purchase of three mobile bleacher units for the Douglas County Fairgrounds from Century Industries in the amount of $353,319. (Brook Adie, Ryan Stanton)

Chairman Rice read the agenda item into the record.

Brook Adie, Community Services Director, speaks:
I'm here with Ryan Stanton, Deputy Director for the Community Services Department, to talk about a cool project that we're working on. I'm going to let Ryan go ahead and start the presentation.

Ryan Stanton, Community Services Deputy Director, speaks:
Good morning, Mr. Chair and Members of the Commission. I'm here to present the proposed purchase of some mobile bleachers for the fairgrounds facility.

Mr. Stanton began the presentation and covered the following topics:

- BLEACHER
- MOBILE BLEACHERS
  - CIP Fiscal Year 24/25
  - Budgeted: $400K
  - Actual Cost: $353, 319
  - Utilized a Cooperative Purchasing Huston-Galveston Area Council.
  - Purchased 2 12-row elevated Grandstands & 1 ADA accessible Grandstand.
  - Additional 964 seats to the Fairgrounds.
- ELEVATED GRANDSTAND
  - ELEVATED
  - 12-ROW
  - 330 SEATS
  - FRONT WALKWAY
  - EASY TRANSPORT
- ADA GRANDSTAND
  - ELEVATED
  - 12-ROW

  - 304 SEATS
  - 6 WHEELCHAIR SPACES
- FAIRGROUND EVENTS

Mr. Stanton speaks:
The Douglas County Rodeo; we're coming up on the fifth year of that rodeo. Carson Valley Roping Club has been out there as long as I've worked here, probably 25, 30 years. Our Sheriff, Dan Coverley, is a photo credit in there, and there are several other events. I wrote some notes as to some other events that will benefit from this purchase; the Douglas County AG Fair and Demolition Derby, the truck pulls, monster trucks, and several others. I think once the word gets out that we have more seating, we're going to get more and more events.

Mr. Stanton continued the presentation and covered the following topic:

- COUNTYWIDE EVENTS

Mr. Stanton speaks:
Not only will this benefit the Douglas County Fairgrounds, but it will benefit other events within the county. Carson Valley Days, for example, either at the park or during the parade, these could be utilized, Hot Air for Hope. Stodick Park is home of the Douglas County Pop Warner, and we have out there currently five row bleachers that seat very minimal folks. These bleachers could be utilized, and hauled out, and could sit pretty much all the parents elevated and could have a better view of the game. Concerts in the Park, the Coffin Races, Heritage Days, Dia de Los Muertos, the Candy Dance, the Tahoe Summit, even wherever that is located, I know that changes year to year, and then we have special events at Kahle Community Center, such as the Easter egg hunt. I know in the past we've hosted concerts and such. So, a lot of different ideas as to how to use these bleachers as well, just not the fairgrounds.

Vice Chairwoman Hales speaks:
Are you taking questions?

Mr. Stanton speaks:
Yes, ma'am.

Vice Chairwoman Hales speaks:
I'm just trying to picture how you, aren't these too wide to just, I mean, I saw a, like, a trailer hitch kind of hook up, but how do these get from one place to another?

Mr. Stanton speaks:
You can tow them. They're about 40 feet long. Once they're built, they actually will be driven from back east to Douglas County and delivered. The Parks' work trucks are fully capable of hooking these bleachers up and hauling them to where they need to be. Again, these are mobile bleachers, so they won't be out in the fairgrounds arenas during weekly use, it would be driven as far as the event goes.

Vice Chairwoman Hales speaks:
So, when they're driven… Oh, they go like this.

Mr. Stanton speaks:
They kind of fold. I guess I probably should have linked in like a YouTube video, but they're hydraulic driven and they kind of fold into an accordion, almost.

Vice Chairwoman Hales speaks:
How high are they when they're being driven?

Mr. Stanton speaks:
I don't know that answer, when they're being rolled down the road. When we get them, I'd love to bring them out here for one of our County Commissioners meetings and set them up.

Vice Chairwoman Hales speaks:
I'd love to see it. Maybe we could have an outdoor meeting sometime.

Mr. Stanton speaks:
There we go.

Chairman Rice speaks:
Please don't get in front of me hauling that thing up Kingsbury.

Mr. Stanton speaks:
We'll go up Highway 50.

Chairman Rice speaks:
The trucks are bad enough.

Mr. Stanton continued the presentation and covered the following topic:

- Meets the Strategic Plan goal and initiative by increasing opportunities and access for residents of all ages and abilities to enjoy outdoor recreation in Douglas County.

Mr. Stanton speaks:
This photo is taken by Musco Sports Lighting. They did an improvement to our fairgrounds facility with LED lighting about three years ago, and this was a drone photo taken from the last Douglas County Rodeo. With that, I will answer any questions you guys may have.

To review Mr. Stanton's full presentation please see the Supplemental Meeting Materials.

Vice Chairwoman Hales speaks:
Can you put that back up? Where do you think these would most likely be situated at the fairgrounds?

Mr. Stanton speaks:
Brook has her cursor kind of between, where that white tent is, that was currently the area where, this particular event had like a VIP seating area, we propose one bleacher to be set over there. And then, the ADA bleacher, I know it's kind of hard to see her cursor, but between the bathroom building and the grandstands, in the arena. We would kind of set it up sideways, so we're kind of creating like a horseshoe for the view. We find that area to be the best for ADA access, so we would place our ADA bleacher at that location.

Vice Chairwoman Hales speaks:
What do you mean sideways?

Mr. Stanton speaks:
Just kind of at an angle. So, it would point from kind of the corner of the grandstands closest to the arena towards the roping box, if that makes sense. And then, the other one, it could be proposed to actually put

it in the actual arena, either on the south side or on the north side. Again, there would have to be some paneling put up and some access for our spectators. But those are the three areas that we propose.

Chairman Rice speaks:
Thank you. Any further questions from the Board? Seeing none. This is an action item and we will open to Public Comment. Is there any Public Comment on Item 5?

PUBLIC COMMENT- none

Chairman Rice speaks:
Seeing none, I'll bring it back to the Board.

Commissioner Gardner speaks:
Mr. Chair? I'm really excited about this. We have recognized over the last, I mean, it's been exciting to have our rodeo start up again. I know that we have a lack of capacity out there now, and that's why we have had, obviously the promoters, and other events have recognized this tremendous need, and I'm so pleased that the Parks and Recreation Commission also recognized this need and brought it forward in their CIP plan. It's nice also that it's coming in under budget, so that's great. And then, the portability is just really, really an exciting aspect of it, and the ability to use it in other venues or other places in the county while we don't have an event going on at the fairgrounds that utilizes those. The ability to do that is exceptional also. So, I'm really excited about this, and if other Commissioners want to chime in, but I'm prepared to make a motion at this time if not.

Chairman Rice speaks:
If you would… Do you have a comment?

Vice Chairwoman Hales speaks:
I just want to say how cool this is, and I totally agree, and bring us more of this kind of vision.

Commissioner Gardner speaks:
Yeah. Okay. At this time, Mr. Chair, with your permission, I move that we authorize the purchase of three mobile bleacher units for the Douglas County Fairgrounds from Century Industries in the amount of $353,319, as presented.

Commissioner Tarkanian speaks:
Second.

Chairman Rice speaks:
It's been moved and seconded. Any further discussion? All those in favor say aye. Any opposed? The motion carries 5-0.

MOTION TO: Approve the purchase of three mobile bleacher units for the Douglas County Fairgrounds from Century Industries in the amount of $353,319; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mark Gardner, Commissioner
SECONDER:	Danny Tarkanian, Commissioner
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Walt Nowosad, Danny Tarkanian

Chairman Rice speaks:
And with that, we are going to take our lunch break and we will return at 1:00 PM where we will hear Item 6 and 7. We are in recess.

A lunch break was held.

Chairman Rice speaks:
Since most of the people in this building are here for Item 7 and 8, we will take Item 6 after we complete Item 8.

6. For possible action. Discussion to approve a memorandum of understanding (MOU) with the Tahoe Transportation District; Carson City Department of Parks, Recreation and Open Space; and County of Washoe Community Services Department's Regional Parks and Open Space to support the Tahoe Transportation District's application for Conserve Nevada Funding for the planning, design, and construction of the Lake Tahoe Path System and authorize the County Manager to sign the MOU. (Ryan Stanton)

Administrative Agenda Item 6 was heard after Administrative Agenda Item 7 and 8.

Chairman Rice read the agenda item into the record.

Brook Adie, Community Services Director, speaks:
Good afternoon. Thank you for the opportunity to present today. I'm going to introduce Tara Steyer and Karen Mullan from the Tahoe Transportation District. They are going to be presenting on the MOU today. Thank you.

Tara Styer, Tahoe Transportation District Capital Program Manager, speaks:
Good afternoon. I'm joined today by Karen Mullen, TTD Consultant. So, Tahoe Transportation District has been working to implement various state line to state line bikeway projects. In 2012, to support that effort, a Memorandum of Understanding was created between Douglas County, Washoe County, and Carson City to outline the use of, at that point, it was called State Question 1 funding, now the funding is called Conserve Nevada and we need to update that MOU.

Ms. Styer began the presentation and covered the following topics:

- Conserve Nevada Funding Memorandum of Understanding
- Conserve Nevada MOU
  - Nevada Assembly Bill No. 84, chapter 480:
  - An amount not to exceed $5,000,000 for grants to Douglas County, Washoe County, Carson City or other local governments located within those counties to enhance the Lake Tahoe Path System
  - The proposed distribution is:
    - $2M for Sand Harbor to Thunderbird Cove segment of trail (WC)
    - $2M for Thunderbird Cove to Secret Harbor segment of trail (WC/CC)
    - $1M will support the final segment of South Demo, between Stateline Ave and Laura Dr (DC)
- SR 28 Corridor Projects

Ms. Styer speaks:
I'm briefly going to just cover the two projects related to the MOU. I believe that you have a handout, which is probably easier to read than the slide. I do want to note that all of the figures, as well as the

construction years, are very fluid; this is a living document. So, taking our attention first to that mustard section here. So, this is the central corridor, Sand Harbor to Thunderbird. It's 1.75 miles of shared use path. It has some vista points included, as well as proposed intersection improvements. This segment of trail actually was awarded $24 million this year in federal RAISE funding. So, that has put some efficiencies on us, so we're trying to move these projects in the corridor along a little quicker. I should also note that our focus has been on the SR28 corridor. All of the projects mentioned today have an approved EA that has included public outreach. So then, moving south to that dark orange section of trail, that's Thunderbird Cove to Secret Harbor, that's just under a mile of trail between Thunderbird Cove and Secret Harbor. So, in addition to the trail there, there are parking improvements at Chimney Beach, as well as Secret Harbor totaling up to 250 parking spaces. The Forest Service did construct the Chimney Beach parking last summer, and then Phase 2 will include a pedestrian crossing there, as well as restrooms and parking kiosks. Also worth noting, is the revenues generated from parking management in the corridor go to the operations and maintenance for the trail and parking lots.

Ms. Styer continued the presentation and covered the following topic:

- South Demo Phase 1A

Ms. Styer speaks:
This is the preferred alignment that was established in the Environmental Analysis. I do want to be clear, there is a section that runs along Highway 50, but there are no proposed impacts to Highway 50, no lane reductions or anything of that nature. This proposed trail would also include a sidewalk and it's sort of the missing link. So, there are completed trails, as you see at the north end, a completed trail on Laura Drive that extends then to Nevada Beach and on to Round Hill Pines Beach. So, once this segment of trail is complete it will offer a car free opportunity for anyone in that casino resort core to go to the Nevada Beach or Round Hill Pines Beach.

Vice Chairwoman speaks:
Are questions okay?

Ms. Styer speaks:
Yeah.

Vice Chairwoman Hales speaks:
Could you just orient me a little bit more? I see, that's Edgewood on the upper left?

Ms. Styer speaks:
That's correct. Right here is Edgewood. This is Lake Parkway, and then 50, and then this is the 4-H road, and then here's Laura and…

Vice Chairwoman Hales speaks:
Got it. Thank you.

Ms. Styer speaks:
No problem. Also worth noting, those completed sections of trail used the State Question 1 funding when they were constructed a few years ago. Just in summary, this is really a procedural item. The MOU allows TTD to receive the funding and move these projects forward. We did apply for a grant earlier this year for that Phase 1A section. Unfortunately, we were not successful, but the Conserve Nevada funding will be instrumental in matching any federal discretionary funds that we do receive. So, at this point, there is no financial or fiscal impact for Douglas County beyond the staff time to support coming before you, as well as maybe letters of support and things like that. So with that, I'd take any other questions.

To review Ms. Styer's full presentation please see the Supplemental Meeting Materials.

Chairman Rice speaks:
So, this eventually, eventually, will go from Incline all the way to California keeping pedestrians and bicycles separated from the traffic on Highway 50, as well as Highway 28.

Ms. Styer speaks:
Yes.

Chairman Rice speaks:
And with the facilities that are going in on Spooner Pass when this is at completion it will be a marvelous thing for all counties concerned, as well as our citizens, and those visitors that come to see us, and we're doing it without taxing our own population. It's a marvelous project. Thank you. And with that, I will open it to the Board.

Commissioner Gardner speaks:
Mr. Chair, I just had one question. This says the bikeway is a non-motorized path system; what about eBikes and those types of things?

Ms. Styer speaks:
Well, we don't have any regulations against eBikes being on the path. It's kind of a hard thing to regulate. But there have been efforts on the completed three mile section between Incline Village and Sand Harbor, so we've been monitoring that, and so far, it doesn't seem to be a problem. There are a lot of efforts just to keep folks under a certain speed, regardless if they have an eBike or if they're just a conventional bike.

Commissioner Gardner speaks:
I think that's worth monitoring. Occasionally, when I'm up at Lake Tahoe, I can't help but always see those green motorized scooters laying on the side of the road, and abandoned, and certainly we don't want to become a collection point for that.

Ms. Styer speaks:
Agreed.

Commissioner Nowosad speaks:
And what's the speed limit?

Ms. Styer speaks:
I'm sorry?

Commissioner Nowosad speaks:
What is the speed limit?

Ms. Styer speaks:
15 miles per hour.

Commissioner Nowosad speaks:
15.

Ms. Styer speaks:
15.

Commissioner Nowosad speaks:
Wow.

Chairman Rice speaks:
Go ahead and try walking that fast. Any further comments from the Board? Seeing no further comments from the Board, I will open this to Public Comment. Is there any Public Comment on this item?

PUBLIC COMMENT

Beth Wallace speaks:
Good afternoon. I'm a resident of Zephyr Heights. I'm here to ask that you consider postponing any action on the MOU presented today. I think we're all pretty savvy as to why an MOU is needed. I know that they need permission to apply for grants and pre-planning, but in my opinion, many of the questions, there are many questions that need to be answered for the public prior to approval. Many of us wanted to attend the Park and Rec meeting last Tuesday. We have great interest in the bike path, and specifically, that segment from state line to Laura Drive, as described in the MOU. I think the MOU is quite vague. It lasts for ten years. Ten years, things can go slowly, but they can go fast. We have questions about the path description, the actual location of the path, although we heard that today, the safety of the path, the makeup of the proposed working group, wondering why there are not more members of the general public or residents that are part of that committee, the TTD as the project lead. Do you have some obligations in the MOU? It did talk about some match funds. Some environmental considerations, the possible impact of a path right next to the proposed Barton Hospital. Will the plan honor the Douglas County directive that Highway 50 remain a four lane highway and serve as an evacuation route, and what are the financial implications for the County? My biggest question is this, I'm just kind of a peon in this whole process, but I have researched, and I have studied, and my biggest question about this whole process is what the working group will propose. Whose plan are we going to follow, the US 50 revised CMP, the Douglas County Comprehensive Trails Plan, the Nevada state line to state line bikeway feasibility study? NDOTs plan proposed last February that we reduce the width of our lane, and they still have bike paths on those plans that they have listed on their website. Don't get me wrong, I'm a proponent of bike paths, but I feel like the public needs more answers, and these are many of the reasons that I think you should take it to the community prior to making a decision. Thank you.

Chairman Rice speaks:
Thank you. Ms. Lernhardt.

Elisabeth Lernhardt speaks:
Good afternoon. I'm seconding Beth's presentation with a couple of additions because when I saw this, first, I was concerned this was a rerun of the NDOT road diet. I'm still not convinced it is not. I understand that there has been a resolution, 2024R-031, that says it's an emergency evacuation route, but it does not specify that the lane width is going to stay the same, which is important for large vehicles and for snow conditions because the wobble of these trucks can lead to lane changes. Anyway, I have wondered why there is such a rush to pass this MOU. I have no objection in the getting in line for some of these funds; that's not my intent, and that's not how I read, and understood it, nor did some of my neighbors. They all were worried that this would be a rerun of what we had three years ago. Will we be part of the planned working group as is stipulated by OML? Because that's in your MOU. It does list all kinds of organization, but it doesn't say the public. I think it's Nevada and Nevada law should apply to it. Is the working group going to honor the resolution of this County and the decision of Governor Lombardo? That's one of my main questions. The other questions are, again, why is there such a rush? I still haven't heard that there is a deadline. I've talked to certain County officials out in the hallway and I still don't understand the need for a rush. I haven't been given a deadline by when this has to be passed. I don't know why this can't be postponed until we've heard the Parks and Rec committee and their presentation on Monday. The other

problem is the inclusion of eBikes. I concur with Commissioner Gardner, eBikes are problematic. I have personally witnessed them up there. They can, there is no one eBike. There is eBikes that can go 25 miles an hour and some of them that can go over 35 miles an hour. To enforce it, there is no enforcement. There is no, there's even no restriction on the bike. One bike could be intended for 25 miles an hour, as it is in my neighborhood and I've seen them taking over cars. So, this came up with the Forest Service recently. They did a huge survey online. TTD can talk to them or look at their outcome. It has raised a lot of controversy even with bikers because there seems no regulation or enforcement. And I guess I reached my time. Thank you for listening.

Chairman Rice speaks:
Thank you. Any further Public Comment? Seeing none, I will close Public Comment and bring it back to the Board. Any discussion by the Board or are you ready for a motion?

Commissioner Gardner speaks:
Mr. Chair, I did want to explain the, I serve as the Board representative to the Parks and Recreation Commission, and yes, we did have a meeting scheduled for Tuesday. To my understanding, this item was on the agenda; however, it was not asking, it was presentation only, not asking for a recommendation by that board. So, I don't know that that is a problem for us going forward in advance of the meeting on Monday night that they're going to have.

Chairman Rice speaks:
Thank you. Any other comments from the Board? Seeing none, I'm ready for a motion.

Vice Chairwoman Hales speaks:
I move that we approve an MOU with the Tahoe Transportation District, as presented.

Chairman Rice speaks:
Thank you. Is there a second?

Commissioner Nowosad speaks:
Second.

Chairman Rice speaks:
It's been moved and seconded. Any further discussion? Seeing none, all those in favor say aye. Any opposed? The motion carries 5-0. Thank you.

MOTION TO: Approve a Memorandum of Understanding with the Tahoe Transportation District; Carson City Department of Parks, Recreation and Open Space; and County of Washoe Community Services Department's Regional Parks and Open Space to support the Tahoe Transportation District's application for Conserve Nevada Funding for the planning, design, and construction of the Lake Tahoe Path System and authorize the County Manager to sign the Memorandum of Understanding; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sharla Hales, Vice Chair
SECONDER:	Walt Nowosad, Commissioner
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Walt Nowosad, Danny Tarkanian

7. For possible action. Discussion of an appeal of the Planning Commission's decision to approve Development Application DP24-0170, a Design Review to replace an existing monopole cell tower at 1450 Stephanie Way, within the Johnson Lane community, with a new 80-foot monopole cell tower and associated network equipment. The equipment will be located within a 30-foot by 30-foot fenced area and will include network cabinets and a standby diesel generator. The subject property is located in the Public Facility (PF) zoning district within the Johnson Lane Community Plan. The appellants are Casey Rodgers, Petrina French, Brian & Yvonne Stevens, and David Magnotta. The appellants' representative is W. Scott McCollough, Esq. APN: 1420-27-401-011. Development Application DP24-0202. (Linda Doherty).

Administrative Agenda Item 7 was heard before Administrative Agenda Item 6.

Chairman Rice read the agenda item into the record.

Chairman Rice speaks:
Before we get started, I would like to provide the Board and the public with an overview and an outline on how I will conduct this appeal hearing. For this item, the Board must first determine whether the applicants have standing and then whether the appeal should be granted. The basis for the appellants standing is set forth in Section A of the justification letter and I will give each of them an opportunity to explain why they believe that they have standing. Once it's determined by the Board, which, if any, of the applicants have standing, the applicants will be given an opportunity to state their reasons for the appeal. Reasonable time limits may be placed at the discretion of the Chair on their presentation. I will then turn over to the Board for questions. Immediately following that period of questions, the project applicant, Epic Wireless on behalf of Verizon Wireless, and County staff on behalf of the Planning Commission, will be given an opportunity to respond. Again, reasonable time limits may be placed at the discretion of the Chair on their presentations. Both the applicants and the project applicant will be given a reasonable amount of time to make their presentations. I will then return it to the Board for questions. Finally, before the Board takes action on either affirm, modify, or reverse the decision, the Board will hear Public Comment. Are there any questions from the Board?

Vice Chairwoman Hales speaks:
Not a question, but just a small point. A couple of times when you said applicant, I think you actually meant appellant, just to clarify.

Chairman Rice speaks:
Thank you. All right, let's get started. The first thing we're going to do is determine standing. I'd like to invite the appellants, Casey Rodgers, Petrina French, Brian and Yvonne Stevens, and David Magnotta to please rise and approach the podium to introduce yourself. Will each of you please state your name for the record and why you believe you have standing to challenge the decision of the Planning Commission?

W. Scott McCollough, appellants representative, speaks:
May I go first, please? I'm a representative for the appellants here.

Chairman Rice speaks:
Counsel.

Doug Ritchie, Chief Civil Deputy District Attorney, speaks:
Chairman, if I may?

Chairman Rice speaks:
Yes.

Mr. Ritchie speaks:
At this point, the appellants need to be able to state who they are and why they think they have standing. As far as the actual arguments for the appeal, that will come after that.

Mr. McCollough speaks:
I understand. I wanted to raise a procedural point; however, if I may, if I may be allowed the privilege of doing that?

Mr. Ritchie speaks:
If you could state who you are and…

Mr. McCollough speaks:
Yes, I will. My name is Scott McCollough. I'm the representative of the appellants in Item 7. I rise to raise a procedural point only. We understand that there's been a continuance requested in Item 8, the other cell tower matter before you. We have not had an opportunity to see that actual request. We do not know whether it has been decided yet. I would like to state our position on that. Our position is we would oppose a continuance on that item. But if it is granted, we believe that this item, Item 7, should also be continued. These two cell towers have very common issues of fact and law, and they also relate to the question of significant gap of coverage, and what the alternatives are, and so we firmly believe that they need to be heard together. We're prepared to go forward with our case today. But if you are going to continue 8, we ask that you also continue 7. Thank you.

Mr. Ritchie speaks:
Chairman, if I may? To be clear, this is Item 7, not Item 8. If the appellants wish to request a continuance of their appeal, they can do so at this time. But the items are not, they're not the same item.

Mr. McCollough speaks:
Okay. I understand that they are not the same item, and I also understand that we are not formal parties to the other, although we have weighed into the other. It is simply that we firmly believe these two need to be decided together. They relate to each other very much. You should not be, in our opinion, our respectful opinion, deciding one on a different day than you are deciding the other. And so, our position is they should be heard concurrently, and we request that that be the case. If you are going to hear 8 today, great, let's go forward. If you are not going to hear 8 today, I think both need to be put off and we would request a continuance if you are going to grant a continuance in 8.

Commissioner Gardner speaks:
Mr. Chair, I would ask clarification.

Chairman Rice speaks:
Go ahead, sir.

Commissioner Gardner speaks:
Has item 8 actually been requested by the proposer here to be continued to a later date? Is that…

Chairman Rice speaks:
Yes, they have requested that.

Commissioner Gardner speaks:
Okay. I guess what this gentleman, as I understand it, is asking is if it has in fact been pulled, then the appellants in Item 7 would then suggest that they would ask for a continuance as well; is that correct? Is that what I understand?

Mr. McCollough speaks:
Correct, contingent on whether you grant the one on 8.

Mr. Ritchie speaks:
Again, if I may, the appellants need to establish that they have standing before you do anything substantive on the appeal itself. So, my recommendation to the Board is to do as the Chair has requested, procedurally go through, have the appellants, not some third party, but the appellants, actually state who they are and in their own words why they think they have standing. It doesn't require a lot of FCC regulations or case law to establish why they are harmed under our County Code. And so, at a fundamental level, before there's a request for continuance there needs to be established do they have the right to even be speaking. Now again, everyone in this room will have a chance to speak during Public Comment. The question though is there standing as an appellant on this particular item.

Mr. McCollough speaks:
I understand that and we can certainly address that, but when we get to the merits we are very, very insistent that these two should be decided together. We'll be happy to go forward with our standing.

Mr. Ritchie speaks:
May I ask two questions?

Chairman Rice speaks:
Yes, sir.

Mr. Ritchie speaks:
Sir, are you an attorney?

Mr. McCollough speaks:
I am.

Mr. Ritchie speaks:
Are you admitted before the State Bar of Nevada?

Mr. McCollough speak:
I am not.

Mr. Ritchie speaks:
Okay.

Chairman Rice speaks:
Thank you. So, if we would have the appellants, and we'll start with Casey Rodgers.

Casey Rodgers, appellant, speaks:
The reason I feel that I have standing is I am one street away from where this tower is going to be placed. The esthetics that I will be able to see from my home is affecting me straight through my front porch window and from my front porch view. I have been a part of this group since the beginning because of these reasons. I am concerned about the property values of my home, as I believe that people will not be purchasing if I choose to sell my home next to a cellular tower. I feel that it will decrease what I would be getting if that was to happen. We've had research done by three different realtors and one of them being a broker. People don't want to live next to towers and they have stated that and showed you guys those in letters. The fire safety is also a concern for me, as I am one street away and I feel that there is not adequate attention that can come from the fire department. It always takes them a long time to get out

there. I'm concerned about not being able to get out if there was a fire to ever occur from a tower. There's a lot of dry brush, sticker brushes and grass, and that also concerns me when it comes to fire safety. These are the reasons, and also, I have been speaking in Public Comment this entire time, so therefore, the last time, every time I have spoke, I have been here fighting against that exact tower going near my home. That's why I believe I have standing.

Chairman Rice speaks:
Thank you. Petrina French.

Petrina French, appellant, speaks:
Thank you. You guys all know me. I've been here 43 years, have property out in Johnson Lane. We bought that piece of property 14 years ago. We grow garden, we have bees, we have fruit trees, chickens, all of which are organic. I try to take care of my health as best as I can. I'm a grandma now. I don't want this tower right off of Stephanie, right across from Pinon Elementary. It's a fire hazard. It's an esthetic issue. It's so peaceful out there, and every day we're outside tending to our bees, and chickens, and fruit trees, and we share our bounty with people that also care. The proposed 80-foot cell tower, or tower, at Station 6 is directly across from Pinon Elementary. Those children, if a fire happens, how are they going to get out safely? We have so much open space. I have standing because of the esthetics and because of my property value. We have three realtors, one is a broker, Carolan Harris, Vanetta Hale, and Tia Elges all have written you letters, you all have those letters, that it will affect property value. Nobody wants to live next to a 5G tower; it's ugly. And had we known 14 years ago that this was going to happen we would have never bought that house. And we brought it up to date, a lot of blood, sweat and tears. I happen to be sensitive to the EMF, and maybe not everybody is, but I sure am; I can feel it. I'm not saying that we're going to get this on health effects. This is not about health. This is about property value, esthetics, and fire, all that sagebrush out there. The other thing I wanted to say, thorough elimination of these towers needs to be taken into consideration before informed decision is made and I know you guys have all kinds of information and facts that we have sent you since January. Our notebook is four inches thick, studies. So, we just appreciate you today, and hopefully, you do your due diligence. Thank you. And I need to sign in.

Chairman Rice speaks:
Thank you. Brian and Yvonne Stevens.

Brian Stevens, appellant, speaks:
Good afternoon. I'm one of the appellants speaking on behalf of Minden for Safe Technology. My wife and I own the property within the notice notification radius of the project. One of the biggest reasons we chose to buy our home on Gordon Avenue was the beautiful little park on Stephanie Lane. This park is more than just open space, it's a central part of our community where we walk our dog, enjoy nature, and bring our children when they visit. It's a peaceful, and special place for us, and for so many of our neighbors. The proposed 80-foot cell tower would permanently alter this park. Its massive industrial presence would overshadow the natural beauty of the park and make it far less inviting for families, children, and the community as a whole. Adding a diesel generator with its noise and an unattractive design would further disrupt the park's tranquility and charm. Together, these elements would take away everything that makes the park valuable and a beloved part of our neighborhood. The development code requires a finding of consistency with the Master Plan and the Johnson Lane Community Plan. This proposed tower would not be consistent with either. First, it does not preserve the rural character. Second, it would destroy scenic views. It is a commercial development that does not blend in with our community's residential character. And third, as others have noticed, it would reduce property values and increase fire risks. The park's esthetic and community value will be lost, and the neighborhood will be left with a permanent structure that diminishes its charm and appeal. On behalf of our community, we urge the Commission to deny this project, and protect the spaces and values that make our neighborhoods so

special. As a Verizon customer, we don't experience any issues with coverage in this area, which reinforces the argument in our supplemental filing that Verizon should focus on upgrading equipment at their existing sites, rather than constructing a new, unnecessary tower that would harm our community. Thank you.

Chairman Rice speaks:
Thank you, sir. Yvonne, did you want to say anything?

Yvonne Stevens, appellant, speaks:
No. He spoke for me.

Chairman Rice speaks:
Thank you. Okay. All right, next I would ask for David Magnotta. Am I saying that properly? Thank you, sir.

David Magnotta, appellant, speaks:
How you doing? Good afternoon. I received the letter from the planning board because I'm four houses away from where this is being proposed. And like I said, you know, I came there and spoke, I'm coming here to speak. I totally object to this tower being there, being put there, and like I said, that's why I'm here as an appellant on this. Okay. Thank you.

Chairman Rice speaks:
Thank you, sir.

Mr. McCollough speaks:
If I could close very briefly on this?

Chairman Rice speaks:
Counsel.

Mr. Ritchie speaks:
Are you making legal argument? What is….

Mr. McCollough speaks:
I wish to present a legal argument on the standing question.

Chairman Rice speaks:
All right, sir.

Mr. McCollough speaks:
First of all, I would direct you to the staff response with regard to standing. The staff response acknowledges that David Magnotta and the two Stevens have standing. They're within the notice radius. They all provided comments before the planning board. I acknowledge that the Staff Report challenges the standing of the other two appellants. We tend to disagree, but generally, in standing law if you have a group of plaintiffs and you do have some with standing, then it's basically over. And so, I would urge you to, you know, make whatever finding you need to on the individual appellants, but you have at least two before you withstanding on all questions, and so ruling out two isn't going to make this issue go away. Thank you.

Chairman Rice speaks:
Thank you. Counsel.

Mr. Ritchie speaks:
Thank you. Again, without going to the substance of the merits of the appeal, the question is, is who has standing to appeal? It sounds as if you're acknowledging, or at least not contesting, that not all of the appellants actually have standing under the County Code. But notwithstanding that, you think the appeal should go forward based on those who may actually have standing.

Mr. McCollough speaks:
No, I think all of us have standing, and I think that the other two that are not within the notice radius have, first of all, established that they participated below, and second, have shown a special injury. They submitted an affidavit showing how this would impact them in ways that are more particularized and direct than the general public. This still is relatively close to them. It will directly affect their esthetic views, it will affect their property values, and therefore, they have a special injury.

Chairman Rice speaks:
I'll bring it back to the Board. Any comments from the Board?

Commissioner Tarkanian speaks:
I was going to say I think they have standing. I don't think it's in dispute.

Chairman Rice speaks:
I need all five. Do we have a motion of who to accept and who not to accept?

Vice Chairwoman Hales speaks:
I'll jump in here. For sure Brian and Yvonne Stevens and David Magnotta have standing. The other two, under our County Code, they have standing if they have participated previously in this matter in Public Comment, and that certainly have been very good advocates of their position, and so that's established. They also need to show either a special or peculiar injury not suffered by other members of the public, and I don't think we have that here because everyone else who has property in the area of these two would have the same impact, or they hold an adverse and substantial property right that may be affected by the decision and I guess that one is maybe more up to debate. But perhaps, to make this expedited, I could move that we find that Brian and Yvonne Stevens and David Magnotta have standing, and we could agree on that, and make that motion, and then we could figure out what to do with the other two. So, I will I make that motion.

Commissioner Gardner speaks:
I will second that, but I was prepared to suggest that all four appellants have standing. So, if you're good with that, then I can amend the motion to…

Vice Chairwoman Hales speaks:
I'm not sure they meet that.

Commissioner Gardner speaks:
Okay. I feel like they do, but I'll second that. We'll pass that motion, and then, or hopefully pass that motion, I suppose, I can't speak for my other Commissioners, but anyways, I'll second that, and then we can discuss the others, I guess.

Chairman Rice speaks:
Okay. I need input from Commissioner Nowosad.

Commissioner Nowosad speaks:
The only input I have is that this process that the individual people who are affected by this go through are all based in FCC rules, and it's O-T-A-R-D, and anybody who is against a cell tower in their area, for whatever reason, falls within that OTARD thing. So, I'm thinking that the best thing that can happen here would be to, I'm going to vote no on the motion, is to have a group formed to petition the FCC to get their act together. I don't care about standing. I think anybody who lives in this county, for which we are responsible for the health and welfare, has standing.

Chairman Rice speaks:
Thank you.

Applause was heard.

Chairman Rice speaks:
I would ask the audience to refrain themselves. All right, we've heard from the Board. The motion on the floor is to accept the first three to have standing to be, I have too many pieces of paper up here, that have standing would be Brian and Yvonne Stevens and David Magnotta. Now, we have to open it to Public Comment at this point?

Mr. Ritchie speaks:
You can open to Public Comment. It's a technical issue regarding our County Code though, but you could open it up for Public Comment.

Commissioner Tarkanian speaks:
Does he have to?

Mr. Ritchie speaks:
Yeah, limit it to standing though.

Chairman Rice speaks:
Yeah, the comments must be only regarding standing, not your microwave in your kitchen or anything else. So, this only has to do with standing.

PUBLIC COMMENT

Paul Albritton speaks:
Good afternoon, Chair Rice, Members of the Commission. I'm outside counsel for Verizon Wireless, and I have our Nevada counsel with us as well. I have been accepted pro hac vice to appear in Nevada. We have no objections to the motion for standing. Thank you.

Chairman Rice speaks:
Thank you.

Commissioner Tarkanian speaks:
I think, you know, before you're going to march everybody up here, I think it's pretty clear that everybody up here, you're the only one who hasn't indicated, at least four of us feel they have standing. So, unless you guys want to beat a dead horse, that's where we're at.

Commissioner Rice speaks:
In that case, I'm going to close Public Comment and bring it back to the Board. All those in favor of the motion say aye. Any opposed?

Commissioner Nowosad speaks:
No.

Chairman Rice speaks:
Okay. We have 4-1 approving the motion.

MOTION TO: Find that appellants, Brian and Yvonne Stevens and David Magnotta, have standing to appeal; carried.

RESULT:	**APPROVED**
MOVER:	Sharla Hales, Vice Chair
SECONDER:	Mark Gardner, Commissioner
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Danny Tarkanian
NAYES:	Walt Nowosad

Chairman Rice speaks:
Do we have a second motion?

Commissioner Gardner speaks:
Generally, we have a motion, we listen to Public Comment in advance of having a motion, and a second, and we kind of broken a little protocol in that regard. But anyways, I agree with Commissioner Tarkanian, and perhaps even Commissioner Nowosad, that I believe all these folks have standing, and so therefore, I would make a motion to also give the process of standing to Casey Rogers, and also to Petrina French, the two that weren't previously in it.

Commissioner Tarkanian speaks:
I'll second that.

Chairman Rice speaks:
Okay. Do I need to go to Public Comment on that motion? Okay. In that case, all those in favor say aye. Any opposed?

Commissioner Nowosad speaks:
No.

Chairman Rice speaks:
No.

Vice Chairwoman Hales speaks:
No.

Chairman Rice speaks:
We have three no's. The motion does not pass.

MOTION TO: Find that the appellants, Casey Rodgers and Petrina French, have standing to appeal; denied.

RESULT:	**DENIED**
MOVER:	Mark Gardner, Commissioner
SECONDER:	Danny Tarkanian, Commissioner
AYES:	Mark Gardner, Danny Tarkanian
NAYES:	Wesley Rice, Sharla Hales, Walt Nowosad

Mr. Ritchie speaks:
Chairman, if I may? Just for the record, the appeal will go forward. There will be three appellants that are recognized that have standing. The other two are free to continue to participate, but it will be during Public Comment, as any other interested citizen of the county. So, just to be clear, the appeal will go forward. There are three appellants that their standing has been recognized.

Chairman Rice speaks:
Thank you. My question now is do your clients wish to continue today or do they wish to withdraw their motion for today and move it to another date?

Mr. McCollough speaks:
As I indicated, we believe that both Item 7 and Item 8 need to be heard on the same day because there's significantly overlapping issues of fact and law; each relates to the other. Now, we are prepared to go forward with ours today, and we also have Public Comment that we intend to submit at the appropriate time, should you hear 8. But we believe that if you are going to continue 8 then you should also, and we move, contingent on your vote of 8, to also continue 7.

Chairman Rice speaks:
Thank you, sir. Yes, sir.

Commissioner Tarkanian speaks:
Can I make a motion?

Chairman Rice speaks:
You may.

Commissioner Tarkanian speaks:
I'll make a motion to continue 7, as requested by the appellant; is that right?

Mr. Ritchie speaks:
Chair?

Commissioner Tarkanian speaks:
Whatever your position is, the people that are appealing. Okay. Again, it's contingent upon the continuance of 8, but the continuance of 8 has already been requested, and it's my understanding that that's going to, I guess, I don't know, can I say my understanding is going to… No, I can't say anything. All right, I will tell you, I agree with what you said and my motion is to continue it with you guys, with 7.

Mr. Ritchie speaks:
Chairman, if I may?

Chairman Rice speaks:
Sir.

Mr. Ritchie speaks:
Now, we're on the second part of this. Public Comment should be taken because this is the substance of the appeal. Moreover, before a continuance can be granted staff, and particularly staff counsel, may want to inform you of some of the rights that Verizon has under federal law before a continuance is granted by this body. So, if you may, with the Chairman's indulgence, before a motion is made there has to be at least Public Comment and there needs to be some input from staff.

Commissioner Tarkanian speaks:
So, this is the same for 8. So, when Verizon gets up and says they want a continuance you want Public Comment. It's not the substance of what we're talking. We won't be hearing the substance of the argument because it's going to be continued, so I have no idea why you think we would have to have Public Comment on that. I certainly think it's important to hear from the staff on what those issues are that Verizon has, but I don't, I think if you… Look, they got 50 people here in Public Comment and this matter is not going to be heard today, why go through that?

Mr. Ritchie speaks:
If I may, Chair? Because the item was agendized and it's been read into the record the public has, they showed up, they have the right to be heard, even if the item is going to be continued.

Commissioner Tarkanian speaks:
So, if we pulled an item off the agenda… I'm sorry, were you going to say something? Go ahead, I'm sorry.

Commissioner Gardner speaks:
Thank you, Commissioner Tarkanian. My concern is that if the appellants pull Item 7, as they've indicated their desire is to do, and then Item 8 is not pulled for continuance that has put us into another quandary. And so, I want to make sure that before we approve a continuance of Item 7 we are assured that Item 8 is also going to be pulled for a continuance.

Mr. Ritchie speaks:
Chairman, may staff address the Board?

AJ Hames, Deputy District Attorney, speaks:
Thank you, Mr. Chair. As we've already noted during this discussion, cell towers are regulated by federal law and one of the laws that comes into play is what is commonly called the shot clock. So, federal law requires that when a county receives an application it must take action on that application, either approve it or deny it, within a set period of time. And if the county fails to take action within a set period of time, then it's deemed approved, essentially. So, the issue here is that Verizon has submitted their application and we've now reached the end of that shot clock period. I don't remember the specific day, but I think it's this week.

Linda Doherty, Assistant Planner, speaks:
Yeah, I think like the 9th.

Mr. Hames speaks:
Yeah, maybe it's Monday. So, one issue is if there is going to be a continuance of this item it would need to be with the consent, essentially, of Verizon. Absent their consent, I think case law on the shot clock seems to lean in favor of the telecommunication company. So, I just don't want the County to get into a

position where we think we're continuing something, but we're effectively approving it because we've violated that shot clock time period. So, any motion to continue should, you should keep that in mind.

Chairman Rice speaks:
Are we under the same shot clock for Item 8?

Mr. Hames speaks:
Yes, but Verizon, in their written request for continuance that was submitted via email yesterday, they did acknowledge that they would waive the shot clock until, I believe, April 3rd. So, one possible way to approach this would be to cease discussion on Item 7, and I'm sure Mr. Ritchie will interject if I'm getting this mixed up, but postpone further deliberation on Item 7, proceed to Item 8, and then come back to Item 7 following the conclusion of Item 8. And then, one thing that the Board might do during Item 8 is you could seek to have Verizon approve the continuance of Item 7 as a possible condition of their own request for a continuance.

Chairman Rice speaks:
Counsel, is that possible?

Mr. Ritchie speaks:
Thank you. Yes, that's possible. As indicated in the agenda, the Board may take items in any order and change the order based on the effective administration of this agenda. I would also note that legal counsel for the appellants on this item has asserted that they are similar legal and factual assertions, I guess, items that are similar between the two, and if the Board hears 8 that will give the appellants a chance to articulate why they think these different agenda items with two different cell towers in different locations are factually similar, as well as, of course, any legal arguments they may want to make.

Mr. McCollough speaks:
May I speak very quickly to the shot clock issue?

Chairman Rice speaks:
Before you do that, sir?

Mr. McCollough speaks:
Yes.

Chairman Rice speaks:
My question is, is there any way that we can get in contact with Verizon to get them…

Mr. Ritchie speaks:
They are right here.

Chairman Rice speaks:
Aha. All right, counsel.

Paul Albritton, attorney representing Verizon, speaks:
Chair Rice, Members of the Commission, I'm outside counsel for Verizon, and we really appreciate your time today. We've been given authority to extend the shot clock on Item 8 and we conveyed that to you in writing yesterday. I do not have authority to extend the shot clock on Item 7 at this time, and we would object to reversing the agenda items, and feel that Item 7 can be heard. These facilities are over three miles apart. With respect to your land use decision, the land use decision that you're making today on a

Major Design Review permit, there's no relation of issues between these two facilities that are three miles apart, and that we should proceed with Item 7.

Chairman Rice speaks:
Thank you, sir.

Mr. Albritton speaks:
Thank you.

Chairman Rice speaks:
Well, that answered that question.

Commissioner Tarkanian speaks:
Well…

Chairman Rice speaks:
Yes, sir.

Mr. McCollough speaks:
May I just be heard on one small item on the shot clock issue?

Commissioner Tarkanian speaks:
No. I want to make a comment. If, you know, we're trying to work together and create a solution that's going to be best for what's required under federal law, what's best for Verizon, and what's best for our residents, and we've been working hard to try to get this accomplished, I have separately, and with, and so forth, if Verizon is going to take this kind of position don't expect us to be reasonable with you; that's the way it works. You can't ask to have us cooperate with you and then state you're not going to give in to a reasonable request. That's my position.

Chairman Rice speaks:
Counsel, how do we proceed from this point?

Mr. Ritchie speaks:
Chairman, my recommendation would be to allow legal counsel for the appellants on this agenda item to articulate his opinion on the shot clock, I think that's what he's going to speak on, and then the Board can decide what it wants to do. Notwithstanding the arguments that have been made, it's very clear under Nevada's Open Meeting Law and the agenda as published, this Board can continue both items, they can reorder the items, you can do whatever you think is most efficient to get through these two very important agenda items.

Commissioner Gardner speaks:
Mr. Chair?

Chairman Rice speaks:
My question for you is, if we do continue Item 7 will that automatically mean that we have approved Item 7?

Mr. Ritchie speaks:
Well, we haven't heard from the appellant's attorney on his view on it, but our view is that, yeah, without, I'm sorry, I shouldn't say yeah, Verizon has indicated they will not waive the shot clock, and if the FCC

requires that a decision be made within the shot clock, if you continue it past that time you may have given up your right to deny, you may be bound by federal regulations.

Chairman Rice speaks:
What's the pleasure of the Board?

Commissioner Gardner speaks:
Mr. Chair, I share Commissioner Tarkanian's feelings on this. I got to say that I have been a loyal Verizon customer for as long as there have been cell phones. But the point is, and I agree with Commissioner Tarkanian, is that they're asking for us to continue Item 8, but unwilling to continue Item 7. So, we can choose, as a Board, not to grant their continuation of Item 8 and make them produce that today because they don't want to give in to postponing both of these items for a later date, and quite frankly, that disappoints me, Mr. Counsel.

Mr. Albritton speaks:
If I may? I think what I said quite clearly is that I don't have authority to extend that shot clock. I can try and reach Verizon, and get authority to extend that shot clock. I don't have that right now. Again, these are land use applications that are three miles apart. Perhaps we should have a discussion of, if you want it, what is the relationship between these that would prevent you from moving forward with one. And another, this has been a dance. I'm sure you've noticed that we had asked for additional time from the November 7th date to December 5th. Subsequently, the appellants asked to have their item moved from November 7th to December 5th. And so, we have been in contact. We've been trying to communicate with the community and with all of you. There's some ideas for alternatives to our proposed site that we call the high school site, and so we'd like to investigate those. We'd like to pay attention to what you've said, take four months, step back, see if we can find a location that's preferred. With respect to this other site, it was recommended by staff, approved by the Planning Commission. It's needed infrastructure for your community, for your emergency services, and we need to move forward. We've been in this process for over two years, and it'll be another year before that tower is built because of all of the construction drawings, and reviews, and environmental reviews that have to happen before that tower is built. So, that's the reason there's a sense of urgency. Now, if it's your position that you need to continue both I need to take a recess, and contact my client, and see if I can get an extension of that shot clock. But I do not… It goes through levels within Verizon and I would have to do that.

Chairman Rice speaks:
Thank you, counsel.

Commissioner Gardner speaks:
Mr. Chair, that raises some questions in my mind. You say you've been in this process for two years; is that right?

Mr. Albritton speaks:
Yes.

Commissioner Gardner speaks:
And you're just now deciding you need to look at alternative locations; is that what you're saying?

Mr. Albritton speaks:
We believe we have the best, least intrusive alternative under federal law.

Commissioner Gardner speaks:
But you're just now listening to our residents concerned about the locations, you're just now, that's what you basically said; am I mistaken or did I hear something wrong?

Mr. Albritton speaks:
Yes. We have been working with residents, yes, but we've also been working with you all, and the staff, and others. We believe we have the least intrusive location, but there have been new locations recommended. There has been a suggestion that we might get assistance in having some of these, the landlords who've been unwilling so far to help us, and these are the sorts of things that we're willing to work with. We have evidence on the record for each of the 20 alternatives that we looked for, for why we were turned away or unable to use those facilities. So, we're trying to work with you and work with the County to come up with the best solution, but we believe the best solution has been identified and approved by the Planning Commission for Item 7. I see that Verizon's, Yvonne Pinto is an employee of Verizon Wireless with their municipal engagement, and when the client steps up, I step down, so I'll let her speak.

Laughter was heard.

Chairman Rice speaks:
Counsel, if you are willing, we will take a 15 minute break to try to give you time to contact Verizon to see if they are willing to put this off to a later date.

Mr. Albritton speaks:
Thank you, sir. And I'm understanding with that then that you believe there's a consensus amongst the Board that these are tied as opposed to being separate land use considerations?

Chairman Rice speaks:
No, sir. We're not willing to do that. We will take a 15 minute break.

Mr. Albritton speaks:
Okay. Thank you.

Chairman Rice speaks:
We are in recess for 15 minutes.

A break was held.

Chairman Rice speaks:
Okay, we'll bring this back to order. Before we go back to our debate and go to the attorneys, we have more suits in this room than I've seen in a long time, both of our attorneys would like to address the court. I'll start with you, and then we'll go to you, Mr. Ritchie.

Mr. Hames speaks:
Thank you, Mr. Chair. I did just want to clarify a statement I made before about the shot clock. I implied that it was an automatic approval; it's actually a court approval. So, if the County were to violate the shot clock, then what Verizon would do is they would go to a court, and seek a court's order essentially stating that we did violate the shot clock and that the application is approved. We would have an opportunity to defend our delay, but based upon the circumstances, my advice would be to still not delay and violate that shot clock, absent some approval and consent from Verizon.

Chairman Rice speaks:
Thank you, sir. Mr. Ritchie.

Mr. Ritchie speaks:
Thank you, Chairman. For the record, I wanted to let the public know that a quorum of the Board of County Commissioners did meet with legal counsel during the break. We did discuss procedural issues and legal questions regarding some of the arguments that have been raised. I also want to inform the public that counsel for Verizon has notified me that they have been able to speak to the appropriate corporate officer and they may have an update for the Board of County Commissioners.

Chairman Rice speaks:
Thank you. Counsel.

Commissioner Gardner speaks:
Mr. Chair, I also have a point of clarification.

Chairman Rice speaks:
Commissioner Gardner.

Commissioner Gardner speaks:
The reason that I wanted to delay 7, as well as 8, was simply because in 8 it's indicated that Verizon has indicated to us that they wish to have some time, and I believe the date was stated April 3rd, in order to research possible other sites for their application in Item 8. And I can tell you that the reason I would like Item 7 to be postponed as well is because I have visited that site out on Stephanie Lane, and I believe, as a Commissioner, that there are more appropriate sites in that area that Verizon should also consider. Okay. So, that's why I wanted Item 7 to be postponed is to give Verizon an opportunity also to explore possible other sites out in that area as well. So, that's why I've asked Verizon to postpone Item 7 also until that date.

Chairman Rice speaks:
Thank you. Verizon, the ball's in your court.

Mr. Albritton speaks:
I wish I were Verizon, but I'm not. I called six executives to finally get through to somebody. We do believe these are distinct, and we do believe that this is imperative service for the community, including your, particularly your emergency services and fire department, but Verizon Wireless will agree to continue both items until April 3rd. Since we've had limited time at the podium, I just want to say that under Ninth Circuit interpretations of the federal law, if we were to address these issues in a court of law, we would argue that there was a gap in service, and I think we've well established that in the materials. My phone's ringing; that’s very funny. And that secondly, we found the least intrusive alternative for the facility based on the goals represented in your area plans, and so forth. We believe we did that. If we failed to do that, and the County believes that there's a less intrusive, feasible alternative to provide the coverage that we need, then under the court in this case, we should be provided an opportunity to review those, and tell you, yes, you did it, you found another place, or you didn't. So, if indeed there are ideas regarding the alternate site that's subject of this appeal on Item 7, please let us know. We'll work with you, and try and work as best we can with the community. Verizon really doesn't come to communities to try and traumatize them, and bring angry people into a room. We're trying to provide a very important service to our customers and to the community. So, we do want to work with you, and Verizon will agree to the continuance. Unless you have any other questions, I'll sit down.

Chairman Rice speaks:
Thank you, sir.

Mr. Albritton speaks:
Thank you.

Chairman Rice speaks:
Okay. Counsel, you're up.

Mr. McCollough speaks:
Well, I believe, if I heard correctly, that Verizon is willing to extend the shot clock for Item 7; therefore, our motion is that you continue both items until sometime before April 3rd when the new shot clock would expire.

Commissioner Tarkanian speaks:
I think you have to be a Douglas County resident…

Laughter was heard.

Chairman Rice speaks:
All right, for those that are waiting with bated breath, we're going to go ahead and read Item 8 into the record, and then we'll take Public Comment on both 7 and 8 at the same time, and you only get to talk once. If the guy in front of you said what you were going to say, ditto works real well. Otherwise, we'll be here until tomorrow.

Chairman Rice read Administrative Agenda Item 8 into the record.

Chairman Rice speaks:
Now, we will go to Public Comment. Please, your time is limited to three minutes a comment and as I said, ditto works.

PUBLIC COMMENT

Erica Adams speaks:
Hi. I am one of the owners of Dance Workshop. My husband and I moved here to own the building. We bought the building from the old owner and it's a 5,000 square foot commercial building on 1697 County Road. We have 250 children that attend our dance studio, and we're mostly worried about our property value, obviously, and losing business because that will massively affect me and my family, as that is our sole income, is that dance studio. Thank you.

Chairman Rice speaks:
Don't trample each other getting to the microphone.

Robert Aaron speaks:
I would like to thank the Commissioners.

Chairman Rice speaks:
Your name please.

Mr. Aaron speaks:
My name is Robert Aaron. I am from South Lake Tahoe, California. I want to know, this is very beautiful to see this group. First, I want to do a show of hands, how many people in the community were advised or talked to by Verizon about this tower? Can we have a show of hands? So, nobody talked to Verizon?

Chairman Rice speaks:
You need to address the Board, sir.

Mr. Aaron speaks:
I'm sorry.

Chairman Rice speaks:
You need to address the Board.

Mr. Aaron speaks:
Oh, okay. I was just asking if anyone had been talked to Verizon. Verizon plays a bait and switch. I'm in Lake Tahoe. They put up a tower in a neighborhood. The lady, Monica Eisenstecken, versus Verizon, Tahoe Regional Planning Agency, and the City of South Lake Tahoe is in federal court in the Eastern District. They build the cell towers. One of the problems that they have is they turn them into fake trees. They release up to 10,000 pounds of plastics. I personally use the group that did get the lead out up in Lake Tahoe. Just recently, we removed a lead cable from AT&T. I used their analysis and the material that falls off of the trees contains lead. This happens at copious amounts. They denied that they ever knew anything about it. Five years, this was five years ago, we, I think we brought this to their attention. They are basically doing industrial litter into Lake Tahoe, which is the drinking water for 12 million people. Mr. Albritton, this must be a very important meeting or he would not be here. He is the tiger for Verizon, and the rest of their group here, these people are not looking out for the community. I've been in this for five years. I can present tons of information. The esthetics are unreasonable. There's a cell tower now 120-foot tall on Ski Run Boulevard. When I leave Heavenly Valley the historic view of Lake Tahoe is destroyed. It used to be looking directly at Pyramid Peak, now all I see is a huge cell tower that stands out above all the trees by 30 feet. They are very nefarious. Their gap, they say that there's a gap; there is no gap. If you investigate and look into it, we did it up in Lake Tahoe, there is no gap. They say there's a significant one; that is BS. I think the community, you guys are the only stop between the community and these corporate entities. He says he's outside counsel. He's their main counsel member or he's their main counsel. You look into Albritton, his name and fingerprints are all over this. I've been having problems with this gentleman for five years. I do not trust him, and I told his local attorney, you better look into him because I believe doji is going to be coming around the corner very soon for a lot of people. Thank you very much, Commissioners, and I really appreciate you. I am the father of two beautiful kids that I was luckily able to raise in South Lake Tahoe before they proliferated the cell towers everywhere. We put a wrench in the wheel. So, thank you, and I hope you do the same.

Chairman Rice speaks:
Thank you, sir. Next.

Brian Stevens speaks:
Yes. I'm in favor of keeping the two items, 7 and 8, on the cell towers together and just continuing this so Verizon has more time to find a better location for their tower. I think the location on Stephanie Road there, right next to the park, would be just awful for our community, and it would hurt our home values. So, there is plenty of room around this community to find a better place for that tower and I just hope they would do that for us. Thank you.

Chairman Rice speaks:
Thank you, sir. Next.

Sean Lynam speaks:
Hello. First, I'd like to thank Mr. Gardner, Mr. Tarkanian, and Mr. Nowosad for recognizing that if you live in this community you have a voice. Thank you. I am a community member, and husband to a local healthcare worker, and father to a two and three year old that attend Allie and Friends Preschool. I'm here today to address the farce that is playing out in our community. Twice we have been here to discuss this and twice it has been heavily opposed. So, I ask, what has changed? Why would we continue to discuss this when the clear opinion of the surrounding community is negative? Why would the County allow the installation of a 5G cellular tower near the community swim center, the public library, the high school, and across the street from a preschool? Why must this be placed in such close proximity to so many areas where local families and children are located? Why not? We are not far removed from fire season where this summer we saw a creek fire tear through the Washoe area and directly threaten homes, businesses, and residents. A simple drive up 395 North is all it takes to see the damage done by the creek fire, and unfortunately, that will be the case for some time. Why would we disrupt the natural beauty of, in my opinion, one of the more beautiful locations in the great State of Nevada? To me, a decision to add this tower would be so to the detriment, and more so, the danger of the surrounding community. Thank you.

Chairman Rice speaks:
Thank you, sir.

David Burns speaks:
Mr. Chairman, I'm going to allow him to go in front of me, he’s having problems standing.

Reginald Bobo speaks:
Yeah, I have problems standing more than five minutes.

Chairman Rice speaks:
Thank you, sir.

Mr. Bobo speaks:
I got some screws in my back and all. I live within a quarter of a mile, about six, seven, actually, six houses from where the towers will be, and I understand they're going to stand higher than the mountains in the background, which would, will destroy the view. I know there's a dispute on whether it's harmful to children and people, but there has been studies of, scientific studies, that include the increased cancer risk, cellular stress, headaches, sleep issues, genetic damage, changes to the reproduction system, memory deficits, and impacts on the nervous system. It is found that cumulative dose of cell phone, cell, RF can result in significant exposure over time. Young children do not use cell phones, yet they are involuntarily exposed. Cell tower radiation exposures are nonstop day and night. We can turn our cell phones off, but we cannot turn a tower off. Children that absorb deeper into their brains and bodies. Even if the radiation absorption were the same as adults, the effects on children can be far more serious. A child's development, brain, and organ systems are more sensitive in environmental stresses. Now, I know there’s arguments all against this, but the government is paid probably $200 million or more. In 1921, it was $150 million they were paid to not put warnings on phones and on the cell towers, how it affects the environment. So, there's no real studies since 1990 from the government on these issues of RF radiation, so there's no real studies. They're paying to make sure there isn't any. So, it's like giving the, they do their own studies saying they're safe, but they're not safe. And so that's, I hope you, my grandchildren, I keep my, my wife keeps and I help, and it's devastating to think this, and even from the own cell people, they said within a mile it feels like somebody is touching you all the time. Can you imagine being touched all the time for a year? Most people don't even like their spouses to touch them 100 percent of the time, let alone a

doggone cell phone tower touching you. But you, the actual, the people from this… My son's in Maryland and they were going to put it up next to elementary school there. The state, it's illegal in most states to have it near an elementary school, and it's horrible for the development of children. But again, I hope you deny this before even Mondays and let them appeal it like they're doing 8. So, thank you very much for listening and have a good holiday. Happy Holidays to all of you.

Chairman Rice speaks:
Thank you, sir.

Mr. Bobo speaks:
And thank you for letting me go because… Thank you.

Chairman Rice speaks:
Next.

Mr. Burns speaks:
Good afternoon, Commissioners. I am the existing President of the School Board of Douglas County, but what I say today is my opinion, and my position, and I do not represent the Board of Trustees from the school. I'm about a person, an old school. The old saying is you have the one side's opinion, you have the other side's opinion, somewhere in between is the truth. And I think right now, I haven't seen the truth from either side, or I haven't seen any report, I should say that. What I would be thinking is, is you really should be having a third party investigation on the safety. I am responsible, as well as other trustees, for the concern and care of our students, and right now, I can't say that it's secure and safe when we're going to approve something that could affect the body of our students. I'm not here about trying to convince anybody of anything. What I'm asking for is do our due diligence, and get as much as we possibly can, and not from Verizon, but from a private company that can do the actual research and give us a proper report. That's what I'm here for, and if that doesn't happen, and we do not, I haven't seen it from the public, I haven't seen anything, and if that's the case, then my personal position is, is please do not allow those to go in where they're, where they want them right now. Thank you.

Chairman Rice speaks:
Thank you, sir.

Dr. Fred Simon speaks:
Good afternoon. We all think we kind of know who each other is; we don't. You don't know me. I am a physician. I'm a biologist, biochemist. I was the busiest medical legal expert in the United States in my field; 42 states, Guam, Cayman Islands, Puerto Rico. I've done hundreds of cases. I've seen this tune before with ionizing radiation. We went after this 30 years ago; no one listened. We fought industry, we fought hospitals, we fought physicians, and now the standard of care is completely different. They have data. We have data. You need to know the literature. Your attorneys may give you advice. It is the jury and judges who will be the ultimate arbitrators of this. You are at risk, as anybody else who's involved in this. Negligence is negligence. We show causation. People will be sued. Industry will be sued. I've sued industry. I've sued the largest healthcare corporation in the country and won. My point to you is, you have the due diligence to do this. I'm an advocate for the children in this community, and you, knowing what I know. I know the facts. I'm educated, well experienced in this. I've been in over three dozen radiation, ionized, not non-ionized. We're going to find out about non-ionized. We are finding out. The number one cause of cancer in this country is industry. Think about that. American industry causes most cancers in this country. You will see a change in this in the near future. Think very hard about your citizens and what you represent, why you were elected. You weren't elected to commit to things that are negligent based upon industry, and that's what's going on here, in my opinion. And we will do epidemiologic studies in the near future on all the children in this area. These cell towers sitting near high schools, and these

other places of childhood growth and education have been proven in other communities to have causation, and that's what will lead to the lawsuits. Thank you.

Chairman Rice speaks:
Thank you, sir. Next.

Sacha St. Germain speaks:
Hello. Thank you for this opportunity to speak. I'm a resident of Minden and a homeowner. I work in critical care and my husband is a paramedic/first responder. I didn't think I was going to get nervous. Thank you. We have two sons, ages one and a half, and three and a half, who attend Allie and Friends on County Road, at address 1695 County Road. This is immediately next door to the proposed cell tower site at 1699 County. I am not opposed to a cell tower and improved communication. I am, however, opposed to the location. It will be an eyesore, a potential hazard, and most importantly, it will set a precedent for where we can build such projects. And that's all I have to say. Thank you.

Applause was heard.

Chairman Rice speaks:
Thank you. Please, hold your applause.

Bill Cerrito speaks:
Good afternoon. I support the appeal and the position by Minden for Safe Technology, which I'm one of the founders of. The proposed 80-foot monopole tower at Fire Station 6 and 14 would significantly and permanently degrade the esthetic character of the surrounding area. The affidavits submitted by Rodgers and French, along with the justification for appeal, clearly demonstrate the severe visual impact this project would have on our community. The site is located in a prominent and visible area, and the height and industrial appearance of the monopole would make it impossible to blend into the landscape. The nearby residences, businesses, public areas all enjoy scenic views that would be obstructed by this intrusive structure. The opposition presented at the planning board meeting and cited evidence further emphasized this point, showing the tower fails to align with the esthetic values outlined in our developmental code and community standards. Our zoning laws are in place to ensure that developments are compatible with the character of the surroundings. The tower does not meet that standard. Instead, it induces industrial eyesore into the location that has been clearly maintained to preserve its visual harmony. The affidavits also underscore the cumulative harm. Such projects inflict on property owners and public spaces as they set precedents for more intrusive infrastructure in sensitive locations. Approving this project would undermine the community's trust in local planning decisions. There are at least intrusive technologies, such as fiber optics, Starlink, which just got approved by T-Mobile, who will be using that, hopefully very soon, that could address connectivity without sacrificing the beauty of our town. I urge the Commission to reject this application, both applications, and protect the esthetic values that make Minden a unique and desirable place to live. Now, a more personal note, Verizon may sue you if you don't give them what they want. What do you think we're going to do? We will fight, fight, fight. We will not give up. We will not cower. We will not go away. We will not ever give up on this. The only thing that we will accept is complete denial of both towers. So, if you're going to take this to the next level and take it to court, wouldn't it be better to go against Verizon than your own neighbors, the people that put your signs in our lawn? Now, I'm a Marine, and I took an oath several years ago, and I swore on a Bible and it meant something. Now, you also took an oath to these people to protect them and this community. I urge you to do the right thing. I guarantee you'll sleep better. Thank you very much. God bless.

Chairman Rice speaks:
Thank you, sir.

Greg Roaldson speaks:
Good afternoon. I'm a Minden town resident, and I have represented a group, Minden for Safe Tech, since January. I know that you guys have a difficult decision. I know that you have to base this decision on, pretty much, Title 20 of our County Codes here. I believe, back in July, the Minden Town Board took into account all the correct denials, particularly for Station 14, because that's what they had to rule on. I believe you guys will be faced with similar agenda items to oppose that. But basically, I'm here to voice my opposition to the proposed 80 foot cell tower at 14. Minden is a town that's renowned for its picturesque surroundings and the small town charm. The towering cell structure being proposed is not just a functional addition, it's a disruption to a carefully cultivated esthetics to our community. This tower, with its antennas and enclosed by a stark equipment yard, would dominate the landscape entering into Minden, and pretty much clash with our natural beauty and esthetics. This area is more than just a location, it's a visual escape. Residents, commuters, and outdoor enthusiasts all enjoy an uninterrupted views of our mountains and our expansive skies. Erecting a tower here would tarnish that experience, replacing serenity with an industrial intrusion. This isn't necessary. This isn't necessary cost for progress. It's a short sighted decision that prioritizes expediency over preservation. Our development code prioritizes the harmony between new projects and their surrounding environment. This tower is the antithesis of that goal, imposing an out of scale industrial feature into our neighborhood known for its residential charm, community, and focus. If approved, it risks opening the floodgates to similar developments that could erode Minden's unique appeal. Modern connectivity does not have to come at the expense of our town's visual integrity. Alternatives, such as underground fiber optic networks, and other solutions that respect the environment while meeting technological needs. Verizon has existing sites it can upgrade if necessary; they've just chosen not to do that. I strongly urge the Commissioners to deny this application. Minden has esthetic value, and an integral part of its identity, and it's our duty to ensure they remain intact for future generations. Thank you very much for your time.

Chairman Rice speaks:
Thank you, sir. For the record, there's a couple of people in line who have already spoken on this subject, and if you've already spoken once you're not allowed a second bite out of the apple.

Sheryl Lemke speaks:
I didn't know about, you guys said that this could be postponed, so I…

Chairman Rice speaks:
You already spoke on this issue.

Ms. Lemke speaks:
But not officially. You're going to restrict me?

Chairman Rice speaks:
Let's let the next person speak.

Ms. Lemke speaks:
I am begging you to allow me to speak.

Chairman Rice speaks:
Let the next person speak. Thank you. Madam, you're on.

Cindy Trego speaks:
Commissioners, thank you for your time. I'm a member of the Minden for Safe Technology group. I'm here because the, I've gone through a thorough inspection of the fire department's hazard mitigation report from 2023, and I was looking for stuff regarding cell phone cell towers. There's nothing in these mitigation

reports regarding the hazards for cell phones, and I think that, I would like to put on the record, I think that needs to be added to this new draft that you've done, that I've also read, that is not included under technological hazards. You know, the area out there in Stephanie Lane has very high risk for flooding; 71 percent according to your report. It also has we're proposed for an earthquake sometime here, a significant one, in this area, also fire. If you notice in the Board pack that you have now, the pictures of where Stephanie Lane is, you see all that sagebrush and stuff out there. Also, the fire department had on their task list, at the end, I know that it transferred to the County for this mitigation report in July 1st of 2023, that they had suggested that they needed to have a water storage tank out in the Stephanie Lane area. It would be kind of interesting to know because I couldn't find any information online whether that had been completed. We know that these towers draw a lot of energy. I've heard, in previous meetings, regarding problems with power on the power grid. Putting these towers up, what is that going to mean to this county regarding your power grid? Also, on the Station 14, if you guys notice, the high school has 1,400 kids. You got the daycare and all that. You got two lanes, one going each way in that area. If we had to have an evacuation, which I could not find an evacuation report online, either under the East Fork Fire Department or the County's, showing an evacuation plan. I think all this needs to be ascertained, analyzed, and I think all these reports need to be done before any discussion is made about having these towers placed in this county without having some information regarding the safety, earthquakes, lightning strikes, fire, wildlife fires. You got regular fires from this, electricity fires. You have the flooding, you have everything, earthquakes. All this stuff is at high risk on your mitigation report. So, I'm asking you and begging you to have that group add cell phone towers to that because you already have one right there across from CVIC Hall. Thank you for your time.

Jenifer Davidson, County Manager, speaks:
Mr. Chairman, I just spoke to the next young lady who wishes to speak. She mentioned that her comments are regarding things that have occurred since she last spoke and are new; it's not a repeat of information she previously shared. It's up to you, sir.

Chairman Rice speaks:
Thank you. Go ahead.

Ms. Lemke speaks:
Verizon is starting with…

Chairman Rice speaks:
Please state your name for the record.

Ms. Lemke speaks:
Sheryl Lemke.

Chairman Rice speaks:
Thank you.

Ms. Lemke speaks:
Verizon is working with AI, and just remember that AI will have access to everybody's, inside our bodies, through the graphene oxide and everything. And I had an incident with AI, with AT&T. She restricted my speech. She would punish me for researching anything that it didn't approve of by blasting me with radiation. It would, I could put my phone down and it would almost, like, threaten me, like, hooked to my truck. It was completely out of control. It would not allow me to talk to a human being. When I signed up with Verizon, and I was having problems with their phone service, I guess, they would not allow me to talk to any human being in the United States. They sent me directly to China. And I was in excruciating pain. You cannot get away from this. So it's, and then also, Elon Musk said that AI and this 5G is more

dangerous than nuclear weapons. That's what we're going to be inviting into our county. And so, besides my own, like, the First Amendment right, freedom of speech, which they've already proven to restrict and punish me for it, the Fourth Amendment, the protection of unreasonable searches and seizures of property, AI will have access to every single human beings' children, your house, your vehicles, your business. They will know if you're researching to do a patent. They're going to know everything about it, and then their people are going to be able to take it. Now, they might be laughing, this trillion dollar company that's going into works, but they've already destroyed my corporation. They've already taken everything from me. So, I am telling you the truth. I am, love you all. I think that you all, even Mr. Rice, is absolutely incredible, magnificent human beings. You all are parents. Okay. And I'm begging and pleading to you, telling you the truth that, and also, we're just kind of researching the United States. I go to Europe a lot, and there are like 40,000 scientific research papers around the world, and people are taking their trucks and blowing up these towers in other countries. They've already destroyed, and I'm able, not to just tell you from the Mexican border to the Canadian border, but other countries, it destroys the land. It destroys everything.

Chairman Rice speaks:
Thank you.

Ms. Lemke speaks:
And it's against God.

Chairman Rice speaks:
Next, please.

George Gabor speaks:
Good afternoon. I represent Carmel Properties LLC, which is developing the adjacent property with 25 house sites at 1440 Stephanie Way. Five of the lots will be within 300 feet or less of the proposed tower. The exposure of the houses on those lots need to be determined, since they will be exposed to the RF fields 24/7. I'm also a retired staff physicist from the Lawrence Berkeley National Laboratory and a radio amateur, KD6ERS. The report included in the agenda packet by Waterford of the radiation exposure is poor quality. They do not address a number of items they use; number one, Verizon's information. What was it and did they verify its veracity? Two, they do far field calculations but do not give the range distance. The energy varies as the square of the distance from the source, which means that half the distance you get four times the exposure. They do near-field calculations using only the horizontal bandwidth. The antennas have numerous side lobes, which can change the exposure within a close radius at ground level. Since we do not know the radiation patterns of the antenna, exposure is unknown. The FCC has not considered the effects of long-term exposure to microwave energy. In this case, it will be 1,900 to 3,700 megahertz. The energy is deposited as molecular agitation. That is heat and has the potential to break or alter chemical bonds. Your microwave oven operates at 2,450 megahertz; right in the middle of it. Calculating the field power density at 300 feet and at 320 watts, at 3,700 megahertz, using the OET 65 equation, number 20, which is what Waterford used, gives about six milliwatts per square centimeter at 300 feet, and that exceeds the FCC standards. It is of interest and health of our citizens to site this tower on another location.

Chairman Rice speaks:
Next.

Rhiannon Kamper speaks:
Good afternoon, Commissioners. I am a part of Minden for Safe Technology. I just wanted to come up and say that I oppose both towers, and I am in support of continuance for both Agenda Item 7 and 8 for us to explore alternative options. Thank you.

Chairman Rice speaks:
Thank you.

Petrina French speaks:
Hi. I ditto Rhiannon. Thank you.

Chairman Rice speaks:
Thank you for the ditto.

Laugher was heard.

Jim Jackson speaks:
I couldn't resist. We've had one other instance of Johnson Lane folks that didn't turn out so well with this Board. I hope this one turns out better for the folks up in Johnson Lane area. Being thrown under the bus once, I hope that's all that's going to be. I hope that these towers are not approved when they come back up in April. Listen to the folks; I said that once before, I'm going to say it again. As far as the radiations from these towers, I'm not an expert on that. All I can do is relate an experience that I had when I was in Vietnam. I was on a naval gunfire fire team. Our base was underneath a navigation communications tower for all of the ships. We lived within 20 feet of that tower. I could take a fluorescent bulb out, stand by the tower, or stand by where I slept at night, run my hand up the tube, and it would light up. I'd run my hand back down the tube, it would go off. Now, there was a lot of radiation. And yes, that explains why I am the way I am.

Laughter was heard.

Mr. Jackson speaks:
Now, I don't know if it's the same kind of radiation, but I was just notified by the VA I am now considered disabled because of my service in Vietnam; that was part of it. So, if they will consider me disabled, then I don't think we want to have these towers close to where our children are or the adults for that matter. Anyway, thank you.

Chairman Rice speaks:
Thank you. Next.

David Seat speaks:
Resident of Gardnerville. Trust. Verizon would have us trust that 5G is safe. The US government told us that the COVID scamdemic originated from a wet market in China. The truth is that the scamdemic originated from a bio weapon lab in Wuhan, funded by the murderous Anthony Fauci and his subversive gain of function funded by the U.S. government. Trust broken. We were told by the U.S. government and the pharmaceutical industry that the experimental emergency use authorization COVID-19 clot shot is safe and effective. This clot shot has been shown by countless independent studies and tens of thousands of courageous doctors, investigators, and researchers, and analysts to be anything but safe and effective. Trust broken. We were told the Hunter Biden laptop was disinformation. Trust broken. We were told by the U.S. government officials that Joe bribe me is as sharp as a tack. Trust broken. The southern border is secure. Trust broken. The U.S. government has not conducted a single, meaningful, in-depth analysis of the harmful effects of 5G on living things. The telecom industry touts the meaningless, shallow analysis as the basis for claiming 5G is safe. There have been hundreds, if not thousands, of independent analysis of 5G that shows it is anything but safe. Trust broken. The government has demonstrated time and again through their corporate alliances that they are not looking out for the people of our country. The residents of Douglas County are looking to this Board for protection from the U.S. government and corporate collusion evil. Vote no on the current 5G cell tower construction proposals.

Chairman Rice speaks:
Thank you, sir.

Rick DeCarlo speaks:
Hello. I've been here pretty much all my life, and I can tell that all of you are really listening intently, and trying to think about, and what everybody is saying, and I, we appreciate that. And I just, you know, of course, would ask you this one thing, which, would you want one next to your house and would you want your kids to be playing underneath it? And they can, you know, we can, what he said about the government is true, and is that common sense would dictate, number one is, gee, I had a phone in the 90s and it works better than it does now. Of course, they'll have something to say about that. We have internet. We need all these things. Well, it's just frequencies. There's another way to do it. There's always a better way to do it. But instead of having a study, how about common sense? So, if in, I remember even in the 80s, I had one of the very first phones, it worked in Gardnerville, amazing, and we didn't have 80-foot towers. I did many subdivisions in this town, and some, I could just imagine back then asking the Board then, hey, by the way, I want to put an 80-foot really ugly tower next to this amazing subdivision. They would have laughed at me. But then, they're here saying it's safe, it's good, it's all great. Common sense dictates that if there's even a chance that you believe that that might hurt, and that maybe we've been wrong, since we've been wrong about so many other things, and they're proving it daily, we might ask ourselves to maybe change our minds about a few things. And I would say this, is that the people that are about ready to take over, you might want to listen to what RFK is saying, you might want to listen to what they're already speaking about because this is all there. He's already spoken about 5G towers. I've taken a reading on a meter, and I would have any of you go with me, and take that meter, and you'll see the radiation that's coming off of those towers pegged. Let's go stick our children up there and see if we believe the meter or if we believe them. Thank you.

Chairman Rice speaks:
Thank you, sir. Next.

Susan Roaldson speaks:
Hi. We're from Minden for Safe Tech and we are against both towers. They are too close to our children. Location, location, location. Please, let's put these towers away from our children and our residents. I just want to briefly just say something. I was a registered nurse in pediatric intensive care and neonatal intensive care. You cannot give children the same drugs, the same drug dose. You can't expose them to the same radiation, the same CT scans. They've already figured out too many CT scans on children and neonates can cause cancer. They are now limiting. Back when I worked in neonatal we did it all the time. Now, they are absolutely limiting them because they're finding it is causing a problem. And I know that's different than non-ionizing radiation, but that is also harmful, and we're going to find more and more out about that. Anyways, you can't do the same procedures. Children fight infection differently. They are small. They cannot handle what we can handle as adults. We should not expose our children to these cell towers. They need to be further away from residents and children. Thank you.

Chairman Rice speaks:
Thank you. Next.

Michael Tenerelli speaks:
Good afternoon. I am the owner of 1695 County Road that Allie and Friends is located. I fear that this cell tower is going to decrease my property value on the property, and also harm the children, which is more important to me than the property value. But I've seen this happen before. My brother-in-law had a cell tower put in his backyard because he had a power plant back there. It dropped his property value by $300,000. So, that's all I got to say, pretty much. Thank you.

Chairman Rice speaks:
Thank you.

Maria Hartman speaks:
Good afternoon. You've seen me before. I am the owner of Allie and Friends Daycare. You also have heard that we have 105 children between the ages of one and six at our school. We, as our landlord just explained to you, it's a beautiful facility built just for kids. And I was very happy to hear that Verizon might be looking for different options. I'm very thankful that they're going to take the time and I'm all for that continuance. So, thank you. Thank you so much.

Chairman Rice speaks:
Thank you.

Casey Rodgers speaks:
I think there's some discrepancy over the Clearwire tower at Station 6. The old tower is, to my knowledge, is not in use, it hasn't been in use for years, and it's being replaced by a Verizon tower, just for the fact that they don't they want to take one down and put another one up, and I just not sure you guys know that information. So, I thought maybe you needed to hear that. Yeah. That's it.

Chairman Rice speaks:
Thank you.

Nikki Florio speaks:
Hi there. I spoke to you at one of the earlier meetings. I run a pollinator and climate project called Bee Heroic, and we focus on the technologies that are taking down pollinators, and food, and ecosystems that are accelerating the current mass extinction event, and one of the most dangerous technologies on Earth today for every living organism is 5G technology. 5G goes from 30 to 300 gigahertz, as you know. But even at the 4G LTE range and 4G ranges, when you're in megahertz, those are having big impacts on the environment. Now, this area, this particular area in Nevada, is already saturated with this lower end of 5G, the 30 to 40 plus range, and that's through the 4G LTE, and the 5G and 5G plus in the area. And it's a bunch of different carriers; I'm not pointing the finger directly at Verizon. But what I'm saying is you don't need extra radiation in this area. Three miles is not that far. This is a very tight knit community. I'm sure if there was a fire in Carson City, and someone wanted to know what was happening, and they didn't have Verizon, they could ask a friend. And this is just an example; I'm not talking about this particular area. They could ask a friend because people out here are that connected. 5G causes a lot more illnesses and disasters than it would even ever save putting up two simple towers. From the ground up, 5G impacts microbes, microbial communities in soils, on plants, makes plants toxic. So, if you have a garden in your backyard, they might look, and smell, and taste the same, but they're toxic. It splits single and double DNA in plants the same way it does in humans, and so it impacts all types of plants that we eat. It impacts grasses on the rangelands that the cattle eat, and dairy, and all pollinators are affected, small insects because millimeter wave radiation superheats their bodies. They're the foundations of the food chain. That's why you have far fewer birds out here. You have far fewer bats than you used to, amphibians and other animals. So, you really don't want this around. And when it comes to children, children are much smaller than we are. They have a higher rate of respiration. They also have more body fat and thinner skulls. So, they have a higher specific absorption rate than we do. When it comes to wildfires, this area, because of the towers that are already in, the forested areas are already in trouble. And you can take a look at the fire that happened between Placerville and South Lake Tahoe. They put those towers in all the way down the upper part of Highway 50, and it causes the plants to express terpenes, and that makes it a lot more fire prone. Thanks.

Chairman Rice speaks:
Thank you.

Yvonne Pinto speaks:
Good afternoon, Commissioners. Thank you for your time; we appreciate it. Yvonne Pinto, Municipal Engagement, Verizon Wireless. We are in agreement for the continuance for both items. I would like to add, to clarify for the record, this is the first time we've been asked about alternatives for the Heybourne site, an alternative site analysis, which is Fire Station 6. An alternative site analysis was prepared and submitted, and so this is the first time we're hearing of a request. We'll be happy to have the continuance to look at alternatives for that location. Additionally, just to clarify how long we've been looking at alternatives for Fire Station 14, it has been since the Town of Minden Board meeting. We have been engaging with landlords based on the direction we receive from the board at the time, and have not received a willing landlord report back. So, that's where our alternatives, were trying to get that on board to work with the residents, work with the Commissioners, to find a solution that works with everyone, and that's why we're asking for the continuance on 8 is to continue that process of getting a willing landlord on board for the alternatives that have been proposed to us. Thank you so much.

Chairman Rice speaks:
Thank you.

Carol Sims speaks:
Hi. I've lived in the area for 14 years, in Minden. I think that Minden is a jewel. I think it's a diamond in the rough and we need to protect it. And I agree with the woman that spoke before the Verizon woman about the soil, and the birds, and the bees, and my main concern is the children. And do we need coverage of super speed or do we care about the brains of our children? Thank you.

Chairman Rice speaks:
Thank you. Is there any further Public Comment? Seeing none, I'm going to close Public Comment and bring it back to the Board.

Commissioner Gardner speaks:
Mr. Chair?

Chairman Rice speaks:
Commissioner Gardner.

Commissioner Gardner speaks:
At this time, I would like to move for the tabling of Item 7 and 8 until a date certain of no later than April 3rd, sooner or, and on or before April 3rd.

Commissioner Tarkanian speaks:
Second.

Chairman Rice speaks:
It’s been moved and seconded. Any further discussion by the Board?

Commissioner Gardner speaks:
And I wanted to say that the purpose of this is to give Verizon the opportunity to look at alternative sites.

Chairman Rice speaks:
Thank you. If there's no further discussion by the Board, all those in favor of the motion say aye. Any opposed? The motion carries 5-0. Both matters are deferred until April 3rd.

MOTION TO: Continue Administrative Agenda Item 7 and 8 until a date on or before the April 3, 2025 Board of County Commissioner meeting; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mark Gardner, Commissioner
SECONDER:	Danny Tarkanian, Commissioner
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Walt Nowosad, Danny Tarkanian

8. For possible action. Discussion on an appeal of the Planning Commission's decision to deny Development Application DP24-0169, a Design Review to install a new 80-foot monopole cell tower and associated network equipment at 1699 County Road, within the Town of Minden . The equipment will be located within a 15-foot by 25-foot fenced area and will include network cabinets and a standby diesel generator. The subject property is located in the Public Facility (PF) zoning district within the Minden Community Plan. The appellant is Verizon Wireless (Ginbar Ketema). The appellant's representative is Epic Wireless (Chris Hatch). APN: 1320-30-802-004. Development application DP24-0204. (Linda Doherty).

Administrative Agenda Item 8 was heard during Administrative Agenda Item 7.

To review the full discussion please see Administrative Agenda Item 7.

MOTION TO: Continue Agenda Item 7 and 8 until a date on or before the April 3, 2025 Board of County Commissioner meeting; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mark Gardner, Commissioner
SECONDER:	Danny Tarkanian, Commissioner
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Walt Nowosad, Danny Tarkanian

Chairman Rice speaks:
We will have a ten minute recess, and thank you all for coming.

A break was held.

Chairman Rice speaks:
I'm going to call the meeting back in order. Okay. We will move back to Item 6.

9. For possible action. Discussion to adopt Ordinance 2024-1633A, an ordinance approving a zoning map amendment and planned development overlay district for APN 1220-15-701-001, by: (1) repealing Ordinance No. 2002-1022 (which changed the zoning on the subject parcel from FR-19 (forest and range, 19-acre minimum lot size) to SFR-8,000 (single-family residential, 8,000 square foot minimum lot size)) with a PD (planned development) overlay (PD 02-06) because the associated development was never inaugurated and the tentative map expired; and (2) reclassify the same parcel as SFR 12,000 (single-family residential, 12,000 square foot minimum lot size) with a PD (planned development) overlay. The Board will also consider approving the associated application for a Tentative Subdivision Map. The subject property is a 33.20-acre parcel located at the northeast corner of Main River and Dresslerville Roads in the SFR-8,000/PD zoning district in the Gardnerville Ranchos Community Plan, and it is designated as receiving area. The applicant is Ranchos, LLC (Keith Serpa and Sam Landis) and the applicant's representative is Manhard Consulting. Second Reading. (A.J. Hames and Lucille Rao)

Administrative Agenda Item 9 was heard after Administrative Agenda Item 6.

Chairman Rice read the agenda item into the record.

Kate Moroles-O'Neil, Principal Planner, speaks:
Thank you, Chairman Rice. I'm sure you're happy you got to say Lucille's name and not mine, but I apologize. Lucille did have a family emergency, so I just came over. I usually like to dress up better, and I didn't anticipate seeing you all today, so I apologize for that. But I just wanted to let you know and Lucille sends her apologies for not being able to attend today. So, at this point I'll hand that over to AJ.

AJ Hames, Deputy District Attorney, speaks:
Thank you, Kate, and thank you, Mr. Chair. This is similar to the presentation that you all saw in November so we'll kind of just go through it really quick. It should feel like a review. Also, a lot of the information that I'm about to present you saw, of course, in March of this year. So, this is not the first time we've gone over much of this information. I'll try to move quickly, since I know you're familiar with the project. You can see here this is a proposed residential project that's going to be occurring at the property that's highlighted in these maps. On the left side you can see the future land use for this property. It's designated as Receiving Area. And on the right side you can see the current zoning which is SFR 8,000. It is also subject to a PD overlay. The Receiving Area is a future land use in our Master Plan.

Mr. Hames started the presentation and covered the following topic:

- Land Use Description
  - Designates parcels within Community Plans identified for future urban development that require, in most circumstances, development rights from sending areas (A-19 and FR-19 zoning districts) in Douglas County.

Mr. Hames speaks:
While not expressly defined in code, urban, as that term is used, urban development in residential areas specifically is typically, or at least historically, has been done at 2.01 or more dwelling units per acre, which all means that traditionally Receiving Area is, if it's going to be developed residential, it will ultimately be zoned either Multi-Family Residential, SFR 8,000 or SFR 12,000. SFR 12,000 is the least dense zoning district traditionally associated with Receiving Area.

Mr. Hames continued the presentation and covered the following topic:

- Project History
  - 2002 – Former Project Approved
    - SFR-8,000 with a Planned Development overlay
    - 95 lots for single-family homes
    - Project was not inaugurated and approvals expired
  - 2023 – New project Presented
    - SFR-12,000 with a Planned Development overlay
    - 85 lots for single-family homes

Mr. Hames speaks:
This is just to kind of refresh your recollection on what the project was proposed to look like back in March and a lot of it will still appear this way under the current proposal. You can see just kind of a general layout. There is a large area around the edge of the development that they call a buffer zone that serves different purposes. And then you can see on the right just some conceptual samples of what some homes might look like in that development.

Mr. Hames continued the presentation and covered the following topic:

- March 7 Hearing
  - Commissioners expressed general appreciation for the design of the project
  - Commissioner voices two primary concerns:
    - Impact on the safety of Riverview Drive
    - Compatibility with surrounding neighborhoods

Mr. Hames speaks:
This is a picture of Riverview Drive. This is just something that we pulled off of Google Maps, but it kind of shows you the area that was discussed on March 7th and then again back in November. This is currently what the road looks like. You can see the golf course on the right. A parking lot on the left and then it is a two lane road with a center turn lane and then a small shoulder on the north side of the road near the golf course. The issues with this road are, well, there are many. It is a road that conducts significant vehicle traffic because it is sort of the main entryway and gateway into the entire Gardnerville Ranchos area. It's also a thoroughfare for pedestrians and golf carts that are using the golf course and is also sometimes used by pedestrians and bicyclists who are traveling from the Ranchos to the commercial areas along US Highway 395. As I already mentioned, and as you can see, there are no sidewalks, there is no dedicated pedestrian zone, and the curved design of the road makes it difficult for drivers to see what is coming up ahead of them. Those were some concerns that were expressed during that March 7th meeting. And originally as proposed back in March, there was nothing in the development proposal to address those concerns. Other concerns related to neighborhood compatibility. As you can see here, there is a significant amount of SFR 12,000 zoning in the Gardnerville Ranchos. There's even SFR 8,000 and Multi-Family Residential zoning along Tillman and Kimmerling, but not directly abutting the property itself. So, there was a concern that allowing SFR 12,000 zoning in this corner of the Ranchos would be incompatible, especially with the SFR-1 zoning to the north. Because of those concerns, the Board did vote in March to deny the applications as they then stood. Following that denial, Ranchos did promptly file two lawsuits against the County.

Mr. Hames continued the presentation and covered the following topics:

- Lawsuits
  - Petition for Judicial Review
  - Complaint for Damages

  - Potential Liability:
    - Approval but without any concessions to address concerns
    - Damages (costs resulting from denial, possibly including carrying costs, attorney's fees, losses associated with delay)
  - Briefing completed in July
  - Case Conference Report prepared in September
- Settlement Agreement
  - Negotiated in October
  - Unanimously approved by the Board on November 7, 2024
  - Key Terms:
    - Payment towards safety improvements on Riverview Drive
    - Reduction in units to increase neighborhood compatibility
- Lawsuit Status
  - Complaint for Damages: Remanded with Prejudice
  - Petition for Judicial Review: Remanded to the Board "for action consistent with the terms of the Settlement Agreement."
- Safety of Riverview Drive
  - Ranchos LLC will pay $60,000 toward safety enhancements on Riverview Drive
  - $60,000 = cost to restripe Riverview Drive to add a pedestrian lane

Mr. Hames speaks:
One of the proposals to make Riverview drive more safe is to eliminate that center turn lane that you see there and turn that into the westbound lane, which would leave a large area of road available to the north for pedestrians and golf carts. So, essentially converting what is currently the westbound lane into a dedicated pedestrian or golf cart lane. And we did take that to our Public Works Department, and they determined the approximate cost, it was just a little under $60,000, and that would include the cost to slurry the road and restripe it. So, that's the number that we agreed to.

Mr. Hames continued the presentation and covered the following topics:

  - County can use funds to implement restriping solution or other safety enhancements, if desired
- Neighborhood Compatibility
  - Development at SFR-12,000 prevents use of Receiving Area for denser "urban" development (SFR-8,000, MFR, GC).
  - Increase lot sizes along 1,322-foot northern boundary
  - Reduce lot count along northern boundary to 13
    - 13 homes abutting 8 homes
    - 13 homes is consistent with nearby SFR-1/2 zoning

Mr. Hames speaks:
That will actually bring the northern boundary in line with the number of houses that you would get if this were zoned SFR-1/2. So, if you look at the northern boundary, it's about 1,322 feet along that northern boundary line, including the buffer zone, there are going to be 13 homes. If you look just across the street directly across Riverview Drive, those homes are zoned SFR-1/2. If you were to take a line and extend it 1,322 feet, you would cover 13 homes. So, the 13 homes that will be along the northern boundary of the project are consistent with the nearby SFR-1/2 zoning. We're essentially taking the standards that would apply if it were SFR-1/2 and sort of applying it to that northern boundary in that way.

Mr. Hames continued the presentation and covered the following topic:

- Other Benefits Remain
  - Maintains "buffer zone"
  - Open space with pedestrian trail
  - Flood mitigation infrastructure

Mr. Hames speaks:
On the northern end, within that buffer zone, there's going to be flood mitigation infrastructure installed which is actually more than what's needed to cover the drainage and runoff generated by this project. So that's actually going to work to benefit those who are residing just north of the project specifically, but also generally anyone in that area of the Ranchos.

Mr. Hames continued the presentation and covered the following topics:

  - Create HOA to maintain drainage infrastructure
  - $45,000 toward Riverview/395 Intersection Improvements
  - Obtain water service and comply with Gardnerville Ranchos GID conditions

Mr. Hames speaks:
I understand that their original will serve did expire, but they have since obtained a new will serve from the Ranchos GID, and so they will be complying with those conditions. And a lot of those dealt with landscaping; for instance, they're not going to be putting in grass around the edges because the GID felt that was not a good use of their limited water resources. So, they're going to be taking a responsible approach to their water usage and that is because of that will serve letter that they've received. So, all of those benefits which were present in the original, those remain. So, with all of that in mind, we recommend at this point in time that the Board take two actions.

Mr. Hames continued the presentation and covered the following topic:

- Recommendation
  - Motion 1
    - Adopt Ordinance 2024-1633A, as presented, subject to the conditions set forth in the staff report and proposed Minute Order, because the required findings have been met.

Mr. Hames speaks:
And if you'd like to see those findings enumerated, they are included in the Staff Report. The ordinance approves the rezoning of the parcel and it also approves the Planned Development.

Mr. Hames continued the presentation and covered the following topic:

  - Motion 2
    - Approve Tentative Subdivision Map Application DP23-0090, subject to the conditions set forth in the staff report, because the required findings have been met.

Mr. Hames speaks:
And if you review the conditions in the Staff Report and in the minute order, they do incorporate all of the key terms of the settlement agreement, so they will be required to reduce the units. They will be required to only have 13 units on the northern end and they will be required to make that $60,000 payment towards safety improvements on Riverview Drive. Thank you.

To review Mr. Hames' full presentation please see the Supplemental Meeting Materials.

Chairman Rice speaks:
Thank you. Did you wish to add anything? Are you window dressing?

Ms. Moroles-O'Neil speaks:
I am window dressing. Can't you tell today? No, I have nothing to add.

Laughter was heard.

Chairman Rice speaks:
I want to thank you all for coming to the table and resolving the concerns that this Board had. I know that's one of my favorite golf courses. And every time I end up on the last hole and then try to drive that cart back to where I can park it, you have your heart in your throat the whole time. Please don't run over me. And this will rectify much of that problem, as well as the golfers walking with their carts behind them, you know. Thank you very much for that. And my safety and welfare have been taken care of. And I'll bring it back to the Board now that I've made my comments, any comments from the Board. Seeing none, I will open this to Public Comment.

PUBLIC COMMENT

David Nelson speaks:
I want to make sure that you understand, I'm just speaking as a citizen of Douglas County. I'm on various boards, but I'm not speaking for any of them. I want to remind you that there are a lot of findings that need to be found and that in order to approve this, you have to find that all of the findings have been met. And the finding I'm going to talk about today is the compatibility with the surrounding area. There's more to compatibility than just size, although that's one of the things I'm going to talk about today. This represents a 12,000 square foot lot. To the north of this project are seven or eight parcels that are an acre and a half. And this is that. Now, if size doesn't matter, maybe you can just throw this away. But if size does matter, and I'm going to explain to you why and why after 52 years of being in the real estate business, I know an awful lot about this subject. This is the edge of a neighborhood that has a very distinct personality and that is the fact that it's golf course property. All the lots in this whole neighborhood are an acre or more. They're all zoned one acre, but most of them are larger than an acre because when it was being developed, it was being developed in the Ranchos. We referred to it the Ranchos because it was kind of a small ranch type area. It really wasn't meant to be a rural, I mean an urban area. It was meant to be rural, completely. And that's where our first development in the Ranchos took place. And why it's called the Gardnerville Ranchos. It's distinct from most other areas in Douglas County. Now we're bringing the rest of Douglas County into our neighborhood. I've talked to every, not everyone, because we couldn't. Some people weren't home, but I've talked to everybody along South Riverview on the south side of the street. Probably out of the 12, I mean, out of the seven or eight, probably talked to five of them and they all are very upset about this project. And in the last meeting, I mentioned the possibility of maybe being able to split our acre .48, take off the .48 so we could build our own buffers between our neighborhood and what you're proposing here. I think I've been told that it would take a Master Plan amendment, and that's expensive, and seven people probably can't afford it.

Chairman Rice speaks:
Thank you, sir.

Mr. Nelson speaks:
Okay. Sorry. But that's the main point. You gotta make all those findings.

James McKalip speaks:
I do agree with the last speaker. The original Ranchos, Red Swift developed the land and the regular residential lots were 0.6 acres. So, this is smaller than that and so I will say I agree with that. And to the north is quite larger. My concern and I raised it when we had our Ranchos meeting last night, I am the Chairman. I'm not speaking for the board, but in talking about the will serve letter, we did issue again unanimously, a will serve letter for this. And I talked about this with a developer and we at least understand each other on this. The problem is when an owner of land has a huge portion of land and shows you a development that's much smaller, you don't as a board, neither the Ranchos board or you or the Planning Commission can see what the whole thing is, because that's when you look at what's going to affect the roads, traffic, all of the things that our citizens and our neighbors are concerned with. What's going to happen there. It's a much, much larger piece than this 33 acres. Now, he did say that when it comes forward again, that they will show that when they produce the next project. But it is not incumbent. He doesn't have to. He said he would. We'll take his word for it. But in any situation, if we look at how controversial the Park land deal was, at least when you saw that, you saw how many homes it could be, you saw the whole scope of a project, and whether you agreed with that project or not, at least you knew what it was. In this case, you can't see that. We see a little bit. It was sort of like looking at a map, and somebody cut a hole in the map to show you one little part. So, I would just raise caution to the Board that we don't know what the whole thing is or the impact of our county, the impact of both county infrastructure and Ranchos infrastructure, the water to support 85 homes. We certainly can do that and that's why we voted for the will serve. A much larger project would require much more infrastructure. So being aware of what the whole picture is instead of what a smaller portion of it is what concerns me. And again, I do want to thank the developer for the xeriscape and the border. I asked for that, so I appreciate that. It's just knowing what the whole picture is. Thank you.

Chairman Rice speaks:
Thank you.

Jeanne Shizuru speaks:
To continue on with what Jim McKalip said, I think most of you on the Board realize that this Ranchos area that surrounds, and I've done this at your meeting before, surrounds the Ranchos. That's 500 acres that were master planned for 2,500 units. This is literally the first group, these 85. But that was 25 years ago. And now we have a lot more information about the water situation in the Ranchos even though those water studies have not been presented to the public. And most people don't know about it because David belongs to the Carson Water Conservancy District, and he's going to be on the GRGID, then he has seen some of this information about the water study. No, there isn't enough water for 2,500 homes. And so even if this developer has done some concessions for this first piece, Jim McKalip is right. You're just looking at the tip of the iceberg. And so, what you do, what precedents you set for this particular piece is pretty important because it's kind of like our national debt. There is a finite amount of water in this Valley, and 2,500 homes pretty much blows that apart. So, when that water is no longer available for everything that's been zoned, then hard decisions will be made. The more conservative that this Board is with this first piece, the better. I tell you, based on what David's told me, that 25 acres should really only hold 500 homes. That means one home per acre instead of the 2,500 homes that's been master plan zoned. So, the appropriate safer zoning would be more like one acre for the Ranchos water situation. And the other thing I wanted to tell you is that, yes, on Commissioner Tarkanian's suggestion, we went to our neighbors and asked, how would they feel about having a split off to create their own buffer between the development and the lots on the north side that everybody's been pointing to. And of course, they wanted to hear more about it. So, we pursued a meeting with Tom Dallaire immediately after your November 7th meeting and he has not responded to us. He emailed immediately that it would require a Master Plan Amendment, but we didn't seem to have enough time in this four weeks for Tom Dallaire to agree to meet with us. We have promised our neighbors that we will get back to our neighbors on what we find out, and some of

them have reached out to us since then. But it was very disappointing that we've asked Tom Dallaire to speak to us personally on behalf of our neighbors and we didn't have time for that.

Chairman Rice speaks:
Thank you.

Jim Jackson speaks:
Way back at the first part of the year when this development was first presented, I thought it was one of the nicest looking ones of all the ones I've seen in the Valley. The homes were very well designed. They were nice in appearance. The whole layout of the development seemed to be pretty nice. Now I know this isn't what you normally expect to hear from me, but I think with the concessions that the developer has made and this is one area, the next one, if they don't have the water, they don't have to approve that. They could stop it at that point. But I think that he's made concessions to improve the traffic on Riverview Drive to make those concessions. I think it's something that you should approve and I think you've got your hands tied. You're going to have to approve it anyway and stuff, but I think it's one of the nicer looking developments of all the ones that have been approved. Thank you.

Chairman Rice speaks:
Thank you, sir. Is there any further Public Comment? Mr. Dallaire?

Tom Dallaire, Community Development Director, speaks:
Good afternoon, Chairman Rice. I did receive an email from Mr. Nelson on November 10th. I responded that evening to a meeting request. I gave him a bunch of information on the 13th. I never heard back from him and the last email I sent to him was on November 17th. So, I have been trying. I have not physically called him, but we were corresponding back and forth through email.

Chairman Rice speaks:
Thank you. Any questions? All right. Any further Public Comment? Seeing none, I will bring it back to the Board.

Commissioner Tarkanian speaks:
Okay. So, I'll make a motion to adopt Ordinance 2024-1633A as presented, subject to the conditions set forth in the Staff Report and proposed minute order, because the required findings have been met.

Commissioner Nowosad speaks:
Second.

Chairman Rice speaks:
It's been moved and seconded. Any further discussion? Seeing none. All those in favor say aye. Any opposed? Motion carries 5-0.

MOTION TO: Adopt Ordinance 2024-1633A as presented, subject to the conditions set forth in the Staff Report and proposed minute order because the required findings have been met; carried.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Danny Tarkanian, Commissioner
SECONDER:	Walt Nowosad, Commissioner
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Walt Nowosad, Danny Tarkanian

Chairman Rice speaks:
We need a second motion.

Commissioner Tarkanian speaks:
And I'll make a motion to approve the Tentative Subdivision Map application DP23-0090, subject to the conditions set forth in the Staff Report because the required findings have been met.

Commissioner Nowosad speaks:
Second.

Chairman Rice speaks:
Thank you. Moved and seconded. Any further discussion by the Board? Seeing none, all those in favor say aye. Any opposed? Motion carries 5-0.

Commissioner Gardner speaks:
Before we leave this area, before we leave this, can I make a couple of comments, Mr. Chair?

Chairman Rice speaks:
Please do.

Commissioner Gardner speaks:
You know, I understand that this area is a little bit greater in density than the areas to the north. However, this area has been designated quite some time ago in the Master Plan as a Receiving Area, which does allow up to 16 homes per acre, right? Anyways, this doesn't get there, but it certainly is a help. Now previous members of the Gardnerville Ranchos Improvement District have been before us before and indicated their concerns about the other areas that are designated as Receiving Areas, and I concur with, in particular, John Sheridan has indicated that we're running into some issues here. We're landlocked, basically, with infrastructure from a road standpoint, and perhaps water. And so, I think this is something that we really do need to, as he suggested, review as we go forward in reviewing the Master Plan in the future. I think that's due on the schedule sometime, maybe 2025, but I think we need to take a look at those serious concerns about water and about infrastructure, especially roads, as we move forward in this particular area of our county, because we don't want to landlock our residents into there and put them in unsafe conditions. As you know, we approved the extension of the project of, I guess it was Rancho Sierra project down on Tillman and the secondary access road out to 88 and the requirements to improve that bridge that goes over the Carson River to ensure that we could get emergency vehicles in there and get residents out and rather than trying to channel them back through the Ranchos. So, I know that those are all subsidiary subjects, but I still think we need to consider that as we move forward with this possibility. Thank you.

Chairman Rice speaks:
Thank you. And again, gentlemen, thank you for what you have done.

MOTION TO: Approve the Tentative Subdivision Map application DP23-0090, subject to the conditions set forth in the Staff Report because the required findings have been met; carried.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Danny Tarkanian, Commissioner
SECONDER:	Walt Nowosad, Commissioner
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Walt Nowosad, Danny Tarkanian

10. For presentation only. Introduction of: 1) Ordinance No. 2024-1648, an ordinance of the Board of County Commissioners of Douglas County, Nevada, designated by the short title "2023 Justice Center Bond Ordinance"; providing for the issuance of the Douglas County, Nevada, General Obligation (Limited Tax) Justice Center Bonds (Additionally Secured by Pledged Revenues), Series 2025A, in the maximum aggregate principal amount of $37,000,000; providing the form, terms and conditions thereof and covenants relating to the payments of said bonds; and providing the effective date hereof; and the introduction of 2) Ordinance 2024-1649, an ordinance of the Board of County Commissioners of Douglas County, Nevada, designated as the "2025B Medium-Term Bond Ordinance"; providing for the issuance by the County of its General Obligation (Limited Tax) Medium Term Bond, Series 2025B in the maximum aggregate principal amount of $14,000,000; providing covenants, conditions., and other details concerning the bonds, the project and general tax proceeds, and ratifying action previously taken and pertaining to the foregoing by the County and its officers and employees. (Kathy Lewis and Zach Wadle')

Chairman Rice read the agenda item into the record.

Zach Wadlé, Deputy District Attorney, speaks:
Thank you, Mr. Chair. These two ordinances before you are very lengthy. There's a lot of legally required language within them. But the short of it is, is that they're our new Justice Center project bonds. And they initiate the process to issue, first, the $37 million piece, which is a 30 year bond secured by the County's consolidated taxes in conjunction with, second, the $14 million piece, which is a medium term bond, which is basically a ten year bond secured by the general revenues of the County. So, this is the first step to start that process. It's an introduction of the ordinances to sell those bonds. They will be back before you for possible adoption on December 19th of this year and then we'll go from there. Any questions, I'd be happy to address.

Commissioner Gardner speaks:
Darn it. I was hoping this was an action item today, but I guess that's the way we have to do things. It's not, so that's why I'm saying darn it.

Chairman Rice speaks:
Any further comments by the Board? All right, this is for presentation only. This is the introduction. And I see the County Manager is standing by the microphone.

Jenifer Davidson, County Manager, speaks:
Thank you, Mr. Chairman. I know this is for presentation only, but I can't help but to thank the Board for your leadership. We will be having a public hearing on this item and I encourage the members of the public who are watching to participate in this conversation. This is a momentous occasion for Douglas County, history making and an important decision for the County Commission. So, I just thank you and look forward to a history making day to come.

Chairman Rice speaks:
Thank you. I think that this is right up there with the scale of approving the bonds for the recreation and Senior Center, and this is something that has been needed, and you guys have done a magnificent job, and thank you for putting it together. And with that, we have had our first reading.

RESULT:	**PRESENTATION HELD.**

11. For possible action. Discussion on the adoption of Resolution 2024R-120, increasing the South Tahoe Refuse Company's rates by the interim year rate adjustment of 3.23% for the 2025 calendar year, as allowed under the terms of the franchise agreement. This resolution will also increase the rates by the previously approved 5.08% rate adjustment for implementation of the 3-Cart collection service program. The total cumulative rate increase for the 2025 calendar year is 8.31%. Douglas County receives a 3% franchise fee on the revenue collected from Douglas County citizens in the Tahoe Township who voluntarily choose to be served by South Tahoe Refuse. (Philip Ritger)

Chairman Rice read the agenda item into the record.

Phil Ritger, Public Works Director, speaks:
Commissioners, thank you. What you have before you is a rate resolution for this coming year with South Tahoe Refuse for the Tahoe Township, as the Chair has introduced. This rate increase was presented to the Joint Powers Authority, the South Lake Tahoe Waste Management Board, which Douglas County is a member of. That board is made up of the City of South Lake Tahoe, El Dorado County, and Douglas County as a joint entity at the Lake for all of the trash collection up there. At their October… let me remember where it was. I believe it was the October 11th meeting and was approved by all three jurisdictions. And at that meeting, the rate study is analyzed. The Crowe report is analyzed and reviewed. And it was acknowledged that this rate was compliant with all of the standards and requirements. As I said, the Board today is actually approving the 3.23 percent rate increase that is allowed under the franchise agreement for an interim year. There's base year adjustments, which is every third year, and interim year adjustments, which is really based on the CPI in those non-base rate years. The anomaly this year obviously is with the new franchise agreement that was approved at the beginning of this year. With that franchise agreement, the board pre-approved essentially the 5.08 percent increase for the conversion to the three cart collection system that's happening at the Lake.

The other things I want to point out on this resolution is you will notice this year that there are actually two rate exhibits. The Exhibit A is the traditional rate exhibit, that's on page 1,803. It shows the adjustment in rates based on the existing collection model which is the 32 gallon can and 45 gallon can system. It shows the rate increase from 2024 to 2025. More importantly then, is the translation of that rate model to Exhibit B, which is on 1,804, in your packet, which is really the conversion to what is now going to be the rate model for the three cart system. Under the three cart system, residents at the Lake, instead of having either a single 32 gallon can, 2-32 gallon cans or 3-32 gallon cans will have been converted to a 35 gallon CART, essentially, the bear proof CART. A 65 gallon bear proof CART, and a 95 gallon bear proof CART. So those are the three conversions. In the process of doing that by the way, there was an overlap between the 3-32 can rate and the 2-45 gallon can rate. So, there were certain residents who opted for a 45 gallon can and would use two of those, so those are basically the 90 gallon equivalents. South Tahoe Refuse, at their discretion, opted to use the lower of those two rates for the new CART service. Really recognizing that a single CART collection system has some labor cost savings that is now being passed on to those residents. So, the existing customers were using 3-32 gallon cans will actually see a cost reduction this coming year. And that would translate going forward in the future so they start out at a lower rate. That same cost reduction actually carries forward onto anyone that was using more than three CARTs. So, the customers who had four, five, six cans just because that translates forward. So, I just wanted to make sure you're aware that a significant number of residents or customers at the Lake will actually see a cost reduction even though there's a cost increase.

In that new rate model, you'll see that there is also, we still will have the existing can rate as opposed to the bear proof can rate. And that is to support the existing bear box customers at the Lake. They are free to convert at any time, but they also, under the franchise agreement, have the ability to retain their bear box system. So, with that, I will open it up for questions. Oh, one last comment. My window dressing is

the representatives from South Tower Refuse. They are in the audience here and available for questions if you would like.

Chairman Rice speaks:
Thank you. For the record, I was resistant of the new system and they were gracious enough to bring the containers by my house so that I could see that my wife wouldn't break her back getting them out to the curb. I appreciated that. And, yeah, the bear proof boxes are yet to be tested in my yard. However, they're difficult enough for me to get open, so I assume I'm smarter than a bear, but I'm not going to guarantee that. So, having said that…

Commissioner Tarkanian speaks:
Can we just get a clarification? You have a hard time opening the cans but you make your wife carry them out to the front yard.

Chairman Rice speaks:
She's younger than I. Any comments or questions from the Board? Okay. Seeing none, then I'm going to take my foot out of my mouth and we will open this for Public Comment.

PUBLIC COMMENT- none

Chairman Rice speaks:
Seeing none, I bring it back to the Board. I need a motion.

Vice Chairwoman Hales speaks:
I move that we adopt Resolution 2024R-120, increasing the South Tahoe Refuse Company's rates by a cumulative 8.31 percent for the 2025 calendar year, as presented.

Commissioner Nowosad speaks:
Second.

Chairman Rice speaks:
Thank you. I was going to do that, but you beat me to it. Okay. Any more comments or questions from the Board? None, please. All right, all those in favor say aye. All those opposed? Motion carries 5-0. And thank you for coming off the hill. I appreciate it.

MOTION TO: Adopt Resolution 2024R-120, increasing the South Tahoe Refuse companies rates by a cumulative 8.31 percent for the 2025 calendar year; carried.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Sharla Hales, Vice Chair
SECONDER:	Walt Nowosad, Commissioner
AYES:	Wesley Rice, Sharla Hales, Mark Gardner, Walt Nowosad, Danny Tarkanian

12. For presentation only. Announcements/reports/updates from County Commission members including updates on the various boards and/or commissions that they may be a member of or a liaison to, or any other meetings/functions they have attended, and any request by a Commissioner for discussion of a future agenda item. (Chairman Rice)

Chairman Rice read the agenda item into the record.

Chairman Rice speaks:
We'll start at the far end.

Commissioner Gardner speaks:
Thank you, Mr. Chair. I did attend, we had a Chamber of Commerce Board meeting Wednesday morning. Last night we had the enjoyment of having a Carson Valley Visitors Authority small Christmas party. The Carson Valley Visitors Authority has initiated a program this year called Carson Valley Christmas, where they are grouping up all of the activities that we have available in our community during the holidays and trademarking it basically under one name. So, I thought that was really good. This is the first year that they're kicking that off. They expect other people to join in on it as we get into the future years but it's certainly a great way and a great encapsulation of all of our activities. In starting that off, kicking it off at 5:30 PM, I believe, this evening at Heritage Park, the Town of Gardnerville will have their annual tree lighting ceremony and fireworks. So, I encourage all of our residents to go out and sample the hot chocolate and other things, goodies that they have available. And then there's other activities this coming weekend, tomorrow night, and then again on Saturday night we have our Parade of Lights and I guess breakfast with Santa in Genoa on Saturday morning. So, a tremendous host of activities for our… and we want to become basically, and I don't call it the Carson Valley Visitors Authority, I call it the Carson Valley future residents authority because everybody that comes here wants to move here. But anyways, next week we have our NACO meeting. We have one annual meeting in Clark County and so next Thursday morning we'll be having our meeting in Clark County, in Las Vegas. So, I'll be going down on Wednesday to attend that on Thursday morning. And otherwise I wish all of our residents… well, we'll have another opportunity here before Christmas, but happy holidays, Merry Christmas. Stay safe. Thank you.

Commissioner Tarkanian speaks:
I don't have anything.

Commissioner Nowosad speaks:
Neither do I.

Vice Chairwoman Hales speaks:
Two things to note. First December 14th, the Community Center anniversary. I think it's 12:00 PM to 5:00 PM. It looks like a fantastic event. The future agenda item is, as I prepared for the cell phone tower Agenda Items 7 and 8, I found that our code requires a monopole without any esthetic improvements, which maybe at one point in the distant past was appropriate, but is hard to fathom that our County would not want to improve the looks of cell towers when possible. And so, I know we can't switch rules midstream on these applicants or applications, but we've got to change that ASAP so that when we have future requests, we have the ability to require that they look as good as possible. So, I would like that to be worked on and brought forward as soon as possible. Even if we have, you know, understanding that it won't apply to the current applications.

Chairman Rice speaks:
So, we'll drive down the street and we'll look at a Space Needle. No, we won't. Okay. My turn. Last week, three of your Commissioners were privileged to serve the senior community lunch at the Senior Center. And I might add they did themselves proud. It was a turkey lunch with all of the fixings and it was very well done. Very well presented and downright delicious. So, we were privileged to serve 400 meals to the citizens of Douglas County. And we have another one coming up right before Christmas. So, we will be out there dishing it out to the folks in a nice way. Also, I attended a TTD Board meeting yesterday and we discussed some of the happenings already. We discussed the trail section and we are in the process of, we have lost the general manager. He is retired and Carl will be sorely missed. And we temporarily hired Jim Marino as our acting supervisor, and we elected, and I'm going to lose his last name, so maybe I

shouldn't even say it, a new chair. The chair has been a Commissioner from Washoe County, and the new chair is from the north end of the Lake and he has been dealing with transportation for years. And having just lost his name, I hate it. Getting old is a… never mind. I received a telephone call from the Governor's Office yesterday evening saying that Governor Lombardo would like to get more interactive with the rural counties. And so, I will give him a list of happenings here in Douglas County and hopefully we can persuade him to attend our Christmas luncheon. And at least I know we'll have at least 400 people there. And if they bring in more tables, I don't know how they could, you pretty well maxed it out at the last one. That's all that I have. Having said that, I will now open for Closing Public Comment.

CLOSING PUBLIC COMMENT (No Action)

Jim Jackson speaks:
Closing the bar again. A lot of the discussions today, safety of the residents in the areas was brought up. Riverview Drive, many times has that been brought up. It was discussed and the developer put in $60,000 so that you could make that a safer route. And it seemed to be very important to everybody that it was safer for the residents, for the golf carts, so they could cross the road without getting hit. Well, last meeting that I was at, sorry I missed the last one, I had asked about a four way stop at Johnson Lane and Fremont. It's a safety issue. I would have thought that would have been in this ordinance that was discussed today, but it was not. I have a sneaking suspicion that it's going to be turned down, as we can't do that. Well, if it's somebody in the County that's saying that, fire them. You five have the right to make our lives safer. Johnson Lane and Fremont needs a four way stop. Right now, it's not too bad and there was a bad accident there. I don't know if anybody was hurt horribly or not, but by the looks of the two cars, they couldn't have walked away from it. Come spring and summer, when we have a tremendous increase in truck traffic, that intersection is going to become extremely dangerous. People are going to want to beat the trucks down the road so they're not following behind them. So, they're going to try to cut out in front of them before they get there. The ATVs with all their trailers and everything come through there, pay no attention to the speed limits. People have been almost hit going through there. The other day, I was at that intersection and a truck, not a Knox truck, so I'm not picking on Knox. It was somebody else came flying through the intersection, and a rock about that size came bouncing off the back of the truck and around the road. Now, if they had stopped at that stop sign, there's a little bump there, that may not have happened. Now, what if there would have been a car behind it, or if I had pulled out there? You know, I'd probably be replacing a fender or a window for sure. So, I think that's something that needs to be considered and approved is a four way stop at that intersection. That's not asking too much, I don't believe. I think you can afford it. I think if you don't, and when somebody does get hurt there, or worse, it's going to be on your guy's head. And I don't think you want to have that. I know I wouldn't. So anyway, thank you for your time today. Appreciate it. And be looking forward to the, what is it? The 19th is the next meeting? I'm sure there'll be a crowd here. Thank you.

Chairman Rice speaks:
Thank you. Any further Public Comment? Seeing none, we are adjourned.

ADJOURNMENT

There being no further business to come before the Board of County Commissioners, the meeting adjourned at 4:32 PM.

Respectfully submitted:

_____

Sharla Hales, Chairwoman
Douglas County Board of County Commissioners

ATTEST:

_____

Amy Burgans, Clerk-Treasurer

AGENDA ITEM NO. 13.

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: **FINANCE**

TITLE:
For possible action. Discussion to approve the Douglas County Community Grant process, including an update of the Douglas County Community Grant website, notice of funding intent for media, community grant application, and scoring sheets. $150,000 of grant funding is currently available in addition to another $30,000 through the Social Services Department. (Debbie Swickard, Grants Administrator)

RECOMMENDED MOTION:
Approve the Community Grant Program as presented, including updates to the Douglas County Community Grant website, notice of funding intent for media, community grant application, and scoring sheets.

FINANCIAL IMPACT:
Community Grant Program funding of $150,000 was approved at the May 7, 2026, Board of County Commissioners meeting utilizing Adjusted Opening Fund balance. $30,000 is also budgeted within the Social Services Department.

BACKGROUND:
During the last budget process, the Board of County Commissioners approved a budget for the Community Grant Program from the available one-time, adjusted opening fund balance, resulting from prior fiscal year savings. As such, funds may increase, decrease, or be eliminated based on available financial resources each year.

Social Services funds include a dedicated tax rate which must be awarded to benefit the County's indigent population. During the budget process, a portion of these funds is budgeted for the Community Grant Program.

Over the past 16 years, County Commissioners have awarded more than $2,140,200 through the Community Grant Program to help support countless Douglas County non-profit organizations.

ATTACHMENTS:

Douglas County Community Grants 2026-2027 - Revised.pptx

Douglas County Community Grants 2026-2027

Looking to the Future

What are Community Grants?

- Under Nevada law, the Board of County Commissioners may award grant funding to non-profit community organizations that provide a substantial benefit to the residents of the County.
- NRS 244.1505 states the Board may award monies to non-profit organizations created for religious, charitable, or educational purposes, or to a government entity, for any purpose which will provide a substantial benefit to the inhabitants of the County.

Over the past 16 years, the Community Grant Program has awarded over $2,140,200.00 to help support countless Douglas County non-profit organizations!

Community Grants help address needs beyond the services the County directly provides while advancing the County's Strategic Plan

- PUBLIC HEALTH
  Partner with community organizations to support access to healthcare, mental health, behavioral health, nutrition, and other essential services.
- RESILIENT COMMUNITY
  Support organizations and programs that strengthen community preparedness, stability, and the ability to respond to residents in times of need.
- PUBLIC SAFETY & JUDICIAL SYSTEM
  Support community-based programs that complement prevention, intervention, victim support, and other public-safety efforts.
- COMMUNICATION & COMMUNITY CONNECTION
  Strengthen partnerships with trusted community organizations that connect residents with resources, information, and services.
- QUALITY OF LIFE & COMMUNITY ENRICHMENT
  Support arts, culture, youth, seniors, recreation, and other programs that contribute to a strong and connected community.

2027 Community Grant Program Proposed Priorities

Enhancing Residents' Quality of Life

- Mental and behavioral health
- Food security, nutrition, and basic needs
- Youth, family, and senior services
- Programs supporting vulnerable populations
- Arts, culture, and community enrichment

Serving with Quality County Services

- Address identified community needs and service gaps
- Strengthen partnerships with community organizations
- Expand access to essential services

2027 Community Grant Program Funding Sources

General Fund

- $150,000 designated to Community Grants Program utilizing Adjusted Opening Fund Balance approved by the Board of County Commissioners, May 7, 2026

Social Services

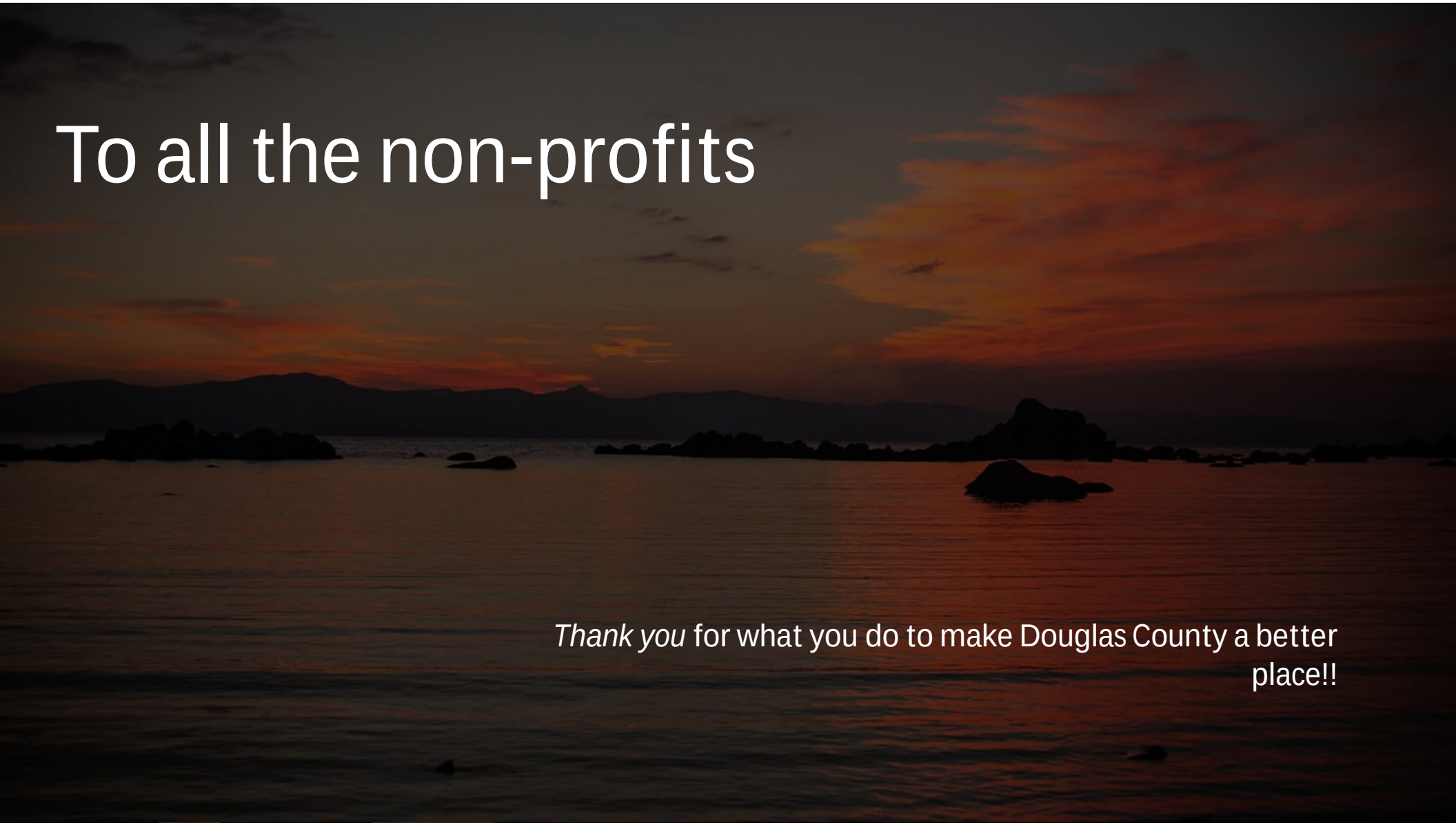
- $30,000 approved during the 2026-27 budget development cycle dedicated to assist the County's vulnerable populations

Past Recipients of Douglas County Community Grant Program

Zephyr Cove Parents Club
Douglas Animal Welfare Group (DAWG)
Between Horses and Humans
Carson Valley Quilters Guild
Community Services Foundation Incredible Kids Fund
Saint Gall Catholic Church
Douglas Dolphins Swim Team
East Fork Volunteer Fire District
Northern Nevada RSVP
Healing Arenas
Kids and Horses
Welcome All Veterans Everywhere (WAVE)
Carson Valley Community Theater
Boys and Girls Club
MEFIYI

Today's Goal: Setting the Direction for 2027

- Acceptance of funding priorities and alignment with the County's Strategic Plan
- Application process and evaluation criteria
- Timeline for application, review, and award


To all the non-profits
Thank you for what you do to make Douglas County a better place!!

AGENDA ITEM NO. 14.

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: **COMMUNITY SERVICES**

TITLE:
For presentation only. Presentation on the current community grant opportunities available through the Douglas County One Nevada Opioid Prevention Fund and current program updates and accomplishments. (Jodi Martinez, Manager of Social Services and Sarah Johnson, Administrative Services Manager)

RECOMMENDED MOTION:
Presentation only.

FINANCIAL IMPACT:
The grant opportunities are paid from the "Grants-Community" account in the One Nevada Opioid Settlement Fund (217-551 540.06) once the grant opportunity closes and applications are reviewed.

BACKGROUND:
This will be the third full year of community funding through the Douglas County One Nevada Program. The One Nevada Program was awarded funding to help support non-profit community organizations that provide direct services to Douglas County residents to address the opioid epidemic. Currently, the One Nevada Program is soliciting applications for programs to serve Douglas County residents in the areas of prevention, treatment and recovery for behavioral health, and substance abuse disorders. Once the applications are received, the Community Services Director, the Social Services Manager, and the Administrative Services Manager for the One Nevada Funds will review the applications to determine if they align with the goals set forth in the Strategic Plan for community partnerships related to behavioral health services.

ATTACHMENTS:
ONE NEVADA Presentation 2026.pdf

Douglas County One Nevada Funds

Background: One Nevada Funds

- The One NV agreement was signed by Governor Sisolak on January 24, 2019, in consultation with the Attorney General, Aaron Ford.
- The agreement includes all 17 counties, 10 cities, and 2 Fire Protection Districts. Douglas County signed the One NV Agreement on August 5, 2021. Annual reports must be submitted on January 1st of each year.
- One Nevada funding was made available through opioid-related litigation that seeks to hold various entities and individuals accountable for the opioid epidemic in the State of Nevada.
- Approved purposes of funds:
  - Remediate the harms, impact, and risk caused by the opioid epidemic to residents.
  - Direct the funding to resolve the issues that drive the opioid crisis.
  - **Counties/regions All needed to complete a Needs Assessment to receive funding.**

Goals for funding identified through Needs Assessment

- Improve the effectiveness of case management with individuals suffering from Opioid Use Disorder.
- Increase efforts related to opioid prescription education.
- Prevent youth drug use by supporting Douglas County School District providing prevention services and resources.
- Explore opportunities for interventions in the Douglas County Criminal Justice System.
- Creating an education campaign for the general public.
- Decrease barriers for individuals leaving detox and entering treatment (residential or outpatient).
- Support local aftercare/recovery services.
- Encourage Growth of substance misuse treatment and case management workforce.

Strategic Plan and One Nevada Programs

- **Public Health Goal:** Build partnerships to support residents in obtaining quality, reliable healthcare, with a focus on mental health and behavioral health programs.

- **Community Partnerships:** Engage partners to explore information and resource sharing.

  Foster collaborative approaches to contribute to the collective well-being of residents.

- **Mental and Behavioral Health**: Update Community Health Needs Assessment and work with partners to provide mental- and behavioral health services.

ONE NEVADA

Calendar Year

Agency Highlights

2026

CARSON VALLEY HEALTH

Carson Valley Health

GOAL: Aftercare, recovery services, and community education.

2 Substance Abuse Groups:

- 18 different patients throughout this year between both of the groups (just not all at the same time). 8 of these 18 have participated in multiple 12-week sessions for additional/ongoing support.
- Program has been updated this year to refine the curriculum, always working to be thoughtful and inclusive of the clients we serve.
- Curriculum remains based in SMART Recovery, with additional psychotherapeutic approaches to support substance abuse recovery.
- This year, they are expanded into different group times to be more inclusive for those with transportation barriers, basing schedules on DART to allow for ease of participation for those who need to utilize DART services.
- In the future, CVH is considering more specified group options, and we are constantly evaluating the needs of the population we serve and how best to meet those from a comprehensive, collaborative care model.

Partnership Douglas County

Goal: Youth prevention

Schools receiving programs:
George Whittell High School
Aspire Academy High School
Douglas High School
Pau wa lu Middle School

Additional Schools Participating in Events
Carson Valley Middle School
Minden Elementary

Programs in Schools:

- **Too Good For Drugs-**Prevention curriculum focused on healthy decision-making, communication, emotional management, goal-setting, and peer-pressure resistance.
  Done in a classroom setting or lunch time, depending on schools needs

- **Catch My Breath-**Peer-led vaping prevention program that builds knowledge, decision-making skills, and resistance to social pressure. Part of their Restorative Justice Plan and referrals from School Administrator and School Social Workers

Partnership cont:

- **3 rd Millennium**-Online, evidence-based prevention and intervention courses addressing substance use, nicotine, theft, and other risky behaviors.
- Assigned based on student needs and referrals from Juvenile Probation Officers and School Social Workers
- **TINAD-**One-time, peer-based presentation covering opioid risks, fentanyl, counterfeit pills, overdose awareness, and naloxone(NARCAN®).
- **Adverse Childhood Experiences-**Presentation focused on how childhood experiences can impact well-being, behavior, relationships, and decision-making.
- Co-presented by the Substance Abuse Prevention Specialist & Juvenile Probation Chief
- Available for schools and community providers

Events Occurring:

- **Red Ribbon Week-**A national drug-prevention campaign that brings schools, families, and communities together to raise awareness about substance use and encourage healthy, drug-free choices. Official week is October 23rd-31 st with this year's theme of ***"Make a Difference. Be a Hero. Stay Drug-Free"***
- **Ice-Cream Social-**A student recognition event that celebrates positive growth, improvement, and effort in the classroom and throughout the school.

Community Counseling Center

Goal: Decrease barrier to treatment

Your Place for Recovery
A Non Profit
Certified Community Behavioral Health Center

Impact Summary:

- One Nevada has allowed CCCC to expand access to behavioral health and substance use treatment for Douglas County residents who otherwise would have faced significant financial and access barriers to receiving care.
- Since January 1, 2026, One Nevada funding has supported services for more than 40 Douglas County residents and has funded more than 600 direct client services.
- Services provided are mental health therapy, substance use treatment, including residential treatment, level 3.5, peer support services, targeted case management, medication management, and other behavioral health interventions

Strengthening Access Through the Douglas County School District

- Formal MOU established with the School district to enable students to get treatment at the school
- Removes financial and access to healthcare barriers

Community Outreach and Increased Access

- As a result of community outreach additional residents reached out for services
- The impact of the grant increased community awareness of CCCC as a resource

CCCC Continued:

Expanding Local Behavioral Health Capacity

- This expansion has strengthened the community's behavioral health infrastructure and increased CCCC's capacity to respond to referrals and provide timely services to Douglas County residents.

Impact on Youth and Families

- One Nevada funding has been particularly important in providing consistent treatment to youth and families who may otherwise have experienced significant delays or interruptions in care.
- allowed a young person and her family to access consistent treatment, develop practical skills, and build healthier patterns of communication and relationships that can continue to support her well-being beyond the period of grant-funded services.

Overall impact

- the funding has helped ensure that financial circumstances, transportation, or other logistical barriers do not determine whether Douglas County resident, particularly a child or adolescent, can access and remain engaged in needed behavioral health or substance use treatment.

FAMILY SUPPORT COUNSEL

Goal: Youth prevention and case management

CONTINUES TO PROVIDE FOLLOWING:

- Douglas High School Students will receive existing education and referrals with added information on substance abuse and its impact on domestic violence.
- Family Support Council staff will attend the Safe & Together CORE Training to identify the impact of domestic violence on children and family functioning.
- Approximately 90 hours Jan –Present integrating ACES (Adverse Childhood Experiences) and Pearls (Pediatric ACES) Implementation (screening)
- 11 ACES referrals and 11 PEARLS referrals
- Connecting Domestic Violence Victims and families to Trauma informed support

Suicide Prevention Network

Goal: Intervention, prevention, and community education

Youth

Continued Hope Squad and Life Skills programming at CVMS
Parent Resource Nights at Pau-Wa-Lu Middle School and Gardnerville Elementary School
Teen Talk presentation for JumpStart students at DHS

Seniors

Continued mental health and coping sessions at The Chateau and Carson Valley Health
New sessions beginning October 2026 at Salterra

Arts & Wellness

Nevada Arts Council collaboration - *Art with Heart*

Support Groups

Maturing Men's Support Group – two 8-week sessions completed
Growth Through Change – twice monthly
PTSD Support Group – twice monthly
PTSD Equine Therapy at Healing Arenas – sponsored seven sessions this season

Washoe Tribe Collaboration

Overdose Awareness Color Fun Run
Youth Council Family Nights – resource outreach and Self-Care & Kindness presentation/activity
Suicide Prevention Awareness Month Candlelight Vigil & Remembrance Walk
Support and coordination for Native Dad's Network *Wellness Tour*

Suicide Prevention Continued:

Community Outreach, Education & Prevention

Behind the Network ongoing social media education campaign
Safe TALK trainings and Know the Signs presentations
Mental Health Monday Walk series
Nature and Solstice Walks
Ongoing community/resource fair representation
Grief packets and community resources
Ongoing marketing, resource sharing, connections and referrals resource navigation.

Mental Health Awareness Month

Martin Slough Trail awareness campaign – Towns of Gardnerville & Minden collaboration
Donut Worry, You Matter – Douglas County Parks & Recreation collaboration
Free community yoga and Sound Bath – O2 Yoga collaboration

Suicide Prevention Awareness Month

Communitywide Purple Ribbon Campaign
Suicide prevention presentations for community partners
Douglas County Suicide Prevention Awareness Month Proclamation
Nevada County Financial Officers Association Annual Conference
Free *Stay With Us: A Breathwork Experience* workshop – O2 Yoga collaboration
Hope Means Nevada Taskforce participation

Direct Community Support

Crisis calls and visits
Caring calls and visits
Individual resources, connections and referrals
Through these two Douglas County-funded positions, SPN provides prevention and early intervention across the lifespan – from youth and families to adults and seniors – while maintaining an ongoing presence in schools, community organizations, tribal partnerships, support groups, public events, crisis response, and individual resource navigation

MOXY UP

Goal: treatment and growth of case management workforce

- **Brainiac's ADHD Therapeutic Groups**

Hold Weekly Evidence-Based Therapy groups for ADHD Youth in Douglas County

- **Moxy Up Behavioral Health Incubator – Living Room Model**

Behavioral Health Incubator for youth-serving clinicians, which offers mentorship for those to serve youth impacted by substance abuse.

- **Community outreach and Youth group activities –**

MOXY studios- groups engaging in activities together
Tilman square market
Mental health awareness
Back to school supply drive

Behavioral Health Incubator Hub

Increasing Workforce Development

Increasing Access to Care

nevada pediatric access line

nvpal.org

KIRK KERKORIAN SCHOOL OF MEDICINE | UNLV

aspire BEHAVIORAL SERVICES

PURDUE GLOBAL

789 Tillman Lane Sp C,. Gardnerville, NV 89460

moxyupmentoring.com

MOST Clinical Social Worker position

Goal: Criminal Justice System intervention

"Mobile Outreach Safety Team (MOST) is a co-response program pairing a Douglas County Sheriff's Office deputy with a licensed social worker to help community members experiencing behavioral health or mental health crises."

Show the following outcomes July-Sept 2026:
82 calls

Highest Call Trends so far:

- Through Dispatch
- At the home
- Cognitive Impairment or Mental Health
- Ages 60 plus
- **64** Referrals were given for outside resources (some decline)

MOST Cont..

"One Nevada has provided my position which has allowed me to be an embedded member of the Sheriff's Department. This is a benefit that the community appreciates, especially when they know someone who struggles with mental health. It is my goal to help people get connected to services that will help them rather than end up in jail due to a mental health crisis. When we address the root of the issue, the whole community benefits." MOST LCSW Jessica Waller

Conclusion:
Data And Reporting

Each Agency will be required to show data through the agreed-upon documentation and report to Douglas County Social Services monthly to ensure they are each meeting their goals, as stated, on their One Nevada Work Plan.

One Nevada Accepting Applications for Calendar Year 2027

Douglas County will work to prevent opioid misuse and intervene by:

- increasing the effectiveness of case management
- increasing efforts related to opioid prescription education
- supporting Douglas County School District
- explore opportunities for interventions in the Douglas County Criminal Justice System
- creating an education campaign for the general public
- decreasing barriers for individuals leaving detox and entering treatment (residential or outpatient)
- supporting local aftercare/recovery capital services
- encouraging the growth of substance misuse treatment and case management workforce

Applications due October 23rd, 2026

The 2027 One Nevada application is available on the County website. A committee of Douglas County Community Services staff will review applications to determine whether each request aligns with County needs and the goals of the funding program.

AGENDA ITEM NO. 15.

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: **PUBLIC WORKS**

TITLE:
For possible action. Discussion to approve the reclassification of the Utility Systems Technician Senior position in the Douglas County Utilities Division to Utility Systems Technician III, and add the Utility Systems Technician III position into the Utility Systems Technician job family. The Utility Systems Technician III will maintain Grade 112 consistent with the current Senior position. (Rick Robilllard, Deputy Public Works Director)

RECOMMENDED MOTION:
Approve the reorganization of the Utility Systems Technician classification structure by replacing the Utility Systems Technician Senior classification with Utility Systems Technician III, Grade 112, and incorporating Utility Systems Technician III into the Utility Systems Technician job family, as presented.

FINANCIAL IMPACT:
Fund 325 and 328 will incur additional personnel cost pending the existing personnel qualifying for the Technician III positions. The Water Utility has one employee that would qualify for progression to Technician III with the individual's current certifications based upon observed job competency. The Sewer Utility currently does not have any Technician II employees that would qualify for the Technician III position.

BACKGROUND:
The Douglas County Water and Sewer Utility personnel are within the Utility Systems Technician job family. The current job family consists of Utility Systems Technician Trainee (Grade 105), Utility Systems Technician I (Grade 109), and Utility Systems Technician II (Grade 111). The Utilities also have a promotional job classification as Utility Systems Technician Senior (Grade 112). With the recent resignation of the last Sewer Utility Technician Senior, the Water Utility currently does not have anyone filling the Senior position.

The Water Utility is required to follow the Nevada Administrative Code (NAC) 445A, specifically Section 445A.6275, that requires public water systems that are supplied by surface water, or groundwater under the direct influence of surface water, to have a person in "responsible charge" at the facility or on call at all times. The "responsible charge" individual must possess the State of Nevada Water Distribution/Treatment certifications required as determined by the State of Nevada Bureau of Safe Drinking Water.

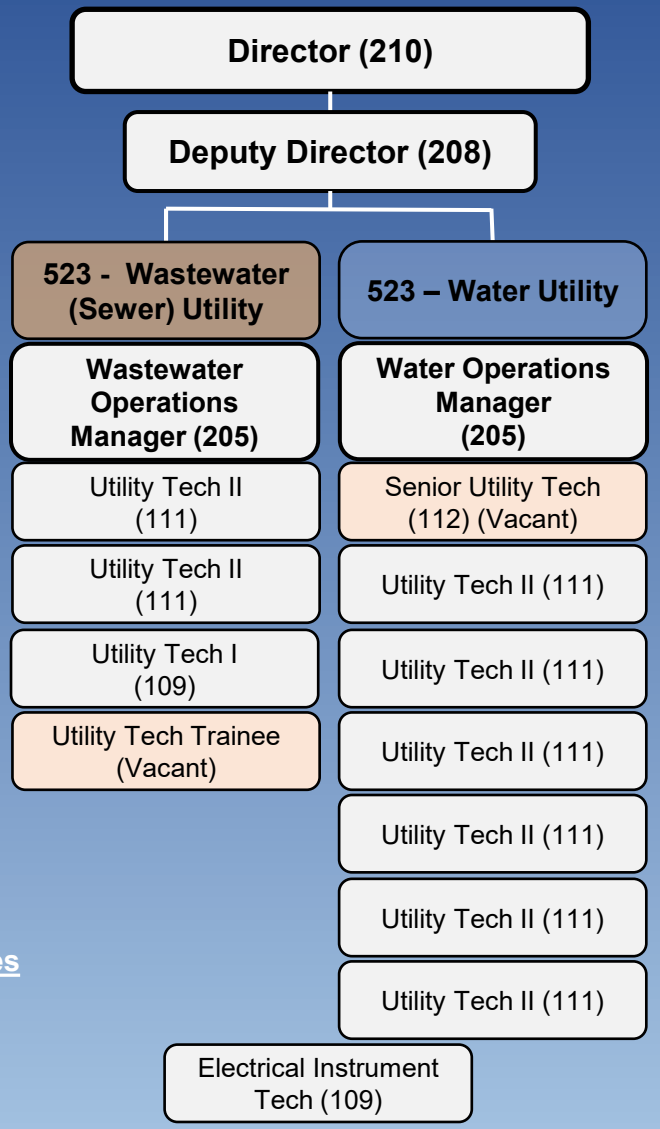
The Cave Rock/Skyland Water System (Public Water System ID NV0000259) requires a Treatment 2 grade and a Distribution 3 grade certification for the person in responsible charge. The Utility Systems Technician II only requires that the individual possess Distribution 2 and Treatment 2 certifications. The Utility Systems Technician III position would require the individual to possess Distribution 3 and Treatment 3 certifications, and therefore would allow the Utility Systems Technician III to be designated as the person in "responsible charge" for the Cave Rock/Skyland water system.

The issue with keeping the Senior position rather than replacing it with Technician III as part of the proposed classification structure reorganization is that one position is available for the Senior promotional position, this does not provide any redundancy for coverage should that individual go on vacation, sickness, retirement or resignation. There is no incentive for the current personnel to pursue Grade 3 certifications, as there are currently limited promotional opportunities. Replacing the Senior classification with Technician III as part of the reorganization creates more internal opportunities and allows the Water Utility to have redundancy in personnel, increases personnel retention, and improves internal opportunities for current staff. This keeps knowledge and skill within the County Utility and provides safer, reliable, drinking water for the rate payers.

The Sewer Utility is governed by NAC 445A.290, which establishes the minimum certification grades required for operators at wastewater treatment plants. The North Valley Wastewater Treatment Plant is classified as a Grade III Wastewater Treatment Plant. This requires a certified operator serving in the required supervisory capacity to hold a Grade III Wastewater Treatment Operator certification. Currently, the Wastewater Operations Manager is required to hold a Grade III certification. No other personnel within the Wastewater Utility currently hold Grade III certifications. The Wastewater Utility has two (2) Utility Systems Technician II operators; however, they do not possess the certification grade necessary to provide the required supervisory or responsible charge coverage for the North Valley plant. The Senior position was vacated following retirement. Replacing the Senior classification with Technician III as part of the proposed classification structure reorganization would provide greater certification redundancy and operational flexibility to maintain coverage during vacations, illness, retirement, resignation, vacancies, or other staffing changes affecting the Wastewater Operations Manager or other qualified personnel and assist in maintaining stated and federal compliance on both the water and sewer systems.

ATTACHMENTS:
2026-07-14_Public Works Org Chart_Utility Tech III.pdf
0259-C-20260318-CRS OP cert calc.pdf

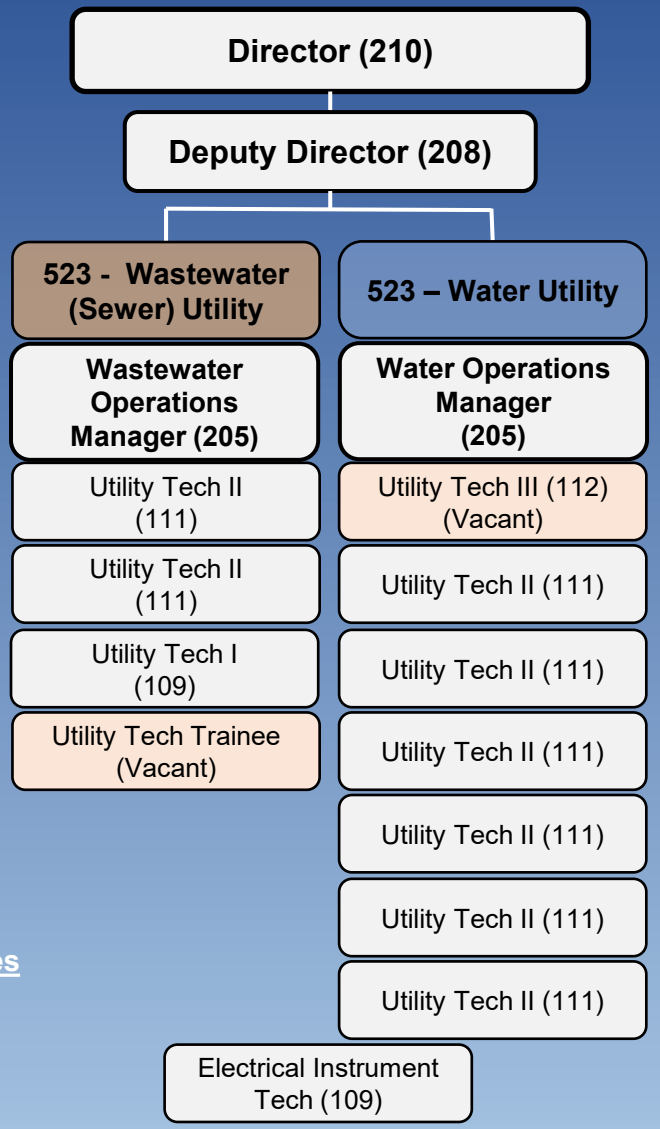
08-20-26 Utility Systems Technician III - Job Classifaction Proposal.pdf



Public Works Utilities
4 exempt FTE
12 non-exempt FTE

Douglas County Public Works

ORGANIZATION CHART 2026



Public Works Utilities
4 exempt FTE
12 non-exempt FTE

Douglas County Public Works

REORGANIZATION CHART July 2026

PWS NAME: Cave Rock/Skyland — Completed by: R. Lang
PWS ID: NV0000259 — Date: 3/18/2026

ITEMS FOR DISTRIBUTION CLASSIFICATION	POINTS	Water System Points	Notes:
Average daily population served			
25 - 500	5		
501 - 3,300	10	10	1267
3,301 - 10,000	15		
10,001 - 100,000	20		
100,001 or more	35		
Pressure zones (1 point per zone, maximum of 5 points)	1	5	Four plus 1 hydropneumatic
Storage reservoirs (1 point per reservoir, maximum of 5 points)	1	5	5 Storage Tanks
Hydropneumatic tank systems	1	1	Lakeridge
Pumping stations, including wells and boosters (1 point per station, maximum of 3 points)	1	3	4 Pump stations
Disinfection to maintain system residual	5	5	
System control and data acquisition or other similar instrumentation to provide data or process control	3	3	
Existence of recycled or reclaimed water distribution system within drinking water service area	5		
	Water System Distribution Points=	32	
	Water System Distribution Classification=	**D3**	

DISTRIBUTION CLASSIFICATION	TOTAL POINTS
Distribution-1	5-19
Distribution-2	20 - 30
Distribution-3	31 - 41
Distribution-4	42 or more

PWS NAME: Cave Rock/Skyland — Completed by: R. Lang
PWS ID: NV0000259 — Date: 3/18/2026

ITEMS FOR TREATMENT CLASSIFICATION	POINTS	Water System Points	Notes:
Average daily population served			
25 - 500	5		
501 - 3,300	10	10	1267
3,301 - 10,000	15		
10,001 - 100,000	20		
100,001 or more	25		
Source for public water system			
Groundwater	3		
Groundwater under the direct influence of surface water	4		
Surface water	5	5	Lake Tahoe
Air stripping	4		
Ozone	8		
Ultraviolet light	8		
Combination of ozone and ultraviolet light	10		
Chemical addition for adjustments of pH	4		
Iron and manganese removal	5		
Iron and manganese sequestering	2		
Softening - ion exchange, lime or lime soda ash process	10		
Granular activated carbon for organic contamination	7		
Coagulation for pretreatment only	5		
Taste and odor control	4		
Fluoridation	5		
Chlorine-ammonia treatment	8		
Chlorine dioxide	8		
Bacteriological or chemical laboratory (other than process control)	2		
Blending, aesthetic	5		
Blending, health effects	8		
Chlorine gas or hypochlorite	5	5	NaOCl
Chlorine gas or hypochlorite generated on-site	6		
Chemical addition (1 point for each chemical added)	1	4	NaOCl (points added above). Caustic, Sulfuric Acid, Citric Acid, and Sodium Bisulfate for cleaning the membranes.
Primary inorganic chemical treatment	8		
Point-of-use	5		
Nitrate or nitrite removal	8		
Adsorption process for aesthetics	3		
Recycle filter backwash water to process	3		
Recycle supernatant from sludge removal and sedimentation process	2		
Recycle water from any mechanical dewatering process	2	2	Backwash is recovered through smaller filter skid unit.
System control and data acquisition or other similar instrumentation to provide data or process control	3	3	
Filtration			
Conventional filtration-coagulation, flocculation, sedimentation	10		
Direct filtration-coagulation, flocculation, sedimentation	10		
Rapid sand	7		
Diatomaceous earth	7		
Slow sand	5		
Bag, ceramic, microfiltration, nanofiltration, reverse osmosis, membrane, electro dialysis	5	5	Ultrafiltration
Water System Treatment Points=		34	
Water System Treatment Classification=		**T2**	

TREATMENT CLASSIFICATION	TOTAL POINTS
Treatment-1	5-19
Treatment-2	20 - 35
Treatment-3	36 - 45
Treatment-4	46 or more

PUBLIC WORKS

PHILIP RITGER
Director

RICK ROBILLARD, PE
Deputy Director

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Minden-Tahoe Airport
Water & Sewer Utility
Road Maintenance
Building & Fleet Services
Solid Waste Management

MEMORANDUM

To: Jenifer Davidson, Board of County Commissioners

From: Philip Ritger, Director Public Works

cc: Rick Robillard, Deputy Director Public Works
Christine Vido, Director Human Resources

Date: August 20, 2026

Subject: Reorganization - Utility System Technician III Job Classification

Intent

The intent of this memorandum is to provide justification for a reorganization of the Utility Systems Technician classification structure within the Douglas County Water Utility and Douglas County Wastewater Utility.

The proposed reorganization would replace the existing Utility Systems Technician Senior classification with a Utility Systems Technician III classification and incorporate Technician III into the existing Utility Systems Technician job family. The proposed restructuring is intended to provide greater operational flexibility, improve certification coverage and redundancy, reduce reliance on a limited number of designated positions, and strengthen the Utilities' ability to maintain regulatory compliance and continuity of operations.

Background

Douglas County Water Utility and Wastewater Utility operations utilize the job(s) classification of Utility Systems Technician. The Utility Systems Technician is a job family and includes the following:

- Utility Systems Technician Trainee – Grade 105
- Utility Systems Technician I – Grade 109
- Utility Systems Technician II – Grade 111

The job family progression requires obtaining the Certifications/Licenses to transition to the next job family classification and demonstration of meeting the primary duties and responsibilities of the job description. The following are the Certifications/Licenses* required for each classification:

- Utility Systems Technician Trainee – No certifications required at hire, obtain one (1) of the following within 18 months of employment, transition to Utility Systems Technician I with obtainment of one of the following:
    - Grade I Wastewater Treatment Operator
    - Grade I Collections Systems Operator
    - Grade I Water Distribution Operator
    - Grade I Water Treatment Operator

- Utility Systems Technician I – One of the following Certifications/Licenses
    - Grade I Water Distribution Operator
    - Grade I Water Treatment Operator
    - Grade I Wastewater Treatment Operator
    - Grade I Collections Systems Operator
- Utility Systems Technician II – Two of the following Certifications/Licenses
    - Grade II Water Distribution Operator
    - Grade II Water Treatment Operator
    - Grade II Wastewater Treatment Operator
    - Grade II Collections Systems Operator

The job family does not currently include Utility Systems Technician Senior. This is a promotional job classification. Utility Systems Technician Senior is Grade 112. The Senior position must possess two (2) of the following Certifications/Licenses:

- Grade III Water Distribution Operator
- Grade III Water Treatment Operator
- Grade III Wastewater Treatment Operator
- Grade III Collections Systems Operator

Historically, the Water Utility carried two (2) Senior positions, and the Wastewater Utility carried one (1) Senior position. The Seniors carried the grades necessary to meet Nevada Division of Environmental Protection (NDEP) Bureau of Safe Drinking Water Regulations or NDEP Bureau of Water Pollution Control Regulations. Currently, through retirement/resignation, the Water Utility and Wastewater Utility do not have any Senior Positions filled. This has highlighted an operational vulnerability associated with concentrating higher-level certifications and responsibilities within a limited number of designated positions.

Regulation(s) that Govern the Utilities

One regulation the Water Utility is governed by is Nevada Administrative Code (NAC) 445A.6275. This code requires that any public water system that is supplied by surface water or groundwater under the direct influence of surface water, must have a *person in responsible charge at the facility or on call at all times*. If the person in responsible charge is on call, they must be able to: a) be contacted immediately; and, b) respond at the site within 4 hours Finally, the person in responsible charge must hold a full certificate at same classification, or a higher classification, as the classification of the public water system.

The Water Utility owns and operates two (2) surface water treatment plants within the Lake Tahoe Basin. The Cave Rock/Skyland Water Treatment Plant and the Zephyr Water Utility District (ZWUD) Water Treatment Plant. Both of these treatment plants are governed by NAC 445A.6275 and are classified as Grade 2 treatment plants, with Cave Rock/Skyland a Grade 3 distribution system. The Senior was designated as the "Responsible Charge" operator for the Lake Tahoe treatment plants, with the recent resignation, Water Operations Manager has been registered as the "Responsible Charge" operator for the Lake Tahoe Systems. Per NAC 445A.6275 The Utility must have a person designated as "Responsible Charge" at all times who can respond within 4 hours to the treatment plant. This necessitates the ability to employ more than one (1) technician who holds the required full certifications.

Wastewater Utility regulation NAC 445A.290 *Plants for sewage treatment: Minimum Grades of certification for operators* (NRS 445A.425), provides requirements for Wastewater Certification for treatment plant classification. The North Valley Wastewater Treatment Plant is a Grade III treatment plant that requires a Grade III Wastewater Operator certification for the Supervisor. The Senior Utility System Technician requires a Grade III Wastewater Operator Certification, currently the Wastewater Operations Manager is required to possess a Grade III Wastewater Operator Certification. The Senior position is vacant through retirement.

Issue(s) presented with Senior Position vs. Technician III

The current classification structure limits the Utilities' ability to establish sufficient depth of higher-level technical and certification coverage within the Utility Systems Technician workforce. Utility Systems Technician II is currently the highest classification within the established job family, while the higher-level certifications necessary to support certain Water and Wastewater regulatory requirements are associated with a limited number of separate Senior positions.

This structure creates an operational dependency on a small number of designated positions. When a Senior position becomes vacant because of retirement, resignation, extended leave, recruitment difficulty, or other staffing changes, the Utilities may have limited internal options for assigning personnel who possess the certifications necessary to perform higher-level operational functions or provide required regulatory coverage.

The Water Utility is currently experiencing this condition. The Lake Tahoe systems require higher-level operator certifications to support regulatory and Responsible Charge requirements, while the Senior positions historically providing that certification coverage are vacant. As a result, certification responsibility has shifted to management, reducing flexibility in how the Utility assigns personnel and maintains coverage.

Reorganizing the Senior position as Utility Systems Technician III would incorporate higher-level technical qualifications and certifications into the existing Utility Systems Technician job family. This would provide the Utility with greater flexibility to maintain multiple qualified personnel capable of supporting NDEP requirements rather than concentrating that capability within a limited number of Senior positions.

The Wastewater Utility has previously experienced the operational consequences of insufficient certification redundancy. Following the retirement of a Utility Systems Technician Senior, the Utility did not have sufficient appropriately certified personnel in-house to meet operational requirements associated with NAC 445A.290 and was required to contract with an outside operator. Although two (2) Utility Systems Technician II employees were on staff, neither possessed the Grade III Wastewater Treatment Operator certification necessary to provide the required coverage.

This situation demonstrated the risk associated with concentrating critical certifications within a limited number of positions. The departure of one employee resulted in an immediate reduction in the Utility's ability to operate the treatment facility using existing personnel and required reliance on an outside contractor.

A Technician III classification would provide a more flexible staffing structure by allowing the Utilities to maintain greater depth of higher-level technical qualifications and certifications within their existing workforce. This would improve the Utilities' ability to adjust work assignments and coverage in response to vacancies, leave, retirements, resignations, emergencies, and changing operational needs.

Proposed Reorganization

The Douglas County Water Utility and Wastewater Utility propose reorganizing the Utility Systems Technician Senior classification to a Utility Systems Technician III. The Technician III classification would be incorporated into the existing Utility Systems Technician job family, and the Utility Systems Technician Senior classification would be eliminated.

Under the proposed structure, the Utility Systems Technician job family would consist of:

- Utility Systems Technician Trainee – Grade 105
- Utility Systems Technician I – Grade 109
- Utility Systems Technician II – Grade 111
- Utility Systems Technician III – Grade 112

The Utility Systems Technician III job description would include the same Primary Objectives, Primary Duties and Responsibilities, Minimum Qualifications, Certifications/Licenses, and Working Conditions currently assigned to the Utility Systems Technician Senior classification. The Utility Systems Technician III classification would remain at Grade 112.

The proposed change is not intended to materially alter the higher-level duties currently associated with the Senior classification. Rather, it would restructure how those duties and qualifications are incorporated into Utility operations by placing the classification within the established Utility Systems Technician job family.

Operational Benefits of the Proposed Structure

The primary purpose of the proposed reorganization is to provide the Water and Wastewater Utilities with greater flexibility in maintaining and deploying qualified technical personnel.

Incorporating Technician III into the Utility Systems Technician job family would provide a classification structure that better supports the Utilities' need to maintain sufficient personnel with higher-level certifications and technical capabilities. This would reduce the operational dependence on a limited number of separately designated Senior positions.

The proposed structure would provide management greater flexibility to maintain qualified personnel for:

- Regulatory certification requirements;
- Responsible Charge coverage;
- Regular and after-hours operational coverage;
- Emergency response;
- Scheduled and unscheduled employee absences;
- Vacancies resulting from retirement or resignation;
- Temporary staffing shortages;

- Operational assignments between facilities; and
- Continuity of operations during recruitment or other staffing transitions.

The reorganization would also strengthen certification redundancy within the Utilities. Maintaining multiple qualified personnel capable of supporting regulatory and operational requirements reduces the risk that the departure or absence of a single employee will create an immediate certification or operational coverage gap.

Greater internal certification coverage would also reduce the potential need to rely on outside contractors solely because the required certification is unavailable among existing personnel.

The proposed structure further provides greater flexibility for management to deploy personnel based on operational needs rather than having higher-level technical capability tied to a limited number of separately designated Senior positions.

Conclusion

The proposed reorganization does not fundamentally change the higher-level duties, responsibilities, qualifications, or compensation currently associated with the Utility Systems Technician Senior classification. Instead, it restructures how those responsibilities and qualifications are incorporated into the Utility Systems Technician job family.

Replacing the Utility Systems Technician Senior classification with Utility Systems Technician III would create a more integrated and flexible classification structure for Water and Wastewater Utility operations.

The proposed reorganization would strengthen the Utilities' ability to maintain regulatory certification coverage, increase operational redundancy, provide flexibility in scheduling and work assignments, respond to vacancies and staffing changes, and maintain continuity of operations without unnecessary reliance on individual employees, management classifications, or outside contractors.

For these reasons, the Douglas County Water Utility and Wastewater Utility recommend reorganizing the Utility Systems Technician classification structure to include Utility Systems Technician III, Grade 112, and replacing the existing Utility Systems Technician Senior classification within the organizational structure.

See attached current and proposed Public Works Utilities Organizational Chart with current Senior classification and proposed Technician III classification.

***These certification/licenses do not apply to the Town of Minden. A Utility Systems Technician with Town of Minden has different requirements than those presented.**

AGENDA ITEM NO. 16.

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM COVER PAGE

MEETING DATE: October 1, 2026

TIME REQUIRED:

AGENDA: **COUNTY MANAGER**

TITLE:
For presentation only. Announcements, reports, and updates from County Commissioners and the County Manager, including information regarding boards or commissions on which they serve as members or liaisons, other meetings or functions attended, and Commissioner requests for discussion of potential future agenda items. Discussion may also include status reports and updates on County projects and administrative matters for the Board of County Commissioners. (Chairman Gardner)

RECOMMENDED MOTION:
Presentation only.

FINANCIAL IMPACT:
None.

BACKGROUND:
This is an opportunity for Commission members to update the other Commissioners about what is occurring on the various boards to which they have been appointed.

These boards/commissions/meetings include but are not limited to the following:

Mark Gardner, Chairman:
- Carson Valley Chamber of Commerce
- Carson Valley Visitors Authority
- Nevada Association of Counties (NACO)
- Northern Nevada Development Authority (NNDA) (Alt.)
- Regional Transportation Commission
- Quad County Coalition
- Joint Powers Authority/Waste Management (Alt.)

Commissioner Nathan Tolbert, Vice Chair:

- Audit Committee
- Carson Water Subconservancy District
- Debt Management Commission
- Lake Tahoe South Shore Chamber (Alt.)
- Nevada Association of Counties (NACO)
- Nevada Works
- Parks & Recreation Advisory Board
- Quad County Coalition (Alt.)
- Tahoe Regional Planning Agency (Alt.)
- Tahoe Transportation District (Alt.)
- Western Nevada Development Authority (WNDD)

Commissioner Wesley Rice:
- Douglas County Lake Tahoe Sewer Authority
- Joint Powers/Waste Management
- Lake Tahoe Visitors Authority (LTVA)
- Lake Tahoe South Shore Chamber
- Regional Transportation Commission (RTC)
- Stateline Storm Water Association
- Tahoe Douglas Visitors Authority (TDVA)
- Tahoe Regional Planning Agency (TRPA)

Commissioner Sharla Hales:
- Carson Valley Arts Council
- Carson Water Subconservancy District
- China Spring and Aurora Pines Girls Facility Advisory Board Executive Committee
- Douglas County Business Council
- Nevada Works (Alt.)
- South Shore Transportation Management Association
- Tahoe Event Center Stakeholder Group
- Tahoe Transportation District

Commissioner Danny Tarkanian:
- Carson Valley Visitors Authority (Alt.)
- Law Library
- Northern Nevada Development Authority (NNDA)
- Nevada Tahoe Conservation District

County Manager Jenifer Davidson
- County Manager Update
- Status reports and updates on County projects and administrative matters for the Board of County Commissioners.

There will be no discussion or action taken on these reports/updates.

ATTACHMENTS: