

DEVIL'S GATE GENERAL IMPROVEMENT DISTRICT
April 6, 2010

STATE OF NEVADA)
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COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners, sitting as Board of Directors for the Devil's Gate General Improvement District, met pursuant to law on April 6, 2010, during a scheduled break from the regular Eureka County Commission Meeting. Present were Chairman Mike Page, Vice Chairman Jim Ithurrealde, Member Leonard Fiorenzi, Deputy District Attorney Kelly Brown, and Clerk & Treasurer Jackie Berg. Chairman Page called the meeting to order at 10:47 a.m.

APPROVAL OF AGENDA

Member Ithurrealde motioned to approve the agenda notice as posted; Member Fiorenzi seconded the motion; motion carried 3-0.

PUBLIC COMMENT AND DISCUSSION

Chairman Page called for public comments; there were none.

APPROVAL OF MINUTES

Member Fiorenzi motioned to approve the minutes of the March 19, 2010, Devil's Gate GID meeting; Member Ithurrealde seconded the motion; motion carried 3-0.

DEVIL'S GATE BUSINESS

Contract for Environmental Assessment: Public Works Director, Ron Damele, explained that an environmental assessment was required by the Bureau of Land Management before moving forward on Phase 2 of the Devil's Gate Inter-Tie Project. A proposal from JBR Environmental Consultants, Inc., was presented and approved at the March 19th meeting, and the contract was now being presented for approval and signature. Member Fiorenzi motioned to formally accept and sign the contract with JBR Environmental Consultants for an environmental assessment for Phase 2 of the Devil's Gate Inter-Tie Project, not to exceed \$35,984.00; Member Ithurrealde seconded the motion; motion carried 3-0.

Devil's Gate GID Special Assessments: Mr. Damele stated it had come to his attention that there may be some inaccuracies in identifying parcels included in the General Improvement District and applying the associated special assessment; so he placed this on the agenda so a discussion could take place between all parties involved. The process takes place between several offices, with land use codes assigned by the Assessor, and the special assessment applied by the Treasurer. Commissioner Ithurrealde and Clerk & Treasurer, Jackie Berg, briefly explained the procedure. Ms. Berg noted that all other special assessments (i.e. Weed District, Rodent District, Ag deferred taxes, and State water assessments) are applied manually with no problems. But the automatic program for the Devil's Gate special assessments has proven problematic in the past, so Ms. Berg plans to enter the Devil's Gate special assessments manually as well. As long as the parcels are correctly identified, this should alleviate any future problems. Since Assessor, Michael Mears, was unable to attend the meeting, Commissioner Ithurrealde motioned to table further consideration of this item until the Assessor was available; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Request to Join Devil's Gate General Improvement District: Mr. Damele submitted a petition from Lynn and Clara Bundy (APN #007-380-51) requesting to join the Devil's Gate GID. A letter was received from District Attorney, Ted Beutel, outlining how parcels are included into a district; and additionally, outlining state requirements regarding plugging a domestic well. Deputy District Attorney, Kelly Brown, explained that pursuant to NRS, if the County has an ordinance in place, they can cause connection of an inhabited parcel if the service line is brought by the district to a point of 400 ft. from the dwelling place, but as Mr. Beutel pointed out in the letter, this is assuming the property is adjacent. Mr. Brown believed that the parcel could also be brought into service without joining the district.

Member Fiorenzi stated that not all land was contiguous when the district was originally formed, yet it is all serviced as one district. For the purpose of state permits, it has been identified as two systems, but it is serviced as one. The two districts are now actually connected by the inter-tie line, which serves as a physical connection. The parcel is within 400 ft. of the water service line, so based on all of this, Member Fiorenzi felt it was perfectly legal to include this parcel into the district.

Member Ithurralde asked if the publishing requirement had been met. Member Fiorenzi felt that the agenda notice had met this requirement, and Mr. Damele concurred that this has been the process with previous inclusions. A description of the annexing property must be included in the petition, and this requirement was met by the Assessor's Parcel Number. Member Fiorenzi motioned to accept the petition of Lynn and Clara Bundy, Parcel #007-380-51, to join the Devil's Gate General Improvement District, and be subject to the special assessment levied for the district; Member Ithurralde seconded the motion; motion carried 3-0. Member Fiorenzi later amended his motion that approval is contingent upon satisfactory verification to Public Works that the dwelling has been disconnected from the domestic well, in order to protect the district water source from any contamination; Member Ithurralde seconded the amended motion; motion carried 3-0.

PUBLIC COMMENT AND DISCUSSION

Chairman Page opened the floor to public comments; there were none.

ADJOURNMENT

Member Fiorenzi motioned to adjourn the meeting at 11:09 a.m.; Member Ithurralde seconded the motion; motion carried 3-0.

Approved this 20th day of April, 2010.

/s/ Mike Page

Mike Page, Chairman

Attest: /s/ Jackie Berg

Jackie Berg, Clerk