



15 July 2020

Mrs. Jennifer Lee  
City of Ely  
501 Mill Street  
Ely, Nevada 89301

Dear Mrs. Lee,

**Subject Line:** E-mail dated July 10, 2020

I am in receipt of your e-mail dated July 10, 2020, a copy of which is attached.

As communicated previously, baseline data collection relating to the Water Supply Agreement began in October 2019 and is ongoing. Robinson is in the process of processing data and updating the groundwater model accordingly; that update will not be complete until approximately August 15, 2020. Once that updated model has been received and analyzed, we will utilize the data provided by Basin Engineering as well as the electricity bills from Mt. Wheeler Power as key inputs when we meet to discuss amendments to the Water Supply Agreement. In the meantime, we will continue to provide groundwater data to the City of Ely as we had previously agreed.

Robinson Mine will not be at the July 24, 2020 meeting to provide an opinion on the data provided in the July 10 e-mail as it is premature to do so.

Kind regards,

A handwritten signature in blue ink that reads "Amanda Hilton".

Amanda Hilton  
General Manager

## Amanda Hilton

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**From:** Jennifer Lee <jlee@elycity.com>  
**Sent:** Friday, July 10, 2020 8:53 AM  
**To:** Amanda Hilton; Frederick Partey  
**Cc:** mayor@elycity.com  
**Subject:** July 9, 2020 City Council action  
**Attachments:** Ely wells 18-19 data.pdf

**WARNING:** This email originated from outside of KGHM. Do not click on links or open attachments unless you recognize the sender and know the content to be safe.

Amanda and Frederick:

The City Council unanimously approved a motion at their meeting last night to request an opinion from Robinson Mine regarding the Basin Engineering well data emailed to you last year; see attached. The Ely City Council respectfully requests an informal report from a Robinson Mine representative at their next regular meeting to be held July 23, 2020 at 5:00 p.m.; Zoom remote access will be available for it.

Thank you.

Jennifer Lee, City Clerk  
City of Ely  
501 Mill Street  
Ely, Nevada 89301  
(775) 289-2430  
[jlee@elycity.com](mailto:jlee@elycity.com)

## Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
350	AT&T	7752892150-6/	PHONE-SANITATION	06/29/2020	137.21	.00	
350	AT&T	7752892345-6/	PHONE-FIRE DEPT	06/28/2020	29.32	.00	
350	AT&T	7752892430-6/	PHONE-CITY HALL	06/28/2020	15.61-	.00	
350	AT&T	7752892430-6/	PHONE-CITY HALL	06/28/2020	15.61-	.00	
350	AT&T	7752892430-6/	PHONE-CITY HALL	06/28/2020	15.61-	.00	
350	AT&T	7752892430-6/	PHONE-CITY HALL	06/28/2020	15.62-	.00	
350	AT&T	7752894602-6/	PHONE-CEMETERY	06/28/2020	19.36	.00	
350	AT&T	7752894838-6/	PHONE-MUNI COURT	06/28/2020	76.51	.00	
350	AT&T	7752894838-6/	PHONE-MUNI COURT	06/28/2020	76.50	.00	
350	AT&T	7752896103-6/	PHONE-MUNI WATER	06/28/2020	19.36	.00	
350	AT&T	7752896500-6/	PHONE-CITY ENGINEER	06/28/2020	19.36	.00	
350	AT&T	7752896633-6/	PHONE-FIRE DEPT	06/28/2020	67.34	.00	
Total 350:					382.51	.00	
10490	AT&T GLOBAL SERVICES	1272183668	JULY 2020	07/01/2020	1.22	.00	
10490	AT&T GLOBAL SERVICES	1272186986	JULY 2020	07/01/2020	2.82	.00	
10490	AT&T GLOBAL SERVICES	1272186986	JULY 2020	07/01/2020	2.82	.00	
10490	AT&T GLOBAL SERVICES	1272186986	JULY 2020	07/01/2020	2.82	.00	
10490	AT&T GLOBAL SERVICES	1272186986	JULY 2020	07/01/2020	2.81	.00	
Total 10490:					12.49	.00	
440	BATH LUMBER	JUNE 2020	SUPPLIES	06/30/2020	28.63	.00	
440	BATH LUMBER	JUNE 2020	SUPPLIES	06/30/2020	11.86	.00	
440	BATH LUMBER	JUNE 2020	SUPPLIES	06/30/2020	56.98	.00	
440	BATH LUMBER	JUNE 2020	SUPPLIES	06/30/2020	37.49	.00	
440	BATH LUMBER	JUNE 2020	SUPPLIES	06/30/2020	51.94	.00	
440	BATH LUMBER	JUNE 2020	SUPPLIES	06/30/2020	37.49	.00	
440	BATH LUMBER	JUNE 2020	SUPPLIES	06/30/2020	83.86	.00	
440	BATH LUMBER	JUNE 2020	SUPPLIES	06/30/2020	19.37	.00	
Total 440:					327.62	.00	
67	BUSINESS CONTINUITY TECHN	410595	HYBRID CLOUD SERVICES	07/01/2020	287.50	.00	
67	BUSINESS CONTINUITY TECHN	410595	HYBRID CLOUD SERVICES	07/01/2020	287.50	.00	
67	BUSINESS CONTINUITY TECHN	410595	HYBRID CLOUD SERVICES	07/01/2020	287.50	.00	
67	BUSINESS CONTINUITY TECHN	410595	HYBRID CLOUD SERVICES	07/01/2020	287.50	.00	
Total 67:					1,150.00	.00	
720	BUSINESS SOLUTIONS GROUP	15280	BUSINESS LICENSE FORMS	06/30/2020	215.11	.00	
Total 720:					215.11	.00	
750	C & B AUTO	JUNE 2020	SUPPLIES	06/30/2020	12.98	.00	
750	C & B AUTO	JUNE 2020	SUPPLIES	06/30/2020	154.27	.00	
Total 750:					167.25	.00	
14434	C-A-L RANCH STORES	2594/23	PROPANE GAS	07/06/2020	18.85	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 144341:					18.85	.00	
850	CASELLE INC	102426	CONTRACT SUPPORT AND MAI	06/01/2020	364.00	.00	
850	CASELLE INC	102426	CONTRACT SUPPORT AND MAI	06/01/2020	364.00	.00	
850	CASELLE INC	102426	CONTRACT SUPPORT AND MAI	06/01/2020	364.00	.00	
850	CASELLE INC	102426	CONTRACT SUPPORT AND MAI	06/01/2020	364.00	.00	
850	CASELLE INC	103106	CONTRACT SUPPORT AND MAI	07/01/2020	364.00	.00	
850	CASELLE INC	103106	CONTRACT SUPPORT AND MAI	07/01/2020	364.00	.00	
850	CASELLE INC	103106	CONTRACT SUPPORT AND MAI	07/01/2020	364.00	.00	
850	CASELLE INC	103106	CONTRACT SUPPORT AND MAI	07/01/2020	364.00	.00	
Total 850:					2,912.00	.00	
860	CASH	JUNE 30, 2020	PETTY CASH	06/30/2020	53.31	.00	
860	CASH	JUNE 30, 2020	PETTY CASH	06/30/2020	54.50	.00	
860	CASH	JUNE 30, 2020	PETTY CASH	06/30/2020	3.40	.00	
860	CASH	JUNE 30, 2020	PETTY CASH	06/30/2020	20.61	.00	
Total 860:					131.82	.00	
865	DURACO INC	26862	DURA PATCHER	06/19/2020	2,198.55	.00	
Total 865:					2,198.55	.00	
1450	ELY VOLUNTEER FIRE DEPART	JULY 2020	7th Paid Firefighter	07/01/2020	1,050.00	.00	
1450	ELY VOLUNTEER FIRE DEPART	JULY 2020	Fire Hall Rent	07/01/2020	125.00	.00	
1450	ELY VOLUNTEER FIRE DEPART	JULY 2020	Fire Hall Rent	07/01/2020	125.00	.00	
1450	ELY VOLUNTEER FIRE DEPART	JULY 2020	Fire Hall Rent	07/01/2020	125.00	.00	
1450	ELY VOLUNTEER FIRE DEPART	JULY 2020	Fire Hall Rent	07/01/2020	125.00	.00	
Total 1450:					1,550.00	.00	
12967	FREEDOM MAILING SERVICES,	38519	ELY POSTCARD BILLS	07/03/2020	487.53	.00	
12967	FREEDOM MAILING SERVICES,	38519	ELY POSTCARD BILLS	07/03/2020	487.53	.00	
12967	FREEDOM MAILING SERVICES,	38519	ELY POSTCARD BILLS	07/03/2020	487.54	.00	
Total 12967:					1,462.60	.00	
1750	GALE OIL	18763	FLAT REPAIR-FIRE DEPT.	06/23/2020	50.00	.00	
Total 1750:					50.00	.00	
14510	HLC TIRE & OIL, LLC	3674	LUND FIRE	06/24/2020	35.00	.00	
14510	HLC TIRE & OIL, LLC	3675	LUND FIRE	06/24/2020	35.00	.00	
Total 145101:					70.00	.00	
14269	HUNT & SONS INC	513718	Fuel	04/30/2020	342.76	.00	
14269	HUNT & SONS INC	524845	Fuel	05/15/2020	527.54	.00	
14269	HUNT & SONS INC	535276	Fuel	05/31/2020	319.20	.00	
14269	HUNT & SONS INC	547060	Fuel	06/15/2020	107.23	.00	
14269	HUNT & SONS INC	547060	Fuel	06/15/2020	87.40	.00	
14269	HUNT & SONS INC	556817	Fuel	06/30/2020	112.45	.00	
14269	HUNT & SONS INC	556817	Fuel	06/30/2020	515.36	.00	
Total 142691:					2,011.94	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
2380	JUSTICE SYSTEMS INC	INV101365	FULLCOURT MAIN & SUPPORT	07/16/2020	1,555.00	.00	
2380	JUSTICE SYSTEMS INC	INV101365	FULLCOURT MAIN & SUPPORT	07/16/2020	1,555.00	.00	
Total 2380:					3,110.00	.00	
6590	LIFE-ASSIST INC	1012123	FIRE DEPARTMENT	06/22/2020	1,353.00	.00	
Total 6590:					1,353.00	.00	
14494	MAUPIN, COX, LEGOY	186355	SERVICES THROUGH 6/30/20	07/02/2020	24,744.15	.00	
Total 144941:					24,744.15	.00	
79	MEDICARE PART B	21595399	LEROY MARRUJO - OVERPAYM	06/27/2020	382.99	.00	
Total 79:					382.99	.00	
43	NARANJO, RAUL	087	WASTEWATER SYSTEM	07/01/2020	300.00	.00	
43	NARANJO, RAUL	087	WASTEWATER SYSTEM	07/01/2020	2,112.72	.00	
Total 43:					2,412.72	.00	
3330	NEVADA STATE CONTROLLER	JUNE 2020	STATE GENERAL FUND	06/01/2020	100.00	.00	
3330	NEVADA STATE CONTROLLER	JUNE 2020	REMAINDER OF ASSESSMENT	06/01/2020	1,277.00	.00	
3330	NEVADA STATE CONTROLLER	JUNE 2020	SPECIALTY COURT ASSESSME	06/01/2020	155.00	.00	
Total 3330:					1,532.00	.00	
3570	OFFICE DEPOT	100471365001	SUPPLIES-MUNI COURT	06/24/2020	94.61	.00	
3570	OFFICE DEPOT	100490428001	SUPPLIES-MUNI COURT	06/24/2020	4.99	.00	
3570	OFFICE DEPOT	100523087001	SUPPLIES-MUNI COURT	06/26/2020	15.97	.00	
3570	OFFICE DEPOT	100526314001	SUPPLIES-MUNI COURT	06/26/2020	9.98	.00	
3570	OFFICE DEPOT	100526329001	SUPPLIES-MUNI COURT	06/26/2020	37.27	.00	
3570	OFFICE DEPOT	101283525001	SUPPLIES-CITY HALL	06/25/2020	34.36	.00	
3570	OFFICE DEPOT	101283525001	SUPPLIES-CITY HALL	06/25/2020	34.36	.00	
3570	OFFICE DEPOT	101283525001	SUPPLIES-CITY HALL	06/25/2020	34.36	.00	
3570	OFFICE DEPOT	101283525001	SUPPLIES-CITY HALL	06/25/2020	34.36	.00	
3570	OFFICE DEPOT	101287795001	SUPPLIES-CITY HALL	06/25/2020	14.07	.00	
Total 3570:					314.33	.00	
14530	OFFICE PRODUCTS INC (OPI)	AR267605	METER-BLDG & PLANNING	06/25/2020	16.16	.00	
14530	OFFICE PRODUCTS INC (OPI)	AR267605	METER-BLDG & PLANNING	06/25/2020	16.18	.00	
14530	OFFICE PRODUCTS INC (OPI)	AR267605	METER-BLDG & PLANNING	06/25/2020	16.18	.00	
14530	OFFICE PRODUCTS INC (OPI)	AR267605	METER-BLDG & PLANNING	06/25/2020	16.18	.00	
Total 145301:					64.70	.00	
3930	PUBLIC EMPLOYEES' BENEFIT	JULY 2020	ACCT. #715	07/01/2020	308.59	.00	
3930	PUBLIC EMPLOYEES' BENEFIT	JULY 2020	ACCT. #715	07/01/2020	308.60	.00	
3930	PUBLIC EMPLOYEES' BENEFIT	JULY 2020	ACCT. #715	07/01/2020	308.60	.00	
3930	PUBLIC EMPLOYEES' BENEFIT	JULY 2020	ACCT. #715	07/01/2020	308.60	.00	
3930	PUBLIC EMPLOYEES' BENEFIT	JULY 2020	ACCT. #715	07/01/2020	308.60	.00	
Total 3930:					1,542.99	.00	
11471	RELX INC DBA LEXISNEXIS	3092727528	ACCT 322368XJP	06/30/2020	154.00	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 114712:					154.00	.00	
11415	RIDLEY'S	CASE 2020-92	RESTITUTION-TRICIA WAGLEY	07/06/2020	25.00	.00	
Total 11415:					25.00	.00	
14176	SOUTH FORK HARDWARE-ELY	47606	SUPPLIES-FIRE DEPT.	07/03/2020	12.96	.00	
14176	SOUTH FORK HARDWARE-ELY	47618	SUPPLIES-FIRE DEPT.	07/03/2020	37.98	.00	
Total 141761:					50.94	.00	
10970	STATE COLLECTION AND DISB	JULY 7, 2020	ID-581322000A/CV-0910124	07/07/2020	170.00	170.00	07/07/2020
10970	STATE COLLECTION AND DISB	JULY 7, 2020	CASE 129192100A	07/07/2020	129.23	129.23	07/07/2020
Total 10970:					299.23	299.23	
14359	STATE OF NEVADA DEPT OF P	54168	FINGERPRINTS	07/01/2020	189.00	.00	
Total 143591:					189.00	.00	
4780	THATCHER COMPANY OF NEV	1496458	CREDIT	06/02/2020	1,280.00-	.00	
4780	THATCHER COMPANY OF NEV	1497201	T-CHLOR-WATER DEPT.	06/11/2020	1,622.40	.00	
Total 4780:					342.40	.00	
4900	US BANK	JUNE 2020-52	CREDIT CARD CHARGES	06/25/2020	212.00	.00	
4900	US BANK	JUNE 2020-52	CREDIT CARD CHARGES	06/25/2020	39.88	.00	
4900	US BANK	JUNE 2020-52	CREDIT CARD CHARGES	06/25/2020	35.00	.00	
4900	US BANK	JUNE 2020-52	CREDIT CARD CHARGES	06/25/2020	77.46	.00	
4900	US BANK	JUNE 2020-52	CREDIT CARD CHARGES	06/25/2020	77.48	.00	
4900	US BANK	JUNE 2020-52	CREDIT CARD CHARGES	06/25/2020	77.48	.00	
4900	US BANK	JUNE 2020-52	CREDIT CARD CHARGES	06/25/2020	77.48	.00	
4900	US BANK	JUNE 2020-52	CREDIT CARD CHARGES	06/25/2020	36.45	.00	
4900	US BANK	JUNE 2020-52	CREDIT CARD CHARGES	06/25/2020	9.51	.00	
4900	US BANK	JUNE 2020-52	CREDIT CARD CHARGES	06/25/2020	9.50	.00	
4900	US BANK	JUNE 2020-52	CREDIT CARD CHARGES	06/25/2020	59.00	.00	
4900	US BANK	JUNE 2020-52	CREDIT CARD CHARGES	06/25/2020	59.00	.00	
4900	US BANK	JUNE 2020-52	CREDIT CARD CHARGES	06/25/2020	59.00	.00	
4900	US BANK	JUNE 2020-52	CREDIT CARD CHARGES	06/25/2020	59.00	.00	
4900	US BANK	JUNE 2020-52	CREDIT CARD CHARGES	06/25/2020	12.99	.00	
Total 4900:					901.23	.00	
4980	USA BLUE BOOK	279318	LAB SUPPLIES	06/26/2020	73.27	.00	
4980	USA BLUE BOOK	279318	LAB SUPPLIES	06/26/2020	73.27	.00	
4980	USA BLUE BOOK	279318	LAB SUPPLIES	06/26/2020	73.27	.00	
4980	USA BLUE BOOK	279318	LAB SUPPLIES	06/26/2020	73.27	.00	
4980	USA BLUE BOOK	279318	LAB SUPPLIES	06/26/2020	73.27	.00	
4980	USA BLUE BOOK	279318	LAB SUPPLIES	06/26/2020	73.26	.00	
Total 4980:					439.61	.00	
14170	WASHINGTON NATIONAL INSU	P2030048	EMPLOYEE CONTRIBUTED INS	07/01/2020	547.71	.00	
Total 141701:					547.71	.00	
37	WESTERN ENVIRONMENTAL T	124418	WATER TESTING	06/26/2020	172.32	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 37:					172.32	.00	
5270	WHEELER MACHINERY CO	PS0000985067	SUPPLIES	06/30/2020	488.31	.00	
5270	WHEELER MACHINERY CO	PS0000995486	SUPPLIES	06/30/2020	846.04	.00	
Total 5270:					1,334.35	.00	
1041	WHITE PINE COUNTY ROAD	JUNE 2020	FUEL-STREETS 6/1/20-6/30/20	06/01/2020	414.83	.00	
1041	WHITE PINE COUNTY ROAD	JUNE 2020	FUEL-WATER DEPT. 6/1/20-6/30	06/01/2020	526.75	.00	
1041	WHITE PINE COUNTY ROAD	JUNE 2020	FUEL-LANDFILL 6/1/20-6/30/20	06/01/2020	189.22	.00	
1041	WHITE PINE COUNTY ROAD	JUNE 2020	FUEL-FIRE DEPT. 6/1/20-6/30/20	06/01/2020	216.49	.00	
1041	WHITE PINE COUNTY ROAD	JUNE 2020	FUEL-PUBLIC WORKS 6/1/20-6/	06/01/2020	45.91	.00	
1041	WHITE PINE COUNTY ROAD	JUNE 2020	FUEL-BUILDING DEPT. 6/1/20-6/	06/01/2020	84.84	.00	
1041	WHITE PINE COUNTY ROAD	JUNE 2020	FUEL-ANIMAL CONTROL 6/1/20-	06/01/2020	56.08	.00	
1041	WHITE PINE COUNTY ROAD	JUNE 2020	FUEL-CEMETERY 6/1/20-6/30/20	06/01/2020	202.45	.00	
1041	WHITE PINE COUNTY ROAD	JUNE 2020	FUEL-PARKS 6/1/20-6/30/20	06/01/2020	90.36	.00	
1041	WHITE PINE COUNTY ROAD	JUNE 2020	FUEL-WASTE WATER 6/1/20-6/3	06/01/2020	180.28	.00	
Total 1041:					2,007.21	.00	
5340	WHITE PINE GLASS	1020625	REPAIR & MAINTENANCE	06/25/2020	702.00	.00	
Total 5340:					702.00	.00	
Grand Totals:					55,282.62	299.23	

Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

City Recorder: \_\_\_\_\_

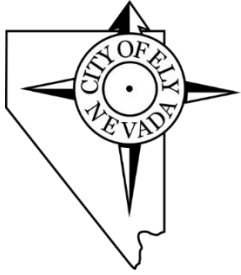
City Clerk: \_\_\_\_\_

## Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.



# CITY OF ELY

501 Mill Street Ely, Nevada 89301  
City Hall (775) 289-2430  
Fax (775) 289-1463

## ELY CITY COUNCIL REGULAR MEETING

**July 23, 2020 5:00 p.m.** – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

Pursuant to Governor Sisolak's Directive 021 limiting gatherings to fifty people or less and the March 20, 2020 White Pine County Public Health Decree requiring six-foot social distancing, the Ely City Council meeting can also be accessed via videoconference/teleconference. Please call City Hall or email [jlee@elycity.com](mailto:jlee@elycity.com) if you have questions regarding accessing the meeting.

**Link:** <https://zoom.us/j/9771306332> **Meeting ID:** 977 130 6332

**Please Note:** If you log on and experience difficulty hearing the meeting please also call the toll-free numbers.

**Dial by your location:** +877-853-5247 US Toll-free  
+888-788-0099 US Toll-free

THE COUNCIL MEMBERS MAY ADDRESS AGENDA ITEMS OUT OF SEQUENCE, COMBINE TWO OR MORE AGENDA ITEMS FOR CONSIDERATION, REMOVE AN ITEM OR DELAY DISCUSSION AT ANY TIME TO ACCOMMODATE PERSONS APPEARING BEFORE THE COUNCIL OR TO AID IN THE EFFICIENCY AND EFFECTIVENESS OF THE MEETINGS.

### **1. OPENING ACTIVITIES:**

MEETING CALLED TO ORDER  
PLEDGE OF ALLEGIANCE  
INVOCATION  
ROLL CALL

**2. PUBLIC COMMENT:** Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. **Comments during Discussion Items will not be accepted from the General public.** "Section 7.05 of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers".

**3. Mayor – Discussion/For Possible Action – Approval of Agenda, including removal of agenda items.**



#### 4. CITY DEPARTMENT REPORTS

- FIRE CHIEF
- POLICE CHIEF
- [MUNICIPAL COURT JUDGE](#)
- CITY ATTORNEY
- CITY CLERK
- CITY TREASURER
- CITY PUBLIC WORKS SUPERVISOR
- CITY WATER OPERATOR
- CITY ENGINEER
- CITY BUILDING OFFICIAL

#### 5. REPORTS

CITY COUNCIL  
MAYOR

#### 6. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE MUNICIPAL UTILITIES BOARD.

1. Board Members – City Engineer Almberg – [Discussion/For Possible Action](#) – Bid Award for Murry Street Sewer Main Upgrade Project Phase I & Phase II, CDBG funded project 19/PF/02 and 20/PF/08, (PWP# WP-2020-203).
2. Councilman Carson – [Discussion Only](#) – Review of Robinson Nevada Mining Company’s July 15, 2020 letter regarding a meeting timeline to discuss amendments to the Water Supply Agreement.
3. Councilman Carson – [Discussion/For Possible Action](#) – Consideration and possible approval to purchase Biobot Analytics antibody testing apparatus to assist White Pine County Public Health Office in assessing coronavirus infection rate in community.

#### 7. ITEMS FOR DISCUSSION/POSSIBLE ACTION ONLY OF THE ELY CITY COUNCIL.

**A. CONSENT AGENDA** (These items may be approved in one motion by the Council as its first action of business under For Discussion/Possible Action items.) Approval of the Consent Agenda approves each of these items. Council Members may remove any item from the Consent Agenda by notifying the Mayor or Mayor pro tem.

**MOTION:** Move to approve the Consent Agenda item 7A-1 Minutes and 7A-2 Bills.

Moved by: \_\_\_\_\_ Second by: \_\_\_\_\_ Vote: \_\_\_\_\_

1. Discussion/For Possible Action –Minutes.
  - June 11, 2020
  - June 25, 2020
2. Discussion/For Possible Action –Bills.
  - [July 10, 2020](#)

#### B. OLD BUSINESS

1. Councilman Alworth – [Discussion/For Possible Action](#) – Formulation of plan to deal with slum and blight in the City of Ely.

## C. NEW BUSINESS

1. Mayor Robertson – Discussion/For Possible Action – Approval of [Coronavirus Relief Fund Eligibility Certification](#); [Coronavirus Relief Fund Terms and Conditions Agreement](#); and City of Ely Coronavirus Relief Fund Expenditure Plan.
2. Mayor Robertson – [Discussion/For Possible Action](#) – Acceptance of City Attorney Caroline Townsend’s July 7, 2020 resignation.
3. Mayor Robertson – [Discussion/For Possible Action](#) – Acceptance of City Fire Chief Ross Rivera’s July 8, 2020 resignation.
4. Mayor Robertson – Discussion/For Possible Action – Ratification of Mayor Robertson’s direction to Human Resources to advertise the City Attorney and Fire Chief positions.
5. Mayor Robertson – Discussion/For Possible Action – Advice and Consent of City Council to approve Mayor Robertson’s appointment of Pat Stork as Fire Chief of the City of Ely.
6. Councilman Carson – [Discussion/For Possible Action](#) – Approval of letter to Governor Sisolak asking to review future COVID-19 restrictions based on counties’ individual data.
7. Council Members – City Clerk Lee – Discussion/For Possible Action – Direction that all complaints be processed by City Attorney’s office.
8. Councilwoman Beecher – Discussion/For Possible Action – Discontinuation of sending the existing form letter on file for COVID-19 related complaints.
9. Councilwoman Beecher – Discussion/For Possible Action – Formulation of process to respond to complaints related to Governor’s current emergency directives.
10. Councilman Carson - [Discussion/For Possible Action](#) - First Reading of Ordinance 734, Bill 2020-06, with approval to move to the second reading. Ordinance 734 amends Chapter 5 of Title 1 of the City Code of the City of Ely to amend the department scopes and jurisdiction, appointed liaisons’ responsibilities, and proscribing that no city official may be appointed to a department if such appointment implicates a conflict of interest.
11. Councilman Spear – Discussion/For Possible Action – Discussion regarding dust problem on Avenues A and B from 11<sup>th</sup> Street to 13<sup>th</sup> Street AND possible direction regarding solutions including but not limited to periodic moistening with water truck, sending a letter to Police Chief Henriod requesting additional patrolling; and request for future oil overlay project from Regional Transportation Commission.
12. Councilman Spear– Discussion/For Possible Action - First Reading of Ordinance 736, Bill 2020-08, with approval to move to the second reading. Ordinance # amends Title 3, Chapter 2 entitled ALCOHOLIC BEVERAGES, removing Special Events Sections.

13. Councilman Spear– Discussion/For Possible Action - First Reading of Ordinance 737, Bill 2020-09, with approval to move to the second reading. Ordinance # amends Title 3, Chapter 9 entitled TEMPORARY BUSINESS LICENSES, incorporating special events and providing exceptions.


14. Councilman Alworth – Discussion/For Possible Action – Direction to order and install sign at *Highway 6*/Mill Street junction which states: “No Vehicles over 26000 GVW”.

**8. PUBLIC COMMENT:** Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. “Section 7.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers”.

**9. ADJOURNMENT: THE MEETING MAY BE ADJOURNED BY APPROPRIATE MOTION OF THE CITY COUNCIL.**

\* Open session – Action/Discussion – Personnel\*\* The meeting may be closed by appropriate motion for the purpose of discussion on any matter allowed under N.R.S. 241.031 and 241.033, (1) nothing contained in this chapter prevents a public body from holding a closed meeting to consider the character, alleged misconduct, professional competence or physical or mental health of a person/employee. (2) A public body may close a meeting upon a motion, which specifies the nature of the business to be considered. (3) This chapter does not: (a) Apply to judicial proceedings. (b) Prevent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical. (c) Prevent the exclusion of witnesses from a public or private meeting during the examination of another witness. (d) Require that any meeting be closed to the public. (e) Permit a closed meeting for the discussion of the appointment of any person to public office or as a member of a public body. (4) The exception provided by this section, and electronic communication, must not be used to circumvent the spirit or letter of this chapter in order to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory powers. In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <http://www.ascr.usda.gov/complaintfilingcust.html> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; Fax: (202) 690-7442; or Email: [program.intake@usda.gov](mailto:program.intake@usda.gov). For access to the public packet, contact the City Clerk at 501 Mill Street, Ely, Nevada 89301 or call (775) 289-2430; all packet material is posted in the agenda’s hyperlinks or under “Minutes” /”Other” on the City’s website at <http://www.elycity.com/>

I, Jennifer Lee, City Clerk, did cause to be posted on **July 20, 2020** by **9:00 a.m.** four (4) notices of the Ely City Council agenda in said City of Ely to wit: Posted at the doors or bulletin boards of City Hall located at 501 Mill Street, White Pine County Library located at 950 Campton Street, White Pine County Courthouse located at 801 Clark Street and the U.S. Post Office located at 2600 Bristlecone Avenue. The meeting notice is also posted on the City of Ely’s website at <http://www.elycity.com> and the State of Nevada Public Notices website at <http://notice.nv.gov>.

 \_\_\_\_\_

City Council **ATTENDANCE LIST**

DATE: 7-23-20

Print name below

George Chachas

TERRY McINTOSH

Print name below



# City of Ely Fire Department

1780 Great Basin Blvd.  
Ely, Nevada 89301

Business Phone: (775) 289 6633  
Fax: (775) 289 3122

1682-5:2501  
07/08

July 8, 2020

To: Nathan Robertson, Ely City Mayor  
Ely City Council

I truly enjoy the Fire and EMS Service and has been a part of my life for over 37 years when I first started as a volunteer February of 1983. I have provided this service to the City of Ely Fire Department for over 28 years of my employment.

I Ross Rivera with this letter giving notice to my retirement of being City of Ely Fire Chief. I have set the date for July 31<sup>st</sup>, 2020 to be my last day of employment with the City of Ely Fire Department.

Thank you, respectively,

  
Ross Rivera  
Fire Chief  
Ely Fire Department

CC: Jennifer Lee, Ely City Clerk  
Janette Trask, Ely City Treasurer/Human Resources  
Craig McKnight, president Ely Volunteer Fire Department  
Misty Mangum McCardle, Secretary Ely Volunteer Fire Department



# CITY OF ELY

501 Mill Street Ely, Nevada 89301

City Hall (775) 289-2430

Fax (775) 289-1463

## **CITY OF ELY CORONAVIRUS RELIEF FUND EXPENDITURE PLAN**

### Problem Statement:

Since March 5, 2020 when the COVID-19 pandemic began to spread throughout Nevada, the City of Ely has experienced unbudgeted increases to its emergency medical response and public health/safety expenses, along with unanticipated costs to facilitate compliance with COVID-19 measures and provide economic support in our community. Coronavirus Relief funds are therefore needed to assist the City of Ely in responding to this public health crisis.

### Required Funds

\$364,602.50

### City of Ely Coronavirus Relief Fund Expected Use

The City of Ely is expecting to use Coronavirus Relief funds to respond directly to the COVID-19 health crisis for Emergency Medical Response, Public Health Measures, Public Safety, and Social Distancing improvement measures. The City of Ely also intends to use a portion of Coronavirus Relief funds to respond to local economic support requests due to secondary effects from the COVID-19 pandemic.

### Eligible Expense Categories Breakdown

Medical:	\$ 19,102.50/EMS equipment
Public Health:	\$ 50,000.00/Public Health Officer
	\$ 11,000.00/Website service
COVID-19 Employees' Payroll:	\$200,000.00/Fire Department/EMS payroll
COVID-19 Compliance Measures:	\$ 12,000.00/Zoom service + sound system
Economic Support:	\$ 72,500.00/Local COVID-19 related needs

### Administration of Coronavirus Relief Funds

The City Treasurer's Office will administer the use of Coronavirus Relief Funds.

### Coronavirus Relief Funds Allocation to other entities

Child Care:	Boys & Girls Club staffing/safety	\$50,000.00
Tourism:	NV Northern Railway safety expense	\$14,000.00
Child Care:	Magic Carpet Preschool staff/safety	\$ 7,500.00
Tourism:	Great Basin Service Club parade canceled	\$ 1,000.00 (7-4 parade insurance)

### Coronavirus Relief Funds (CRF) to be used per federal guidance

The City of Ely will only use CRF monies for the eligible expenses outlined above. Outside entities to receive assistance have presented CRF eligible expenses to the City of Ely and will be informed that they are required to provide receipts for all CRF expenses to the City of Ely.

The City of Ely is an equal opportunity provider and employer.

**CORONAVIRUS RELIEF FUND**  
**ELIGIBILITY CERTIFICATION**

I, \_\_\_\_\_, am the chief executive of The City of Ely, and I certify that:

1. I have the authority on behalf of The City of Ely to request direct payment from the allocation of funds to the State of Nevada from the federal Coronavirus Relief Fund, pursuant to section 601 (a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).
2. I understand that the State of Nevada will rely on this certification as a material representation in making a direct payment to The City of Ely.
3. I understand that as a local government entity (a county, city, or municipality) outside of Clark County below the State level with a population under 500,000, The City of Ely will receive payment based on Title V, Section 5001, Subsection (c), paragraph (5) of the CARES Act and the Department of Treasury per capita allocation formula, that governs payments to larger local governments. I understand this funding formula is being used as a benchmark, and specific payments will be disbursed in two allocation phases, with the first phase releasing 50 percent of funds immediately and the second phase releasing the remaining 50 percent of funds on a reimbursement basis or upon providing a detailed spending proposal. Phase one funding is required to be spent, or planned to be spent, in a detailed spending proposal by September 1, 2020 in order to request a second allocation. I also understand that allocation amounts may vary based on overall state and regional requirements and it will be at the discretion of the State of Nevada to determine whether subsequent payments will be issued.
4. I will coordinate with the State of Nevada, Governor's Finance Office (GFO) in optimizing federal funds from the CARES Act and other potentially available federal sources. In particular, I will prioritize and coordinate application for FEMA reimbursement where available.
5. The City of Ely's proposed uses of the funds provided as payment under section 601 (a) of the Social Security Act will be used only to cover those costs that -
  - a. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) ("necessary expenditures");
  - b. were not accounted for in the budget most recently approved as of March 27, 2020, for The City of Ely; and
  - c. Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.
6. To the extent actual qualified expenditures are less than the amount allocated to The City of Ely and/or if funds have not been used to cover necessary expenditures pursuant to this certification by December 30, 2020, The City of Ely agrees to return the balance of unspent funds to the State of Nevada on or before March 1, 2021.



7. Funds provided as a direct payment from the State of Nevada pursuant to this certification will adhere to the *Coronavirus Relief Fund Terms and Conditions for Local Governments* and official federal guidance issued or to be issued, on what constitutes a necessary expenditure (current guidance provided in Appendix A and <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>). Any funds expended by The City of Ely or its grantee(s) that fail to comply in any manner with official federal guidance shall be booked as a debt owed to the State of Nevada and subsequently collected and returned to the Federal Government. Amounts recovered shall be returned to the State of Nevada through deposit into the State's General Fund. The City of Ely further agrees that any determination by the Federal Government that it or its grantee(s) failed to comply with federal guidance shall be a final determination binding on itself and its grantee(s).
8. Funding provided as a direct payment from the State of Nevada pursuant to this certification is contingent on The City of Ely's adherence to the Governor's emergency directives and guidance from the Local Empowerment Advisory Panel (LEAP), including, but not limited to, the State's face-covering mandate, restrictions on social and public gatherings, social distancing mandates, and restrictions on the occupancy of businesses and restaurants, as well as any subsequent emergency directives or executive orders related to the COVID-19 health crisis capacity. The City of Ely hereby acknowledges the requirements of this section and certifies ongoing compliance with this section as a requirement for allocation of funding set forth in this certification.
9. Prior to The City of Ely receiving the initial and subsequent Coronavirus Relief Fund allocations from the State of Nevada, The City of Ely will be required to submit a plan to GFO summarizing the process and criteria they will use for expending funds within its organization and/or awarding to any grantee(s). Prior to payment, GFO will provide guidance on specific plan requirements to be submitted.
10. The City of Ely and its grantee(s) receiving funds pursuant to this certification shall retain documentation of all uses of the funds, including but not limited to invoices and/or sales receipts and documentation of how payments meet federal criteria for necessary expenditures incurred due to the public health emergency with respect to COVID-19. I acknowledge that all records and expenditures are subject to audit by the United States Department of Treasury's Inspector General, the State of Nevada, or designee and I agree that The City of Ely will provide and cooperate with any information and documentation requests necessary to evaluate compliance and will require any and all grantee(s) to also provide and cooperate with any such requests.
11. The City of Ely will report monthly on incurred expenses in a form prescribed by the GFO, and will cooperate in creating and retaining appropriate documentation to demonstrate that the proposed uses meet the requirements of section 601 (a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). Additionally, documentation will be produced to the State of Nevada on March 1, 2021 showing all CRF expenses and a reconciliation of the funding received.
12. The City of Ely understands that payment from the CRF is considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements. Fund payments are subject to the following requirements in the



Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements. Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F regarding audit requirements. Subrecipients are subject to a single audit or program specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

13. The City of Ely understands that any funds provided pursuant to this certification cannot be used as a revenue replacement for lower than expected tax or other revenue collections and will notify each grant applicant of this obligation.
14. The City of Ely understands that funds received pursuant to this certification cannot be used for expenditures for which a local government entity, political subdivision or its grantee(s) has received any other emergency COVID-19 supplemental funding (whether state, federal or private in nature) for that same expense and will notify each grant applicant of this obligation.
15. I acknowledge that The City of Ely has an affirmative obligation to identify and report any duplication of benefits. I understand that the State of Nevada has an obligation and the authority to deobligate or offset any duplicated benefits.
16. The City of Ely understands that it may use funds received pursuant to this certification to provide assistance to any other political subdivision within its jurisdiction. The City of Ely will notify each applicant that such assistance shall be used solely for necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19), that were not accounted for in the budget most recently approved as of March 27, 2020, and that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020. The City of Ely is responsible for the documentation requirements in section 10 of this certification.
17. The City of Ely understands that the State of Nevada may amend this Certification at any time provided that such amendments make specific reference to the Certification, and are executed in writing, and signed by a duly authorized representative of The City of Ely and the State of Nevada. Such amendments shall not invalidate the Certification, nor relieve or release either party from any obligations under the Certification. I understand the amendment will be used whenever there are changes to the originally approved terms and conditions resulting from but not limited to issues arising from additional Department of Treasury or federal compliance requirements or guidance.
18. The City of Ely understands that the following administrative provisions apply to this award:
  - a. **LEGAL AUTHORITY:** As the chief executive of The City of Ely, \_\_\_\_\_ has the legal authority to enter into this agreement and the institutional managerial and financial capability to ensure proper planning, management and completion of the intended fund use.
  - b. **PRINCIPAL CONTACTS:** Individuals listed below are authorized to act in their respective areas for matters related to the transfer and administration of this fund payment.

Principal County or City Administrative Contact	Principal State of Nevada Administrative Contact
<b>Name:</b> <b>Title:</b> <b>Locality Name:</b> The City of Ely <b>Department:</b> <b>Address:</b>  <b>Telephone:</b> <b>Email:</b> <b>Vendor #:</b> <b>DUNS #:</b>	<b>Name:</b> State of Nevada, Governor's Finance Office <b>Address:</b> 209 E. Musser, Room 200 Carson City, NV, 89701 <b>Telephone:</b> 775-684-0222 <b>Email:</b> <a href="mailto:covid19@finance.nv.gov">covid19@finance.nv.gov</a>  <b>Fed. Awarding Agency:</b> US Dept. of Treasury <b>CFDA #:</b> 21.019 - Coronavirus Relief Fund (CRF) <b>Period of Performance:</b> 03/01/2020 - 12/30/2020

**I certify under the penalties of perjury, that I have read the above certification and my statements contained herein are true and correct to the best of my knowledge.**

By: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.

## APPENDIX A

### Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments Updated June 30, 2020<sup>1</sup>

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.<sup>2</sup>

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

#### ***Necessary expenditures incurred due to the public health emergency***

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

#### ***Costs not accounted for in the budget most recently approved as of March 27, 2020***

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the

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<sup>1</sup> This version updates the guidance provided under “Costs incurred during the period that begins on March 1, 2020 and ends on December 30, 2020”.

<sup>2</sup> See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

***Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020***

Finally, the CARES Act provides that payments from the Fund may only be used to cover costs that were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020 (the “covered period”). Putting this requirement together with the other provisions discussed above, section 601(d) may be summarized as providing that a State, local, or tribal government may use payments from the Fund only to cover previously unbudgeted costs of necessary expenditures incurred due to the COVID-19 public health emergency during the covered period.

Initial guidance released on April 22, 2020, provided that the cost of an expenditure is incurred when the recipient has expended funds to cover the cost. Upon further consideration and informed by an understanding of State, local, and tribal government practices, Treasury is clarifying that for a cost to be considered to have been incurred, performance or delivery must occur during the covered period but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred). For instance, in the case of a lease of equipment or other property, irrespective of when payment occurs, the cost of a lease payment shall be considered to have been incurred for the period of the lease that is within the covered period, but not otherwise. Furthermore, in all cases it must be necessary that performance or delivery take place during the covered period. Thus the cost of a good or service received during the covered period will not be considered eligible under section 601(d) if there is no need for receipt until after the covered period has expired.

Goods delivered in the covered period need not be used during the covered period in all cases. For example, the cost of a good that must be delivered in December in order to be available for use in January could be covered using payments from the Fund. Additionally, the cost of goods purchased in bulk and delivered during the covered period may be covered using payments from the Fund if a portion of the goods is ordered for use in the covered period, the bulk purchase is consistent with the recipient’s usual procurement policies and practices, and it is impractical to track and record when the items were used. A recipient may use payments from the Fund to purchase a durable good that is to be used during the current period and in subsequent periods if the acquisition in the covered period was necessary due to the public health emergency.

Given that it is not always possible to estimate with precision when a good or service will be needed, the touchstone in assessing the determination of need for a good or service during the covered period will be reasonableness at the time delivery or performance was sought, *e.g.*, the time of entry into a procurement contract specifying a time for delivery. Similarly, in recognition of the likelihood of supply chain disruptions and increased demand for certain goods and services during the COVID-19 public health emergency, if a recipient enters into a contract requiring the delivery of goods or performance of services by December 30, 2020, the failure of a vendor to complete delivery or services by December 30, 2020, will not affect the ability of the recipient to use payments from the Fund to cover the cost of such goods or services if the delay is due to circumstances beyond the recipient’s control.

This guidance applies in a like manner to costs of subrecipients. Thus, a grant or loan, for example, provided by a recipient using payments from the Fund must be used by the subrecipient only to purchase (or reimburse a purchase of) goods or services for which receipt both is needed within the covered period and occurs within the covered period. The direct recipient of payments from the Fund is ultimately responsible for compliance with this limitation on use of payments from the Fund.

### ***Nonexclusive examples of eligible expenditures***

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
  - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
  - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
  - Costs of providing COVID-19 testing, including serological testing.
  - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
  - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
  - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
  - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
  - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
  - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
  - Expenses for public safety measures undertaken in response to COVID-19.
  - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
  - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
  - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
  - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.

- Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
  - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
  - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
    - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
    - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
    - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
  6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

***Nonexclusive examples of ineligible expenditures<sup>3</sup>***

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.<sup>4</sup>
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

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<sup>3</sup> In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

<sup>4</sup> See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

**Coronavirus Relief Fund  
Frequently Asked Questions  
Updated as of July 8, 2020**

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).<sup>1</sup> Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

**Eligible Expenditures**

***Are governments required to submit proposed expenditures to Treasury for approval?***

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

***The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?***

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

***The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?***

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

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<sup>1</sup> The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

***May a State receiving a payment transfer funds to a local government?***

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

***May a unit of local government receiving a Fund payment transfer funds to another unit of government?***

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

***Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?***

No. For example, a county recipient is not required to transfer funds to smaller cities within the county's borders.

***Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?***

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

***Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?***

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

***Are States permitted to use Fund payments to support state unemployment insurance funds generally?***

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.



***Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?***

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

***The Guidance states that the Fund may support a “broad range of uses” including payroll expenses for several classes of employees whose services are “substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” What are some examples of types of covered employees?***

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

***In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers’ compensation coverage. Is the cost of this expanded workers compensation coverage eligible?***

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

***If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?***

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

***May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?***

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

***May Fund payments be used for COVID-19 public health emergency recovery planning?***

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

***Are expenses associated with contact tracing eligible?***

Yes, expenses associated with contract tracing are eligible.

***To what extent may a government use Fund payments to support the operations of private hospitals?***

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

***May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?***

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

***May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?***

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

***Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?***

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

***May recipients create a “payroll support program” for public employees?***

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

***May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?***

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

***May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?***

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

***The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?***

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

***The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?***

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

***May Fund payments be used to assist impacted property owners with the payment of their property taxes?***

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

***May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?***

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

***Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?***

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

***The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?***

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

***The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?***

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

***May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?***

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

***Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?***

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

***Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?***

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

***May a State impose restrictions on transfers of funds to local governments?***

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

***If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?***

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

***May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?***

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

***Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?***

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

***May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?***

No. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.

***May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?***

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

***May recipients use Fund payments to provide loans?***

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

***May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?***

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

***May funds be used to satisfy non-federal matching requirements under the Stafford Act?***

Yes, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund's eligibility criteria and the Stafford Act. Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA's determination of eligibility under the Stafford Act.

***Must a State, local, or tribal government require applications to be submitted by businesses or individuals before providing assistance using payments from the Fund?***

Governments have discretion to determine how to tailor assistance programs they establish in response to the COVID-19 public health emergency. However, such a program should be structured in such a manner as will ensure that such assistance is determined to be necessary in response to the COVID-19 public health emergency and otherwise satisfies the requirements of the CARES Act and other applicable law. For example, a per capita payment to residents of a particular jurisdiction without an assessment of individual need would not be an appropriate use of payments from the Fund.

***May Fund payments be provided to non-profits for distribution to individuals in need of financial assistance, such as rent relief?***

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the financial assistance provided would have to be related to COVID-19.

***May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?***

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to

the public health emergency. Expenses related to developing a long-term plan to reposition a recipient's convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

***May a State provide assistance to farmers and meat processors to expand capacity, such to cover overtime for USDA meat inspectors?***

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

***The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee's entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?***

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

***May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?***

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.

**Questions Related to Administration of Fund Payments**

***Do governments have to return unspent funds to Treasury?***

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

***What records must be kept by governments receiving payment?***

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

***May recipients deposit Fund payments into interest bearing accounts?***

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

***May governments retain assets purchased with payments from the Fund?***

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

***What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?***

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

***Are Fund payments to State, territorial, local, and tribal governments considered grants?***

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are "other financial assistance" under 2 C.F.R. § 200.40.

***Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?***

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

***Are Fund payments subject to other requirements of the Uniform Guidance?***

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

***Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?***

Yes. The CFDA number assigned to the Fund is 21.019.

***If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients' total funding received from the federal government for purposes of the Single Audit Act?***

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-



specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

***Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?***

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

***If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?***

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.

# Coronavirus Relief Fund

## Terms and Conditions

### For Local Governments



State of Nevada

*Administered by the Governor's Finance Office, Budget Division*

*July 10, 2020*

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## Overview

Under the federal Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”), the Coronavirus Relief Fund (“Fund”) may be used to reimburse local governments in response to the COVID-19 public health emergency. The federal awarding agency is the U.S. Department of Treasury. The Inspector General of the United States Department of the Treasury (“Treasury”) conducts monitoring and oversight of the receipt, disbursement and use of these funds.

The CARES Act authorized \$150 billion through the Fund for state and local governments, including \$1.25 billion for Nevada. A portion of the State’s total allotment was reserved for local governments that have a population in excess of 500,000. As a result, the City of Las Vegas and Clark County elected to receive direct allocations from the Treasury. The State of Nevada received \$836 million from the Fund, of which \$148.5 million will be allocated to counties and incorporated cities outside of Clark County with populations of less than 500,000.

**Funds may NOT be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.**

## About This Document

In this document, local governments will find the terms and conditions applicable to payments distributed in the form of “other financial assistance” under 2 C.F.R. § 200.40 from the Coronavirus Relief Fund (CFDA 21.019), established within section 601 (a) of the Social Security Act, as added by section 5001 of the CARES Act.

The agreement is subject to additional terms, conditions, and requirements of other laws, rules, regulations and plans recited herein. It is intended to be the full and complete expression of and constitutes the entire agreement between the parties. All prior and contemporaneous understandings, agreements, promises, representations, terms and conditions, both oral and written, are superseded and replaced by this agreement. Notwithstanding any expiration or termination of this agreement, the rights and obligations pertaining to the close-out, cooperation and provision of additional information, return of funds, audit rights, records retention, public information, and any other provision implying survivability shall remain in effect after the expiration or termination of this agreement.

To the extent the terms and conditions of this agreement do not address a particular circumstance or are otherwise unclear or ambiguous, such terms and conditions are to be construed consistent with the general objectives, expectations and purposes of this agreement and in all cases, according to its fair meaning. The parties acknowledge that each party and its counsel have reviewed this agreement and that any rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this agreement. Any vague, ambiguous or conflicting terms shall be interpreted and construed in such a manner as to accomplish the purpose of the agreement.

### Eligible Uses

Under the CARES Act, the Coronavirus Relief Fund (CRF) may be used to cover costs that:

1. Were **incurred** during the period that begins on March 1, 2020, and ends on December 30, 2020.
2. Are **necessary expenditures** incurred due to the public health emergency with respect to COVID-19.
3. Are NOT accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government. The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government. A cost meets this requirement if:
  - a. The cost cannot lawfully be funded using a line item, allotment, or allocation within that budget; OR
  - b. The cost is for a **substantially different use** from any expected use of funds in such a line item, allotment, or allocation.
  - c. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

### Definitions (as reference above)

**“Incurred”**: A cost is “incurred” when the responsible unit of government has expended funds to cover the cost.

**“Substantially different use”**: a cost incurred for a “substantially different use” includes but is not limited to:

1. Costs of personnel and services that were budgeted for in the most recently approved budget as of March 27, 2020 but which, due entirely to COVID-19 have been diverted to substantially different functions. Examples include but are not limited to the costs of:
  - a. redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures;
  - b. redeploying police to support management and enforcement of stay-at-home orders;
  - c. diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.
2. A public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. An example is:
  - a. developing online instruction capabilities may be a substantially different use of funds, however online instruction itself is not a substantially different use of public funds than classroom instruction.

### Available Funds

Per Federal guidelines, the CRF has been allocated in proportion to population.

Note that to the extent actual expenditures are less than the amount requested, local governments will be required to return the balance of unspent funds to the State of Nevada on or before March 1, 2020 (within sixty 60 calendar days of the end of the period of performance).

This approach is intended to get money out to the local governments quickly, and to allow adjustments over the coming months.

Funds can be transferred to another unit of government provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act, as outlined in Treasury guidance. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State. Jurisdictions are not required to transfer to smaller constituent units with borders (e.g. county does not have to transfer funds to smaller cities within the county's borders).

Local governments shall adopt and maintain a system of internal controls which results in the fiscal integrity and stability of the organization, including the use of Generally Accepted Accounting Principles (GAAP) and Generally Accepted Government Auditing Standards (GAGAS).

### Period of Performance

The Coronavirus Relief Funds may only be used for costs incurred by local governments in response to the COVID-19 public health emergency during the period of March 1, 2020 through December 30, 2020.

### Eligible Costs

There are seven (7) primary eligible cost categories. These cost categories and their eligible cost sub-categories are as follows:

1. COVID-19 related expenses to address **medical needs** of:
  - a. Public hospitals, clinics and similar facilities
  - b. Providing COVID-19 testing, including serological testing
  - c. Emergency medical response, including emergency medical transportation related to COVID-19
  - d. Establishing and operating public telemedicine capabilities for COVID-19-related treatment
  - e. Establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs

2. COVID-19 related expenses to address **public health needs** including:
  - a. Communication and enforcement by State, territorial, local, and Tribal governments of public health orders
  - b. Acquisition and distribution of medical and protective supplies:
    - i. sanitizing products
    - ii. personal protective equipment (PPE) for:
      1. medical personnel
      2. police officers
      3. social workers
      4. child protection services
      5. child welfare officers
      6. direct service providers for older adults and individuals with disabilities in community settings
      7. other public health or safety workers in connection with the COVID-19 public health emergency
  - c. Disinfection of public areas and other facilities, e.g., nursing homes
  - d. Technical assistance (knowledge transfer) to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety
  - e. Public safety measures undertaken in response to the COVID-19 public health emergency
  - f. Quarantining individuals
  - g. Contact tracing
3. **Payroll expenses** for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
  - a. Providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions
4. Expenses of actions **to facilitate compliance** with COVID-19-related public health measures, such as:
  - a. Food access and delivery to residents (e.g. senior citizens and other vulnerable populations)
  - b. Distance learning, including technological improvements, in connection with school closings
  - c. Improvement of telework capabilities for public employees
  - d. Maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures
  - e. Care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions
  - f. Improving social distancing measures

5. Expenses associated with the provision of **economic support** in connection with the COVID-19 public health emergency, such as:
  - a. Grants to small businesses to reimburse the costs of business interruption caused by required closures or decreased customer demand as a result of the COVID-19 public health emergency
  - b. Emergency financial assistance to individuals and families directly impacted by a loss of income
  - c. A state, territorial, local, or Tribal government payroll support program
  - d. A consumer grant program or rent relief program to prevent eviction and assist in preventing homelessness (if grant is considered to be a necessary expense due to COVID-19 and it meets the other Fund requirements)
  - e. Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. Expenses to **respond to secondary effects** of the current COVID-19 public health emergency including:
  - a. Creating a reserve of PPE or developing increased Intensive Care Unit capacity to support regions not yet affected but likely to be impacted by the current pandemic
  - b. Addressing increases in solid waste (e.g. more disposal of PPEs) as a result of the COVID-19 public health emergency
  - c. Remarketing convention facilities and tourism industry to publicize the resumption of activities and steps to ensure safe experience.
  - d. Continuation of equipment previously scheduled to be decommissioned in order to respond to the public health emergency (costs associated with continuing to operate the equipment)
  - e. Continuation of a lease on office space or equipment that would not have been renewed in order to respond to the public health emergency (costs associated with the ongoing lease payments through December 30, 2020)
7. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

### *FEMA and Federal Reimbursements*

Treasury Guidance clarifies that government entities may use the CRF to pay for FEMA's cost share requirements for the Stafford Act assistance. It can only be used for COVID-19-related costs that satisfy the Fund's eligibility criteria and the Stafford Act. Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA's determination of eligibility under the Stafford Act. As with all expenses that have been or will involve other federal programs, local governments should be diligent in understanding limitations with other federal funding to evaluate if there will be any potential issues.



## Ineligible Costs

Non-allowable expenditures include, but are not limited to:

1. Filling shortfalls in government revenue. Revenue replacement is NOT a permissible use of Fund payments
2. Expenses for the state share of Medicaid
3. Damages covered by insurance
4. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency
5. Expenses that have been or will be reimbursed **under any other federal program\*** (e.g. reimbursement by the federal government pursuant to the CARES Act of contributions by states to state unemployment funds)
6. Reimbursement to donors for donated items or services
7. Workforce bonuses (other than hazard pay or overtime for employees who were substantially dedicated to responding/mitigating the COVID-19 public health emergency)
8. Severance pay
9. Legal settlements
10. Assisting impacted property owners with payment of property taxes
11. Replacement of government revenue due to unpaid utility fees
12. Expenditures to prepare for a future COVID-19 outbreak past December 30, 2020
13. Stipends to employees for eligible expenses (e.g. to improve telework capabilities)
14. Payroll or benefit expenses of private employees contracted to work for the local government entity, unless they are substantially dedicated to mitigating or responding to the COVID-19 public health emergency
15. Prepayments on contracts using the Fund to the extent that doing so would not be consistent with ordinary course policies and procedures (e.g. pre-paying for one or two-year facility lease to house staff hired in response to COVID-19 public health emergency)
16. Capital improvement projects that broadly provide potential economic development in a community (if not directly necessary due to the COVID-19 public health emergency)
17. Per Treasury Guidance: “In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death...Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.” Please see the footnote on Page 3 of [Treasury Guidance](#) for full information on this provision.

*\* Per Treasury guidance, CRF recipients are NOT required to use other federal funds or seek reimbursement under other federal programs first before using fund payments (The CRF is NOT required to be used as the source of funding of last resort). However, recipients may NOT use the CRF to cover expenditures for which they will receive reimbursement. Local governments need to consider the applicable restrictions and limitations of other sources of funding, such as combining a transaction supported with CRF payments with other CARES Act or COVID-19 relief federal funding. They also need to consider time constraints and other limitations that exist within various forms of federal COVID-19 relief funding.*

### Cost Test

Local governments are charged with determining whether or not an expense is eligible based on the [U.S. Treasury's Guidance](#). Specific documents can be reference:

- [Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments](#) (06/30/2020)
- [Coronavirus Relief Fund Frequently Asked Questions](#) (06/24/2020)

To assist with this determination, an eligibility cost test has been developed. This test gives each local government full authority to make the appropriate call for each circumstance.

**TEST** – If all responses for the particular incurred cost are “true” for all six statements below, then a jurisdiction can feel confident the cost is eligible, if it is also within other limitations set forth in the Treasury Guidance and Frequently Asked Questions documents:

1. The expense occurs between March 1 and December 30, 2020
2. The expense is connected to the COVID-19 emergency
3. The expense is “necessary”
4. The expense is not filling a shortfall in government revenues
5. The expense is not funded through another budget line item, allotment or allocation, as of March 27, 2020 **OR** is funded, but the cost is for a substantially different use from any expected use of funds (e.g. base salary funded but duties become substantially different to respond to COVID-19 emergency)
6. The expense wouldn't exist without COVID-19 **OR** would be for a “substantially different” purpose

It is the responsibility of each locality to define “**necessary**” or “**substantially different**,” giving the jurisdiction the authority and flexibility to make their own determination using the Treasury Guidance and Frequently Asked Questions documents.

**Additional consideration** – The intent of these funds is to help localities cover the *immediate impacts* of the COVID-19 emergency, both direct costs to the local government and costs to their communities. There are many possible eligible costs.

Many costs are clearly eligible, and others fall into a more “grey area”. The “grey area” costs could be justified based on the test; however, it must be determined if they directly address the *immediate impacts* as well. If the answer is questionable, it may be safer and more appropriate to utilize the funds in one of the many other eligible cost categories that more clearly meet the intent of the funds. Each locality has the authority to make decisions based on their circumstances and justification.

It is important to keep in mind however, that any funds expended by a local government entity or its grantee(s) that fail to comply in any manner with official federal guidance shall be booked as a debt owed to the State of Nevada and subsequently collected and returned to the Federal government.

### Fund Expenditure Plan

Prior to receiving any Fund allocation from the State of Nevada, local governments will be required to submit a brief high-level plan to the State of Nevada, Governor's Finance Office (GFO) summarizing the process and criteria they will use for expending funds within its organization and/or allocating to any grantee(s). Plans should be no more than 4 pages in length and include:

- brief problem statement(s) explaining why funds are needed
- estimate or exact amount of funds required to meet this need
- if funds are expected to be used to respond directly to the COVID-19 public health emergency or for secondary effects, and a brief overview of how they will be used
- if funds are expected to be used for eligible expenditures in any of the following categories below (as described in the previous *Eligible Cost* section of this document), an estimate or exact amount of funds required, and a brief overview for each category on how the Fund will be used:
  - medical expenses
  - public health expenses
  - payroll expenses
  - to facilitate compliance with public health measures
  - economic support
  - respond to secondary effects
  - any other expense reasonably necessary to the function of government as outlined in federal guidance
- names of new or existing programs within the locality that will administer the use of funds (e.g. administrative services dept., public safety dept., county senior center)
- if funds are expected to be allocated to other entities, how funds will be allocated and the nature of their work (e.g. food bank, home care providers)
- how the local government, political subdivision or its grantee(s) receiving funds will ensure the use of funds meet federal guidance

**Plans must be submitted to the Governor's Finance Office prior to Fund payment.** Plans can be emailed to [covid19@finance.nv.gov](mailto:covid19@finance.nv.gov).

### Dispersal of Funds

Nevada counties and incorporated cities outside of Clark County that have a population of less than 500,000 (those listed on the document "[Breakdown of CARES Act funding distributed to local governments to assist with COVID-19 expenses](#)") can request a CRF payment from the State, to be disbursed in two allocations. The first allocation will release 50 percent of funds immediately and the second allocation will release the remaining 50 percent of funds on a reimbursement basis, or upon providing a detailed spending proposal. Funds from the first allocation must be spent or planned to be spent in a detailed spending proposal by September 1, 2020 in order to request a second CRF payment. For the initial allocation, the Chief Executive

Officer of eligible local governments will receive a submittal “packet” from the State of Nevada, Governor’s Finance Office (GFO) which includes:

- CRF Cover Letter
- *Nevada CRF Allocation Amounts for Local Governments*
- *Coronavirus Relief Fund Eligibility Certification* letter
- *Coronavirus Relief Fund Terms and Conditions for Local Governments*
- CRF Activity Reporting Worksheet

The submittal packet will also be available to download from the GFO website at <http://budget.nv.gov/CRF>. City governments, school districts and other government entities not named in the *Nevada CRF Allocation Amounts for Local Governments* must request funds directly from the county or city in which they reside.

The Chief Executive officer of a local government entity must sign and notarize the *Coronavirus Relief Fund Eligibility Certification* letter to receive funds. The Chief Executive officer must also review a copy of the *Coronavirus Relief Fund Terms and Conditions for Local Governments* document and provide a signed acknowledgement of understanding (in Appendix A of the document). The local government must also submit a CRF Expenditure Plan as described in the previous “Fund Expenditure Plan” section of this document.

A digital copy of these completed forms and the expenditure plan can be emailed to [covid19@finance.nv.gov](mailto:covid19@finance.nv.gov) to expedite the transfer process. Additionally, a hard copy of the signed forms must be mailed to the address below:

Governor’s Finance Office  
ATTN: Coronavirus Relief Fund  
209 East Musser Street, Room 200  
Carson City, NV 89701-4298

In order to receive funds, a local government must be registered as a vendor for the State of Nevada and a vendor number must be provided on the Certification letter. If a county or city has multiple vendor numbers, please provide the appropriate one that will be used for the fund transfer. If the county or city is not yet registered as a vendor with the State of Nevada, please contact the Nevada State Controller’s Office to register, or go online at: <http://controller.nv.gov/Buttons/ElectronicVendorReg/>

Once all required items are received by GFO, the allocation will be transferred to the local government. Below is a checklist of items local governments must submit to receive funds.

- ✓ *Coronavirus Relief Fund Eligibility Certification* letter  
***signed and notarized hard copy mailed to GFO; must include correct vendor number***
- ✓ *Receipt, Acknowledgement, and Agreement to Terms and Conditions*  
***signed form located in Appendix A of the Terms and Conditions; can email it to GFO***
- ✓ *CRF Expenditure Plan*  
***document should be no more than 4 pages; can email it to GFO***

**\*Note:** a hard copy, notarized *Coronavirus Relief Fund Eligibility Certification* letter must be received prior to fund payment.

### *Amendments and Changes*

The State may amend this agreement at any time provided such amendments make specific reference to this agreement, and are executed in writing, and signed by a duly authorized representative of the local government and the State. Such amendments shall not invalidate the agreement, nor relieve or release the local government or the State from any obligations under the agreement.

The State and local government agree that any act, action or representation by either party, their agents or employees that purports to waive or alter the terms of this agreement is void unless a written amendment to this agreement is first executed and documented. The local government agrees that nothing in this agreement will be interpreted to create an obligation or liability of the State.

Notwithstanding this requirement, it is understood and agreed by parties, that changes in local, state and federal rules, regulations or laws applicable hereto, may occur during the term of this agreement and that any such changes shall be automatically incorporated into this agreement without written amendment, and shall become a part hereof as of the effective date of the rule, regulation or law.

### *Intersection with Other Funding Sources*

Eligible uses of the federal Coronavirus Relief Fund may overlap with allowable uses of other federal grants and reimbursements. Federal dollars cannot under any circumstances be claimed twice for the same spending. Local governments are responsible for ensuring they are aware of Treasury guidance and that this will not occur with any allocated funds.

### *Compliance*

Localities will comply with all applicable federal laws, regulations, executive orders, policies, procedures, and directives.

#### Conflicts of Interest

Fund recipients must establish safeguards to prohibit its employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain, whether for themselves or others, particularly those with ties. Fund recipients must operate with complete independence and objectivity without actual, potential, or apparent conflict of interest with respect to its performance under this agreement. The local government certifies as to its own organization, that to the best of knowledge and belief, no member, employee, or person, whose salary is payable in whole or in part by a member of the local government, has direct or indirect financial interest in the allocation of the Fund, or in the services to which this agreement relates, or in any of the profits, real or potential, thereof. If at any time during the allocation process and upon any suggestion, inquiry, or indication that a

conflict of interest may exist, the local government will disclose that conflict immediately to the State of Nevada.

#### Fraud, Waste or Misuse of Funds

The State does not tolerate any type of fraud, waste, or misuse of funds received from the State. Any violations of the law, State policies, or standards of ethical conduct will be investigated, and appropriate actions will be taken. Localities agree that misuse of funds may result in a range of penalties, including suspension of current and future funds, recoupment of the funds allocated, and civil and/or criminal penalties. In the event a local government becomes aware of any allegation or a finding of fraud, waste, or misuse of the Fund, the local government is required to immediately notify the State of Nevada Governor's Finance Office of said allegation or finding and continue to inform the State of the status of any such on-going investigations. Any credible evidence must be provided to the State.

#### False Statements or Claims

No local government receiving these funds shall submit a false claim. If any of the statements, representations, certifications, affirmations, warranties or guarantees are false, or if the local government recipient signs or executes the agreement with a false statement or it is subsequently determined that the locality has violated any of the statements, representations, warranties, guarantees, certificates or affirmations included in this agreement, then the State may consider this act a possible default under this agreement and may terminate or void it for cause. False statements or claims made in connection with these funds may result in, but are not limited to, suspension of current and future funds, recoupment of the funds allocated, and civil and/or criminal penalties

### Reporting

As part of the application packet given to the local government, a "CRF Activity Reporting Worksheet" has been provided. This document can also be found on the GFO website at <http://budget.nv.gov/CRF>. The Excel worksheet contains three tabs – "SFY2020", "SFY2021" and "Final". SFY refers to the State fiscal year (July 1 – June 30).

#### SFY2020 Tab

Local governments may need to recover COVID-19-related expenditures that were incurred March 1, 2020 through June 30, 2020. All expenditures during this timeframe that are reimbursed using the CRF allocation must be reported on the "CRF Activity Reporting Worksheet", SFY2020 Tab. Expenditures must be reported by Eligible Expenditure categories listed on the spreadsheet. For example:

*A local government has the following total expenditures from March 1, 2020 through June 30, 2020 it will be reimbursing with the CRF:*

- \$5000 per month for COVID-19 testing in April, May and June (for a total of \$15,000)
- \$3000 for PPE purchased in April



- \$2,000 for paid sick/family sick leave for public employees in March and \$1,000 in May

*The expenditures will be reported on the SFY2020 tab as shown below:*

Eligible Expenditures	Actuals from FY2020 March - June	Brief Description of Use of Funds
<b>1. Medical Expenses</b>		
a. Public hospitals, clinics and similar facilities	\$ -	
b. Temporary public medical facilities & increased capacity	\$ -	
c. COVID-19 testing, including serological testing	\$ 15,000.00	COVID-19 Testing at "East" Clinic, "West" Clinic for April, May and June
d. Emergency medical response	\$ -	
e. Telemedicine capabilities	\$ -	
f. Other:	\$ -	
Sub-Total	\$ 15,000.00	
<b>2. Public Health Expenses</b>		
a. Communication and enforcement of Public health measures	\$ -	
b. Medical and protective supplies, including sanitation and PPE	\$ 3,000.00	PPE (masks/face shields) for COVID-19 mitigation for employees at City Hall and "West" clinic purchased in April
c. Disinfecting public areas and other facilities	\$ -	
d. Technical assistance on COVID-19 threat mitigation	\$ -	
e. Public safety measures undertaken	\$ -	
f. Quarantining individuals	\$ -	
g. Contact tracing	\$ -	
h. Other:	\$ -	
Sub-Total	\$ 3,000.00	
<b>3. Payroll Expenses for Public Employees Dedicated to COVID-19</b>		
a. Public safety	\$ -	
b. Public health	\$ -	
c. Health care	\$ -	
d. Human services	\$ -	
e. Paid sick and paid family and medical leave to public employees	\$ 3,000.00	COVID-19 related sick and family leave for City employees - \$2,000 in March; \$1,000 in May
f. Other:	\$ -	
Sub-Total	\$ 3,000.00	

A completed SFY 2020 worksheet must be submitted to the State of Nevada by August 1, 2020.

#### SFY2021 Tab

Starting in July for SFY 2021, a monthly reporting process will be required by local governments that received CRF allocations to monitor spending as it occurs to maintain transparency, ensure documentation is adequate, and to minimize compliance risk.

Reports should document all costs clearly with respect to the date and nature of the expense incurred so that together resources can be best managed in the interest of the residents of Nevada. The monthly Activity Report must be submitted using the "CRF Activity Reporting Worksheet", SFY2021 Tab. The report must:

- Be submitted as an Excel spreadsheet, not a PDF, within ten (10) calendar days of the end of each month during the reporting period.
- Include a detailed breakdown of the individual eligible expenditures reported by each sub-category of the seven (7) primary budget categories (as shown above in the SFY2020 example). Each primary budget category includes sub-categories and provides an option to add "other" sub-categories
- Include the total amount of all eligible expenditures for each applicable sub-category and the grand total spent (template automatically calculates this)
- Include a brief description of the use of the funds for each applicable sub-category. Keep descriptions as concise as possible but include adequate context to demonstrate how these funds addressed the COVID-19 emergency. If applicable, please consider:
  - Providing a brief description of the specific activities performed
  - Identifying specific populations served

- Identifying specific programs created or utilized
- Including any known or intended outcomes, results, or community impacts
- If there were no expenditures for the month and the funds have not been completely spent, a report must be submitted noting zero expenditures
- Include information in a “Expenditures Previously Reported” column that is a total of SFY20 amounts and SFY21 year-to-date amounts (excluding current reporting month)

#### Final Tab

A final report is required as a summary of all periods included for the CRF allocation. This report should contain actual expenditures for SFY20 and each individual month from July 2020 through December 2020. It should also calculate the amount of any unspent funds. A template worksheet is included in the “CRF Activity Reporting Worksheet”, Final Tab. This report is due to GFO by email on or before March 1, 2021.

#### *Audit Provisions and Documentation*

Federal Coronavirus Relief Fund expenditures and records are subject to audit by the Office of Inspector General (OIG) within the U.S. Department of the Treasury. Treasury OIG also has authority to recover funds if it is determined a CRF recipient failed to comply with requirements. Documenting that costs are eligible uses is essential to managing compliance risk and to minimizing the possibility that costs are deemed ineligible, thereby requiring the local government and the State to return funds to the federal government. All funds that are distributed by local governments must have a documented statement or certification that the funds are needed due to the COVID-19 public health emergency (e.g. a rental program should have a check box with a statement that says “I certify that I need access to the funds in this program due to the COVID-19 public health emergency.”)

Funds received from the CRF are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements. Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements. Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F regarding audit requirements. Subrecipients are subject to a single audit or program specific audit pursuant to 2 C.F.R. § 200.501(a) when subrecipients spend \$750,000 or more in federal awards during their fiscal year.

If any audit, monitoring, investigations, or other compliance review reveals any discrepancies, inadequacies, or deficiencies which are necessary to correct in order to maintain compliance with this agreement, applicable laws, regulations, or the local government’s obligations hereunder, the local government agrees to propose and submit to the State a correction action plan to correct such discrepancies or inadequacies within thirty (30) calendar days after the receipt of findings.



The corrective action plan is subject to approval by the State. Fund recipients understand and agree that the local government entity must make every effort to address and resolve all outstanding issues, findings, or actions identified by the corrective action plan. Failure to promptly and adequately address these findings may result in funds being returned, other related requirements being imposed, or other sanctions and penalties. Local governments agree to complete any corrective action approved by the State within the time period specified by the State and to the satisfaction of the State, at the sole cost of the local government. The local government entity shall provide to the State periodic status reports regarding the resolution of any audit, corrective action plan, or other compliance activity for which it is responsible.

Recipients of CRF payments shall maintain and make available to the Treasury OIG upon request all documents and financial records sufficient to establish compliance with subsection 601(d) of the Social Security Act, as amended, (42 U.S.C. 801(d)). An appropriate audit trail must be maintained to provide accountability for all expenditures of funds, reporting measures and funds received under this agreement.

Records to support compliance may include, but are not limited to: general ledger and subsidiary ledgers used to account for the receipt and disbursement of CRF payments; budget records for 2019 and 2020; payroll, time, and human resource records to support costs incurred for COVID-19-related payroll expenses; receipts of purchases made to address the COVID-19 emergency; contracts and subcontracts entered into using CRF payments and all related documents; grant agreements and grant subaward agreements entered into using CRF payments and all related documents; all documentation of reports, audits, and other monitoring of contractors, including subcontractors, and grant recipient and subrecipients; all documentation supporting the performance outcomes of contracts, subcontracts, grant awards, and grant recipient subawards; all internal and external email/electronic communications related to use of CRF payments; and all investigative files and inquiry reports involving CRF payments.

Records shall be maintained for a period of five (5) years after final payment is made using CRF monies. These record retention requirements are applicable to all recipients and their grantees and subgrant recipients, contractors, and other levels of government that received transfers of CRF payments. The State may direct local government entities to retain documents for a longer period of time or to transfer certain records to the State or federal custody when it is determined that the records possess long term retention value.

### Close Out

The State of Nevada will close-out the allocation when it determines that all applicable administrative actions and all required work has been completed. Local governments must submit all financial, Fund use, and other reports as required by the *Coronavirus Relief Fund Eligibility Certification* letter and this Terms and Conditions document. Local governments must promptly refund any balances of unspent cash not used for eligible expenses during the period of March 1, 2020 through December 30, 2020. Unspent funds are to be returned to the State of Nevada no later than March 1, 2021.

## APPENDIX A

### Receipt, Acknowledgement, and Agreement to Coronavirus Relief Fund (CFDA # 21.019) Terms and Conditions

I, \_\_\_\_\_ as \_\_\_\_\_  
*(Chief Executive Officer)* *(Job Title)*

for the \_\_\_\_\_, acknowledge and certify that I:  
*(Name of County, City or Municipality)*

1. Have read and agree to the Coronavirus Relief Fund Terms and Conditions for Local Governments,
2. understands its terms and conditions,
3. had the opportunity to consult with independent legal counsel, and
4. sign this agreement voluntarily.

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## Jennifer Lee

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**From:** raul naranjo <tripnsd@gmail.com>  
**Sent:** Friday, July 17, 2020 1:54 PM  
**To:** Jennifer Lee  
**Subject:** Re: FW: Information Request: WWTP antibody testing

Jennifer,

I know Dale Johnson, Utilities Director for the City of Elko, I spoke with him earlier. He said they were part of a study to see if they could track the COVID spread through the wastewater flow. It would give them a number of possibly infected within their system. He said that study was done and now they are paying for the test, he said around \$1200 per test. I haven't been following this too closely, so I couldn't make a recommendation either way. One of the things I would be concerned with is if it was proven that operators were being infected through the wastewater, but so far I have not seen or heard anything that would confirm that.

The increase of adding Chlorine to the water supply was a precaution when the pandemic shutdown started to happen. They did it because we didn't know (still don't know) if COVID-19 can be spread through the water system. I have spoken with Carl and asked him how our chlorination was going. The levels have been staying consistent, I don't know of any reason why we should increase it at this time. Right now we are getting residual readings between 0.3 and 0.5, this means that we have available free chlorine to disinfect the drinking water. The increase was a recommendation not a mandate, adding more chlorine would just increase the free available chlorine, not necessarily its effectiveness. I will get with Carl and we will track the residual readings more closely.

I know this is very brief if you would like me to investigate this more please let me know.

On Fri, Jul 17, 2020 at 11:23 AM Jennifer Lee <[jlee@elycity.com](mailto:jlee@elycity.com)> wrote:  
Mike:

Please check into costs for the Biobot Analytics testing apparatus mentioned in the Elko Daily Free Press article. The EDFP article also mentions Elko City is carrying higher chlorine residuals right now; please check with Raul on his thoughts about this.

Thank you.

Jennifer Lee, City Clerk

City of Ely

501 Mill Street

Ely, Nevada 89301



**Sewage survey: 10% coronavirus infection rate****15** comments

[https://elkodaily.com/news/local/sewage-survey-10-coronavirus-infection-rate-in-elko-community/article\\_405a6b92-a0ae-57c1-9fcc-bb66ce950e8f.html](https://elkodaily.com/news/local/sewage-survey-10-coronavirus-infection-rate-in-elko-community/article_405a6b92-a0ae-57c1-9fcc-bb66ce950e8f.html)

FEATURED

## Sewage survey: 10% coronavirus infection rate in Elko community

Cynthia Delaney  
Jul 15, 2020

Join today: 99¢ a week



Dale Johnson, City of Elko utilities director, displays the Biobot Analytics testing apparatus Wednesday that his facility has been using to test for Covid-19 in the city's sewage.

Cynthia Delaney

**Sewage survey: 10% coronavirus infection rate** **15** comments

**E**LKO – COVID-19 cases are increasing significantly, according to local experts, as testing is being done on symptomatic individuals who visit local medical facilities. However, sewage testing at the Elko Water Reclamation Facility reveals the virus may be even more widespread than what is being recorded by county officials on a daily basis.

“I have an update on our **Covid** sampling at the wastewater plant,” said Dale Johnson, City of Elko utilities director, at Tuesday’s Elko City Council meeting. “There are 151,188 copies of the RNA data. That relates to about 2,000 active cases within the city.”

“[These could be] asymptomatic or just people that haven’t been tested,” Johnson said.

Elko’s current population is about 20,467, according to **worldpopulationreview.com**. That means about 10 percent of the city’s population is infected with the **coronavirus**, according to Johnson.

Elko is one of 385 communities using the Biobot Analytics technology nationwide. Johnson said he performs the test once per week.

Johnson said that when the COVID-19 pandemic reached Elko, the City wanted to be proactive in regard to the public water system. The city began sewage testing on May 5.

**Sewage survey: 10% coronavirus infection rate** **15** comments

The tests are picking up virus samples that have already passed through the human body.

Johnson emphasized that sewage is being tested, not drinking water.

“I had city staff increase the chlorine residual [in the public water system] in early March as the virus started to spread around the country,” Johnson wrote in an email. “We increased from our optimum 0.5mgf/L to 1.0 mg/L with a new optimum being 0.8mg/L. This was done for reassurance as we did not know exactly what we were dealing with other than a virus.”

“[In] late March, the American Water Works Association and EPA released bulletins that systems should maintain a 0.5 mg/L to ensure there was not a chance of virus survival in drinking water supplies.”

Individual virus test results are being recorded by county officials on a daily basis, according to Dr. Bryce Putnam, Elko County health officer.

“We are all in this together,” Putnam said during Tuesday’s council meeting. “We all want the economy to go and we all want to be completely safe. In between those two levels of public health and safety and the economy reopening is a very simple solution,



and you are all doing it today. That's just wearing a mask."

Sewage survey: 10% coronavirus infection rate

15 comments

Putnam said that one month ago Elko had 37 cases.

"Right now, as [of] when I left the office, we have 277 cases," Putnam said. "240 cases in less than 30 days is a 750 percent increase. Over seven days it has been about 70 cases, where last Friday was 44 cases, which was a record that made all sorts of news that we don't want nationally and locally."

"I understand we want to have events and I understand it is summertime and we all want to go and do the things we normally do," he said. "But, there is a different kind of normal right now. [We must] have the personal accountability to protect ourselves, our families, our other loved ones, our co-workers and our community members. Mutual respect is respecting those around us. I think that also comes together with wearing a mask dutifully. We can see — and I have warned about this a number of times — that as the numbers grow higher we start having mitigation on our economy instead of keeping it open."

"We are dealing with an unprecedented \$1.2 billion deficit in the state right now," Putnam said. "We can't handle any more cuts. "This is not just a county issue, this is not just a city issue, this is a people issue. If all of us take that responsibility and take



that seriously, we can keep our economy going and make sure the health of the individuals of this county and our surrounding counties and the state are as safe as we can possibly make it.”

Sewage survey: 10% coronavirus infection rate

15 comments

Mayor Reece Keener asked Putnam about the severity of symptoms in local coronavirus cases.

“Comparatively, from what we saw in March and April, why are the symptoms so mild in the cases we are seeing in our area?” he said.

“It’s a really good question,” Putnam said. “The answer is really simple because people over the age of 40 take things seriously and people under the age of 40 can be a little bit more cavalier about going out and wearing a mask.”

Putnam talked about the highly contagious nature of COVID-19 and said that “right now we have hundreds and hundreds of people in our community that are being quarantined.”

**Sewage survey: 10% coronavirus infection rate** **15** comments

“Close contact” means that there is a probability that they [an individual in contact with an infected person] can get the virus and those people should be staying at home and we are not seeing those people stay at home. We are seeing those people go out into the community and possibly passing the virus on.”

“When you are on the front lines you see different variations,” Putnam said. “We have had people go into the ICU, we have had people go into the hospital, we have had people admitted and rapid tested and come back because of their severe symptoms.”

“Do you have any clue what direction our school district is going to go in?” asked Councilwoman Mandy Simons.

“We all have that picture of what a normal childhood is and that is filled with social behavior,” Putnam said. “If there is another reason to wear a mask to help us out, it is to get kids back in school.”

In the meantime, testing continues.

## **EMS Supplies related to COVID-19**

### **Spare striker Straps \$222**

Currently we do not have any replacement Gurney Safety straps if they were to be contaminated with an infectious disease. In a contaminated incident the service unit may be out of service until decontamination was completed.

### **Spare Striker Gurney \$19,451**

Having a spare gurney, we would be able to provide instant back in service if contaminated. There is a significant delay returning unit to service as the gurney must be removed, cleaned and dried before being returned to service. These items would be used to get an infected ambulance into service.

### **Ventilator \$4,791**

Currently COVID patients have a high probability to be on a ventilator during transport to the flight crews. Having a ventilator installed in the ambulance will allow a faster turnaround time of the patient and allow the flight crews to have the required equipment available for them. Should the City begin paramedic level service the field paramedics will have access to utilize the ventilator during transports.

### **General medical supplies \$3,200**

Supplies in this category are BVM's, PPE, CPAP and Breathing Treatments, all related to COVID patient care.

### **Thermometers \$2,425**

Thermometers are directly related to signs and symptoms of COVID patients. Our current devices are several years old and new replacements are being requested. It will also allow extra devices that would need to be removed, cleaned and dried before being returned to service.

### **Infrared Thermometers \$1,090.00**

Non-Contact touch free infrared forehead digital thermometers. X 10

### **SPO2 monitoring disposable \$2,000**

### **SPO2 stand-a-lone devices \$1,150**

SPO2 is critical monitoring of any patient under our care. When a suspected patient is treated using a disposable attachment will allow us to dispose of the infected device and reduce exposure to providers cleaning or the next patient. The stand-a-lone devices will allow us the ability to limit the exposure to our main monitoring device for those patients that only need SPO2 monitoring.

### **Suction Units \$2,985**

Suction is critical in maintaining a clear and open airway of a potentially infected patient. Current units are several years old and also need to be removed, cleaned and dried before being returned to service. Having the additional units allows us to update our current inventory as well as replace handheld manual suction devices.

July 23, 2020

**Training \$5,000**

Training will allow us to practice perishable airway skills in this time of COVID using the airway manikins improves provider confidence and accuracy. Other training supplies aid in the areas of COVID. Additional training in PPE as well as testing for infected providers. Counseling services for the stress of caring for infected patients and potential exposures.

**CPR Compression Device \$13,500**

As the CDC and WHO have advised to remain 6 feet from patients the compression device helps with just that. Once set the device will maintain compressions. During CPR the germs are aerosolized during each compression. This device allows the providers to maintain a safe distance during the treatment of the patient.

**Heart Monitors \$127,564**

The key benefit of these heart monitors for COVID patients is being able to monitor the ETCO2 of the patient. ETCO2 is a critical airway monitoring tool that ensures patients are being oxygenated appropriately.

**Disinfectants \$500**

To provide disinfecting of the ambulances and equipment.

**Disposable Blankets \$478**

Disposable blankets to minimize the exposure and cleaning risk to providers.

**Decontamination Washer \$4,950**

**Installation plumbing & Electric \$1000 ??**

We currently do not have a DECON Washer for proper decontamination of PPE.

**Air Dryer System \$4,785**

Express Air-Drying cabinet less wear and tear on this type of DECON drying.

**PPE DECON Washer Cleaner Gallon \$119**

Cleaner designed to be used in the DECON Washer

**Ambulance \$190,042**

We currently keep the 3 ambulances busy, if we were to have a contaminated ambulance when a crisis such as CV19 we either will have to park it until DECON could be completed or continue using it as for that type response conclusively.

**Triage tent \$15,000**

**Patient/First Responder supplies \$7,107.20**

See attached.

**SUB TOTAL of all items requested: Third Draft  
\$407,359.20**

**Dry-It Disposable Towels #HM705**

Price \$82.00

10

Total \$820.00 x

**Disposable Washcloths #HM706**

Price \$12.00

10

Total \$120.00 x

**Disposable Apron #HM1360**

Price \$48.92

10

Total \$489.20 x

**Biohazard Bags & Dispenser #MC4013**

Options Biohazard Dispenser &amp; Bags

Change

Price \$66.25

10

Total \$662.50 x

**Biohazard Bags & Dispenser #MC4013R**

Options Replacement Biohazard Bags (20 Bags)

Change

Price \$12.95

10

Total \$129.50 x

**Sharps Disposal Container #MC4024**

Price \$7.80

20

Total \$156.00 x



48 Hour Bedding Kits - Infant #MC5004

Price \$265.00

2

Total \$530.00 ×



48 Hour Bedding Kits - Adult #MC5001

Price \$420.00

10

Total \$4,200.00 ×

SUBTOTAL:

\$7,107.20

SHIPPING:

CALCULATE

GRAND TOTAL:

\$7,107.20

CHECK OUT

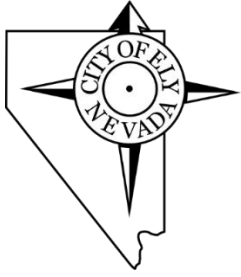


FREE SHIPPING for orders over \$10,000

RECENTLY VIEWED



48 Hour Bedding Kits - Adult



# CITY OF ELY

501 Mill Street Ely, Nevada 89301

City Hall (775) 289-2430

Fax (775) 289-1463

The Honorable Steve Sisolak  
Governor of Nevada  
State Capitol Building  
101 N. Carson Street  
Carson City, NV 89701

Dear Governor Sisolak,

The City of Ely appreciates your dedication to protecting our state. White Pine County has had a total of 7 cases, and we attribute that to your actions and our community's actions in coming together to protect one another. The City continues to take great measures to protect its community and hopes you will consider future COVID-19 restrictions based on individual counties' data. Our neighboring states of Utah and Idaho have taken more restrictive measures for the larger counties with a higher number of cases and less restrictive measures for the smaller counties with fewer number of cases. We hope you will consider this approach as our number of cases continue to remain low and our residents remain diligent.

Thank you again for your hard work and dedication. The City of Ely has a tremendous amount of respect for you and the challenges you face during this pandemic.

Sincerely,

---

Jim Alworth

---

Michelle Beecher

---

Kurt Carson

---

Ernie Flangas

---

Ed Spear

**July 23, 2020**

**MAYOR'S REPORT**

- 1. I ordered City Hall's flag to be lowered to half staff to:**
  - Honor former Mayor Robert Barlett's service
  - Honor former Mayor Gary Harrison's service
- 2. I approved a Special Event/24-Hour liquor License to:**
  - Ely Volunteer Fire Dept. for the Mangum-Hardy wedding at Freight Barn 8-8-20.



TERRY A. McINTOSH 1301 AVE. B 702 596-8908

ADDRESS THE COUNCIL ABOUT THE PROBLEM IN THE AREA OF THE "AVE. A CORRIDOR" AND LOOK FOR A SOLUTION TO THIS PROBLEM.  
13<sup>TH</sup> E. ONTO AVE. A (E. TO 14<sup>TH</sup> & W. TO 8<sup>TH</sup>) DIRT ROAD

TEN YEAR DEALING WITH THIS  
LONG EXISTING ISSUES

① DUST ② SPEEDING ③ RECKLESS DRIVING ④ SAFETY

① DUST OCCURS CONSTANTLY CAUSED BY ALL TRAFFIC.

② SPEEDING TAKES PLACE MORE OFTEN THAN NOT -  
COMPOUNDING THE DUST PROBLEM. IT IS A RACE TRACK ENVIRONMENT FROM 14<sup>TH</sup> E. GOING WEST TO 8<sup>TH</sup> ST. ALLEYWAYS INCLUDED.

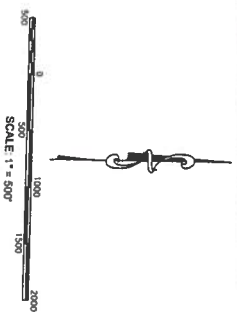
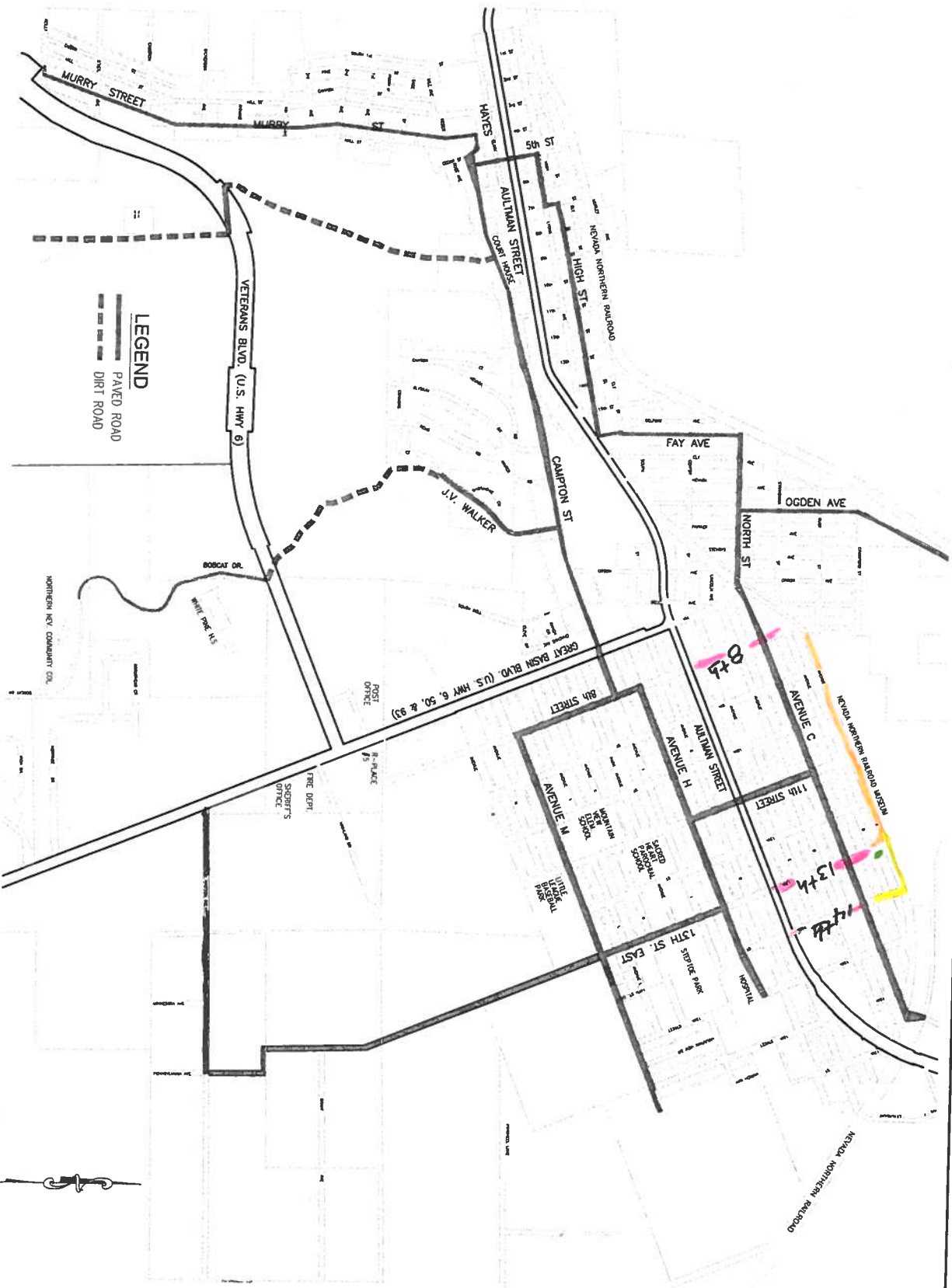
③ RECKLESS DRIVING OCCURS OFTEN - DRIFTING SIDESWAY @ THE CORNER OF 13<sup>TH</sup> & AVE. A -  
SPINNING DONUTS & RACING BY ALL AGE GROUPS AND VEHICLE TYPES. MANY YOUNG OHV RIDERS

④ THIS IS A NUISANCE & A SAFETY ISSUE NOT ONLY TO ME & MY NEIGHBORS BUT TO THE RAILROAD AND THE PEOPLE AT THE DEPOT BOARDING THE TRAIN.

MY TRUCK HAS BEEN RUN INTO BY A RECKLESS TEENAGE GIRL IN MY DRIVEWAY - MY TRAVEL TRAILER WAS NARROWLY MISSED BY ANOTHER RECKLESS DRIVER. - THE GRAVEL AROUND MY PROPERTY IS OFTEN DISPLACED BY EITHER RECKLESS OR BY DISCOURTIOUS DRIVERS AND MY PROPERTY IS BOMBARDED BY DUST CONSTANTLY - ALONG WITH THE WHOLE AVE. A CORRIDOR.

I HOPE A VIABLE SOLUTION TO THIS CAN BE FOUND

1301 AVE B  
 AVE. A CORRIDOR  
 ALLEY WAY



PROJECT NO. 100000 DESIGNED BY: E.A.A. CHECKED BY: E.A.A. DATE: 1/15/14 SCALE: 1"=500' SHEET: 1	CITY OF ELY <b>POSSIBLE ATV ROUTES</b>	WHITE PINE COUNTY NEVADA	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REV.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>APPD</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	REV.	DATE	DESCRIPTION	BY	APPD																					 <b>Basin Engineering</b> Consulting Engineers & Land Surveyors 1070 E. Adams Street, Ely, NV 89301 Phone: (775) 239-4900 Fax: (775) 239-4902
REV.	DATE	DESCRIPTION	BY	APPD																									

Court: Ely Municipal CourtCourt ID: M071701Date: Jun-2020  
MMM YYYYJustice & Municipal Court Case Types - Misdemeanors (*Dictionary p. 1-4*)**Criminal Caseload**  
(*Dictionary p. 9-13*)

	Crimes Against Persons	Domestic Violence	Older/Vulnerable Person(s) Abuse	Protection Order Violation	Crimes Against Property	Drugs	Weapons	Public Order	Motor Vehicle - DUI	Motor Vehicle - Reckless Driving	Other Misdemeanor	Traffic	Parking
<b>1. Begin Pending</b>													
a. Active													
b. Inactive													
<b>2. New Filings</b>													
a. Charges					1	1		4	3			9	
3. Reopened					1	1		4	3			13	
<b>4. Reactivated</b>													
<b>5. Dispositions (Entry of Judgment)</b>													
a. Original													
b. Reopened													
<b>6. Placed on Inactive Status</b>													
<b>7. End Pending</b>													
a. Active													
b. Inactive													
<b>8. Set for Judicial Review</b>													
<b>9. Age of Active Pending Caseload</b>													
i. Original, 0 - 90 days													
ii. Original, 91 - 180 days													
iii. Original, 181 - 365 days													
iv. Original, >365 days													
v. Reopened, 0 - 60 days													
vi. Reopened, 61 - 180 days													
vii. Reopened, >180 days													
<b>10. Time to Disposition</b>													
a. Original, Mean Number of Days													
b. Original, Median Number of Days													
c. Reopened, Mean Number of Days													
d. Reopened, Median Num. of Days													
<b>11. Self-Represented Litigant</b>													
	1				3			4				11	

# Criminal Statistics Reporting Disposition Worksheet

**Prepared by: Linnea Pregel**

**Approved by: Judge Michael Coster**

**Chief Judge**

**Criminal Case Dispositions**  
(Dictionary p. 15-19)

Crimes Against Persons
Domestic Violence
Older/Vulnerable Person(s) Abuse
Protection Order Violations
Crimes Against Property
Drugs
Weapons
Public Order
Motor Vehicle - DUI
Motor Vehicle - Reckless Driving
Other Misdemeanor
Traffic
Parking

Other Manner of Disposition  
Bail Forfeitures  
Nolle Prosequi (before trial)  
Transferred (before/during trial)  
Dismissed (before trial)  
Guilty Plea with Sentence (before trial)  
Dismissed (after diversion)  
Non-Trial Dispositions

[illegible]

## Bench Trial

Dismissed (during trial)  
Acquittal  
Guilty Plea with Sentence (during trial)  
Conviction  
Trial Bench Trial Dispositions

[illegible]

## Jury Trials

Dismissed (during trial)  
Acquittal  
Guilty Plea with Sentence (during trial)  
Conviction  
Jury Trial Dispositions

[illegible]

## Total Jury Trial Dispositions

**GRAND TOTAL DISPOSITIONS**

2					2		4				15
---	--	--	--	--	---	--	---	--	--	--	----



# Nevada Trial Courts

## Criminal Statistics Reporting Caseload Worksheet

Page 1 of 1

Court: Ely Municipal Court

Court ID: M071701

Date: Jun-2020

MMM YYYY

### Additional Criminal Caseload Statistics (p. 5)

Aggressive Driving Charges	
Graffiti Charges	
Bench Trials	
Jury Trials	

### Death Penalty (Rule 250) Statistics (p. 5)

NOI to Seek Death Penalty Filed	
NOI Withdrawn	
Death Penalty Imposed	

### Mental Competency Statistics (p. 5-6)

Orders for Mental Competency Evaluation	
Mental Competency Hearing	
Findings of Incompetence	

### Court Interpreter Statistics (p. 6)

Cases with Court Interpreters	
Spanish	
Tagalog	
Chinese (Mandarin/Cantonese)	
American Sign Language	
Other Languages	

### Additional Criminal Proceedings (p. 6-9)

Extraordinary Writs	
Search Warrants Requests	
Probable Cause Findings/Hearings	
Extradition Hearings	
Coroner's Inquest Hearings	
72-Hour Hearings	1
Arraignment Hearings	8
Preliminary Hearings	23
Sentencing Hearings	
Grand Jury Proceedings	
Post-Adjudication Case Activity	
Remanded Cases	
Request for Modification of Sentence	
Sentencing Violation	
Post-Conviction Relief	

### Preliminary Hearing Continuances

Court Need	
Prosecution Request	
Defendant Request (pro per)	
Defense Attorney Request	
Other	
Total Prelim Hearing Continuances	

### Trial Continuances

Court Need	
Prosecution Request	
Defendant Request (pro per)	
Defense Attorney Request	
Other	
Total Trial Continuances	

Ely Municipal Court

User: LINNEA

Community Service Report  
June 2020 - May 2021

Comm. Serv. - Misc.

	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Total
New Partic.	0	0	0	0	0	0	0	0	0	0	0	0	0
Partic. Marked Completed	1	0	0	0	0	0	0	0	0	0	0	0	1
Partic. Marked Non-Compliant	0	0	0	0	0	0	0	0	0	0	0	0	0
Hours Assigned	0	0	0	0	0	0	0	0	0	0	0	0	0
Hours Completed	15.45	0	0	0	0	0	0	0	0	0	0	0	15.45
Hours Marked Non-Compliant	0	0	0	0	0	0	0	0	0	0	0	0	0
Money Completed	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Money Marked Non-Compliant	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Totals</b>													

New Partic. 0  
 Partic. Marked Completed 1  
 Partic. Marked Non-Compliant 0  
 Hours Assigned 0  
 Hours Completed 15  
 Hours Marked Non-Compliant 0  
 Money Completed \$0.00  
 Money Marked Non-Compliant \$0.00

**Jennifer Lee**

---

**From:** brett north <desertracernine@yahoo.com>  
**Sent:** Wednesday, July 22, 2020 5:22 PM  
**To:** 'JenniferLee'  
**Subject:** Pat Stork Recommendation

Members of Ely City Council,

I am asking this letter of recommendation be read into the record.

I come to you with a recommendation that Pat Stork be appointed as City of Ely Fire Chief. I have known Pat for the better part of my life and as a fellow volunteer fireman for 30 years. I have worked with Pat Professionally for the past year after i was appointed White Pine County District Fire Chief. Pat has strong leadership abilities, extensive knowledge of the fire service and a true dedication the the citizens of Ely and White Pine County and would be the logical choice to lead the City of Ely Fire Department in the years to come. Looking at a City County Fire relationship Pat has been one of the biggest supporters of the inter-local agreement and outlying volunteer departments. Pat has always been strong on training and bringing out the best in volunteers and has willingly shared his knowledge to anyone that asks. I can not think of anyone else that I would rather work side by side with in serving the citizens of Ely and White Pine County. I hold an immense respect for Pat and can honestly say I would trust him with my life.

Regards  
Brett North

**Summary:** An ordinance amending Chapter 5 of Title 1 of the City Code of the City of Ely to amend the department scopes and jurisdiction, appointed liaisons' responsibilities, and proscribing that no city official may be appointed to a department if such appointment implicates a conflict of interest.

**TITLE:**

**PROPOSED ORDINANCE AMENDING CHAPTER 5 OF TITLE 1 OF THE CITY CODE OF THE CITY OF ELY TO AMEND THE DEPARTMENT SCOPES AND JURISDICTION, APPOINTED LIAISONS' RESPONSIBILITIES, AND PROSCRIBING THAT NO CITY OFFICIAL MAY BE APPOINTED TO A DEPARTMENT IF SUCH APPOINTMENT IMPLICATES A CONFLICT OF INTEREST.**

**Whereas,** N.R.S. 266.105 empowers the Ely City Council to pass ordinances necessary for the municipal government and the management of the affairs of the City, for execution of all powers vested in the City, and for making effective the provisions of Chapter 266 of the Nevada Revised Statutes;

**Therefore,** the City Council of the City of Ely, State of Nevada, does AMEND and otherwise ordain that the sections of Chapter 5 of Title 1 of the City Code of the City of Ely specified below shall read as follows:

**1-5-6: DEPARTMENTS OF THE CITY-AND LIAISON DESIGNATIONS COUNCIL:**

A. ~~Designation~~City Departments: The ~~City council~~ is ~~hereby segregated~~divided into ~~five-six~~ (6-5) departments to be known as the public safety department, ~~health and sanitation department~~animal control, parks and recreation department, street department, water sewer, and landfill department and administration department. (Prior Code § 2-27)

B. ~~Department Heads~~Liaisons: The mayor shall ~~be responsible~~serve as the liaison for the administration department. The mayor shall further ~~appoint~~designate from the council membership ~~departmental heads~~liaisons for the remaining ~~four-five~~ (5-4) departments. (Prior Code § 2-27A)

C. Scope And Jurisdiction: The scope and jurisdiction of such departments shall be the following:



1. Administration Department: The administration department shall include the city clerk's office, ~~city court and parking meters~~ city attorney's office, city treasurer's office, building department, and Municipal Court.

2. Public Safety Department: The public safety department shall include the police and fire departments.

~~—3. Health And Sanitation Department: The health and sanitation department shall include the landfill and sewage treatment facility.~~ 3. Animal Control Department: The animal control department shall include animal control.

4. Street Department: The street department shall include all city streets and storm drains.

5. Parks And Recreation Department: The parks and recreation department shall include the city parks and the city cemetery. (Prior Code § 2-27B)

6. Utilities Department: The utilities department shall include city water, wastewater treatment, sewer, and landfill.

~~D. Operating Heads~~ Role of Appointed Liaisons: ~~The present operating heads of the various departments shall be placed under the immediate supervision of the councilmen selected as department heads as provided for under subsection A of this section, subject to the approval of the mayor.~~ (Prior Code § 2-27C)

1. The primary function of a Council liaison is to be a two-way communication vehicle between the Council and the department to which he or she is appointed.

2. Liaison designations are not supervisory roles.

3. Council liaisons shall communicate with their designated department to provide support to the department.

4. Council liaisons shall bring items before the Council pertaining to their appointed department when necessary.

5. Council liaisons shall provide monthly reports to the Council regarding the department.

6. Questions, comments, or concerns regarding a department shall be directed to the department's liaison.

E. Restrictions: Council Liaisons shall not make decisions for their department, but shall bring concerns before the Council or to the Mayor as the executor.

E. Conflicts of Interest: No city official, whether councilmember or the mayor, may serve as liaison to any department which employs the city official or employs any person or entity to which the city official owes a commitment in a private capacity. Likewise, no city official may serve as liaison to any department whose operations confer a pecuniary benefit upon the city official or any person or entity to which the city official owes a commitment in a private capacity.

This Ordinance shall take effect from and after passage, approval, and publication.

PROPOSED on the \_\_\_\_ day of \_\_\_\_\_, 2020.

PROPOSED by \_\_\_\_\_.

PASSED on the \_\_\_\_ day of \_\_\_\_\_, 2020.

Votes:

Yay: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Nay: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Absent: \_\_\_\_\_

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MAYOR

ATTEST:

---

CITY CLERK

**Approved as to form and content**

---

Caroline Townsend, Esq. City Attorney

**Summary:** An ordinance amending Chapter 5 of Title 1 of the City Code of the City of Ely to amend the department scopes and jurisdiction, appointed liaisons' responsibilities, and proscribing that no city official may be appointed to a department if such appointment implicates a conflict of interest.

**TITLE:**

**PROPOSED ORDINANCE AMENDING CHAPTER 5 OF TITLE 1 OF THE CITY CODE OF THE CITY OF ELY TO AMEND THE DEPARTMENT SCOPES AND JURISDICTION, APPOINTED LIAISONS' RESPONSIBILITIES, AND PROSCRIBING THAT NO CITY OFFICIAL MAY BE APPOINTED TO A DEPARTMENT IF SUCH APPOINTMENT IMPLICATES A CONFLICT OF INTEREST.**

**Whereas,** N.R.S. 266.105 empowers the Ely City Council to pass ordinances necessary for the municipal government and the management of the affairs of the City, for execution of all powers vested in the City, and for making effective the provisions of Chapter 266 of the Nevada Revised Statutes;

**Therefore,** the City Council of the City of Ely, State of Nevada, does AMEND and otherwise ordain that the sections of Chapter 5 of Title 1 of the City Code of the City of Ely specified below shall read as follows:

**1-5-6: DEPARTMENTS OF THE CITY-AND LIAISON DESIGNATIONS COUNCIL:**

A. Designation City Departments: The City council is ~~hereby segregated~~ divided into ~~five-six~~ (6-5) departments to be known as the public safety department, ~~health and sanitation department~~ animal control, parks and recreation department, street department, utilities department and administration department. (Prior Code § 2-27)

B. Department Heads Liaisons: The mayor shall ~~be responsible~~ serve as the liaison for the administration department. The mayor shall further ~~appoint~~ designate from the council membership ~~departmental heads~~ liaisons for the remaining ~~four-five~~ (5-4) departments. (Prior Code § 2-27A)

C. Scope And Jurisdiction: The scope and jurisdiction of such departments shall be the following:

1. Administration Department: The administration department shall include the city clerk's office, ~~city court and parking meters~~ city attorney's office, city treasurer's office, building department, and Municipal Court.

2. Public Safety Department: The public safety department shall include the police and fire departments.

~~—3. Health And Sanitation Department: The health and sanitation department shall include the landfill and sewage treatment facility.~~ 3. Animal Control Department: The animal control department shall include animal control.

4. Street Department: The street department shall include all city streets and storm drains.

5. Parks And Recreation Department: The parks and recreation department shall include the city parks and the city cemetery. (Prior Code § 2-27B)

6. Utilities Department: The utilities department shall include city water, wastewater treatment, sewer, and landfill.

~~D. Operating Heads~~ Role of Designated Liaisons: The present operating heads of the various departments shall be placed under the immediate supervision of the councilmen selected as department heads as provided for under subsection A of this section, subject to the approval of the mayor. (Prior Code § 2-27C)

1. The primary function of a liaison is to be a two-way communication vehicle between the Council and the department to which he or she is appointed.

2. Liaison designations are not supervisory roles.

3. Liaisons shall communicate with their designated department to provide guidance and support to the department.

4. liaisons shall bring items before the Council pertaining to their appointed department when necessary.

5. Liaisons shall ensure monthly reports are distributed to the Council regarding their respectful department.

6. Questions, comments, or concerns regarding a City department shall be directed to the department's liaison.

E. Restrictions: Liaisons shall not make decisions for their department but shall bring concerns before the Council through the agenda process for possible action.

F. Conflicts of Interest: No city official, whether councilmember or the mayor, may serve as liaison to any department which employs the city official or employs any person or entity to which the city official owes a commitment in a private capacity. Likewise, no city official may serve as liaison to any department whose operations confer a pecuniary benefit upon the city official or any person or entity to which the city official owes a commitment in a private capacity.

This Ordinance shall take effect from and after passage, approval, and publication.

PROPOSED on the \_\_\_\_ day of \_\_\_\_\_, 2020.

PROPOSED by \_\_\_\_\_.

PASSED on the \_\_\_\_ day of \_\_\_\_\_, 2020.

Votes:

Yay: \_\_\_\_\_  
 \_\_\_\_\_  
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Nay: \_\_\_\_\_  
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 \_\_\_\_\_  
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 \_\_\_\_\_  
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Absent: \_\_\_\_\_

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MAYOR

ATTEST:

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CITY CLERK

**Approved as to form and content**

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Caroline Townsend, Esq. City Attorney

**Summary:** An ordinance amending Chapter 2 of Title 3 of the City Code of the City of Ely to amend the requirements for liquor licenses regarding special events.

**Title:**

**Proposed ordinance amending Chapter 2 of Title 3 of the City Code of the City of Ely to amend the requirements for liquor licenses regarding special events.**

**Whereas,** N.R.S. 266.105 empowers the Ely City Council to pass ordinances necessary for the municipal government and the management of the affairs of the City, for execution of all powers vested in the City, and for making effective the provisions of Chapter 266 of the Nevada Revised Statutes;

**Therefore,** the City Council of the City of Ely, State of Nevada, does AMEND and otherwise ordain that the sections of Chapter 2 of Title 3 of the City Code of the City of Ely specified below shall read as follows:

**3-2-1: DEFINITIONS:**

Whenever used in this chapter, the following words shall have the meanings ascribed in this section, unless the context clearly indicates a different meaning. These definitions are in addition to those found in Nevada Revised Statutes 369.010 to 369.140 and are incorporated by reference.

**BEER:** Any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof, in water.

**BEER LICENSE:** A license issued by the city which permits only the sale of beer by the licensee at the premises specified on the license for consumption on or off the licensee's premises.

~~**CATERER'S LIQUOR LICENSE ENDORSEMENT:** A liquor license endorsement issued by the city which permits the sale of beers, wines and liquors by the drink by the endorsee for entertainments, special occasion parties and social gatherings catered by the licensee on the premises of the caterer or at locations within the city where the licensee is catering entertainments, special occasion parties or social gatherings.~~

**CITY:** The city of Ely, Nevada.

**CITY CLERK:** The city clerk or city administrator of the city of Ely, Nevada, and/or his/her deputy clerk.



COUNCIL: The city council of the city of Ely whether sitting as the liquor licensing board or as the city council.

FRATERNAL, SOCIAL, CIVIC CLUB AND NONPROFIT ORGANIZATION BARTENDER'S AND SERVER'S CARD: A bartender's card and server card issued only to individuals who serve at a bar specific to the fraternal, social, civic club or nonprofit organization for exclusive use at the physical premises of the fraternal, social, civic club or nonprofit organization and cannot be used in conjunction with any "for profit" event, special event or business.

FRATERNAL, SOCIAL, CIVIC CLUB AND NONPROFIT ORGANIZATION LIQUOR LICENSE: A license issued by the city, which permits the designated licensee to serve, sell or give away liquors to the licensee's bona fide members and guests, only for consumption on the premises specified on the license. This license shall not permit the licensee to conduct or operate any public bar or place for the sale, serving or delivery of any liquor to the general public.

LIQUOR: Shall have the meaning ascribed in Nevada Revised Statutes 369.040 to include, beer, wine, gin, whiskey, cordials, ethyl alcohol or rum, and every liquor or solid, patented or not, containing one-half of one percent ( $1/2\%$ ) or more of alcohol by volume and which is used for beverage purposes.

MINOR: A natural person, male or female, under twenty one (21) years of age.

PACKAGE: Any container or receptacle used for holding liquor, which container or receptacle is corked or sealed.

PACKAGED LIQUOR LICENSE: A license issued by the city which permits the sale of liquors in packages by the licensee at the premises specified in the license, for consumption off the licensee's premises.

PERSON: A natural person, partnership, association, company, corporation, fraternal, civic or social clubs and all other types of organizations.

RETAIL LIQUOR LICENSE: A license issued by the city, which permits the sale of beers, wines and liquors, in packages or by the drink by the licensee at the premises specified in the license, for consumption on or off the licensee's premises.

RETAIL LIQUOR SALES: Shall include those businesses who engage in the sale of alcoholic beverages for on site consumption, including, but not limited to, bars, taverns, restaurants, caterers and cafes or similar eating and/or drinking establishments.

**RETAIL LIQUOR STORE:** Shall have all of the meanings ascribed thereto by the laws of this state as embodied in Nevada Revised Statutes 369.090 or amendments thereto and includes businesses who engage in the sale of alcoholic beverages in the original package for off site consumption.

**SALE OR SALES:** Shall have all of the meanings ascribed thereto by the laws of the state as codified in Nevada Revised Statutes 369.100, or amendments thereto.

~~**SPECIAL EVENT BEER AND/OR WINE LICENSE:** A temporary license issued by the city to a retail liquor license holder which permits the sale, serving or giving away of beer and/or wine, at a location not identified on the retail liquor license, by the licensee at the premises specified on the temporary license for consumption at such premises, the duration of which cannot exceed a period of seven (7) consecutive days. Fraternal, social, civic club and nonprofit organizations cannot be issued a special event beer and/or wine license unless they purchase a retail liquor license.~~

~~**SPECIAL EVENT LICENSE:** Shall be issued by the city allowing the bearer of the license to hold an entertainment event, special occasion party and social gathering, on the premises where the special event occurs. Examples of a special event include, but are not limited to, weddings where the wedding or reception is held at a commercial or public location where the public has access to, such as the convention center, freight barn, a public park, etc.; Fourth Of July celebrations, or similar activities.~~

~~**SPECIAL EVENT LIQUOR LICENSE:** A temporary license issued by the city to a retail liquor license holder which permits the sale, serving or giving away of liquor by the licensee, at a location not identified on the retail liquor license. A special event liquor license allows the sale, serving or giving away of liquor on the premises specified on the license for consumption at such premises, the duration of which, at that location, cannot exceed a period of seven (7) consecutive days. Fraternal, social, civic club and nonprofit organizations cannot be issued a special event liquor license unless they purchase a retail liquor license.~~

~~**SPECIAL EVENT ONLY LIQUOR LICENSE:** A license issued by the city, to a person, company, or association which permits the holder of the license to sell alcohol only at a "special event" as defined in this chapter. The licensee must apply for and be granted a class III liquor license with a caterer's endorsement. This license cannot be used in connection with a brick and mortar retail liquor business. The holder of this license is required to submit the required documents to the city at least seven (7) calendar days prior to the special event and be granted a special event license for each event.~~

**WHOLESALE LIQUOR LICENSE:** A license issued by the city, which permits the sale of beers, wines and/or liquors in packages by the licensee to a person holding a current, valid, retail liquor license or a wholesale liquor license issued by the city but not the sale to a consumer or general public directly.

**WINE:** Any alcoholic beverage obtained by fermentation of the natural content of fruits or other agricultural products containing sugar and including, without limitation, port, sherry and champagne. (Ord. 676, 1-14-2016; amd. Ord. 696, 11-17-2016)

### **3-2-2: LICENSE REQUIRED; EXCEPTIONS:**

A. The public health, safety, morals and welfare of the inhabitants of the city require the regulation and control of all persons who sell, serve or give away liquor, to include persons engaged in the business of liquor sales. Obtaining a liquor license, bartender's card or server's card is a privilege subject to the regulations and conditions which are or may be imposed pursuant to this chapter. A liquor license, bartender's card or server's card may, without limitation, be revoked for violating federal, state or local laws, regulations or conditions.

B. It shall be unlawful for any person to sell, offer for sale, keep for sale, serve, give away, furnish or distribute, or cause or permit to be sold, offered or kept for sale, served, given away, furnished or distributed, any kind of liquor in the city limits, unless such person has first applied for, paid all license fees for, received and is the holder in good standing of the proper license or licenses required by this chapter; provided, however, this section shall not apply to the following:

1. Liquor served by a private family in its home as part of its family or social life.
2. The use of liquor for sacramental purposes by any duly ordained minister.
3. Liquor used during church sponsored events and church sponsored social gatherings held on church premises.
4. The use, sale or dispensing of liquor by any duly licensed medical doctor, apothecary or pharmaceuticals who use alcohol or liquor for or in compounding medicine or for medicinal or scientific purposes.
5. The employees of a person who holds a valid, unexpired license pursuant to this chapter, while acting within the course of employment.
6. A private event, not open to the public, such as a company party, funeral, or a wedding ~~unless such event is held in a public location, such as the convention center, a city park or similar locations where the public has access.~~



C. A valid license under this chapter authorizes the licensee to sell soft drinks in connection with the business for which the license is issued. (Ord. 676, 1-14-2016)

### **3-2-3: LICENSE REQUIRED; CLASSES:**

A. License Classes: Nevada Revised Statutes 369.320 authorizes the city to require businesses engaged in the sale of alcoholic beverages to obtain a city liquor license prior to engaging in that particular activity. Under the provisions of this chapter, the following classes of licenses may be issued to qualified applicants:

1. Retail beer and wine license; class I license. Those businesses engaged in retail liquor sales by the drink for on site consumption, limited to the sale of beer and/or wine only. Beer and wine shall have the meaning ascribed to them in Nevada Revised Statutes 369.010 and 369.140 respectively.

2. Packaged liquor license; class II license. Those businesses engaged in retail liquor store sales in the original package for off site consumption including, but not limited to, beer and wine as defined by Nevada Revised Statutes 369.010 and 369.140 respectively for off site consumption.

3. Retail liquor license:

a. Class III license. Those businesses engaged in retail liquor sales by the drink for on site consumption who do not provide any food service in connection with the retail liquor sales or who have eleven (11) seats or less for food service if food service is provided in combination with the liquor sales. This includes those businesses who only serve alcohol as part of a catered event for entertainments, special occasion parties and social gatherings catered by the licensee on the premises or at locations within the city where the licensee is catering entertainments, special occasion parties or social gatherings.

b. Class IV license. Those businesses engaged in retail liquor sales by the drink for on site consumption and who sell such beverages in combination with food service with a minimum of twelve (12) seats.

4. Wholesale liquor license; class V license. Those who engage in the business as a wholesaler of any alcoholic beverage as defined in Nevada Revised Statutes 369.

5. Fraternal, social, civic club and nonprofit organization license.

~~6. Special event liquor license.~~

~~7. Special event beer and wine liquor license.~~

~~8. Caterer's liquor license endorsement. A caterer's liquor license endorsement allows the license holder to cater events and serve alcoholic beverages at those events, without requiring additional fees for a special event license. The caterer's liquor license endorsement shall only be issued to those businesses within the city which possess a class I, III or IV license.~~

B. More Than One Class: Each person conducting activities in more than one class of liquor licenses, as defined in this chapter, must apply for and receive a license for each class applicable before such person can operate in such class.

C. Liquor License Is In Addition To Business License: The liquor license and endorsements required by this chapter shall be in addition to any other licenses required by any person by the city for conducting or carrying on any other business in connection with, or separate from the activities licensed under this chapter.

D. Business Not Located In City Limits: A business not located in the city limits that wishes to sell or, serve ~~or give away~~ liquor within the city limits ~~may apply for a caterer's liquor license endorsement upon proof of an existing retail~~ must obtain a liquor license issued by the city, by the county of White Pine, or by another governmental entity that subjects the licensee to requirements that are the same as or substantially equivalent to the corresponding requirements contained in this chapter.

E. Amendment Of License Fees: The city council may, by resolution, amend the license fees from time to time, provided the requirements of Nevada Revised Statutes 237.080 and 237.090 or subsequent statutes and/or amendments thereto are met. (Ord. 696, 11-17-2016)

### **3-2-4: MINIMUM LICENSING FEES:**

A. License Fee: As a condition precedent to obtaining a liquor license, along with the application required in section 3-2-5 of this chapter, the applicant must submit the required fee for the applicable license as follows:

1. Class I license: Three hundred ten dollars (\$310.00) per year.
2. Class II license: Three hundred thirty dollars (\$330.00) per year.
3. Class III license: Three hundred fifty dollars (\$350.00) per year.
4. Class IV license: Three hundred seventy dollars (\$370.00) per year.
5. Class V license: Four hundred twenty dollars (\$420.00) per year.

6. Fraternal, social, civic club and nonprofit organization license: Two hundred dollars (\$200.00) per year.

~~7. Caterer's liquor license endorsement: An addition of one hundred fifty dollars (\$150.00) per year added to the applicable liquor license fee.~~

~~8. Special event only liquor license: Three hundred fifty dollars (\$350.00) for the class III license and one hundred fifty dollars (\$150.00) for the caterer's endorsement.~~

~~9. Special event fees:~~

~~a. Fees for special events for which alcohol is not sold, as defined by this chapter, shall be set by resolution of the city council from time to time, but shall be no less than twenty five dollars (\$25.00) for each day, or portion thereof, of the special event.~~

~~b. Fees for special events for which alcohol is sold, as defined by this chapter, shall be set by resolution of the city council from time to time, but shall be no less than fifty dollars (\$50.00) per day, or portion thereof, of the special event. If the sponsor of a "special event", as defined by this chapter, utilizes a business with a city issued caterer's endorsement, these fees shall be waived.~~

B. Multiple Business Locations: Those who engage in more than one of the businesses under section 3-2-3 of this chapter shall apply and be approved for and pay the appropriate liquor licensing fee for each physical location along with the city of Ely business license pursuant to chapter 1 of this title.

C. Additional Fee: Whenever a certain license fee is set for a certain class of liquor sales business, the same is to be considered a minimum license fee for such class of business and the city council may, in its discretion, by action regularly taken and entered upon the minutes, order that certain classes of such businesses or that certain establishments in the same class of such business shall pay a license fee in excess of such minimum and which the council may deem just and proper, subject to review as provided below.

D. Grievances: Any applicant, business, agent or representative of an applicant, aggrieved by the license fee fixed and required shall have the right to present such grievance, in person or through an attorney, in writing, to the city council at any regular meeting, and if it is established to the satisfaction of the city council that such license fee is unfair and excessive, the city council may modify or reduce the same by resolution duly adopted and entered upon its minutes, without the necessity of an amendment of this section. (Ord. 696, 11-17-2016)



E. Temporary Business/Special Event Licenses: Fees for special liquor licenses required by chapter 9 of this title shall be set by resolution of the city council from time to time, but shall be no less than fifteen percent (15%) of the applicable class of license for each day of the special event, with the nature of the event (alcohol and food) being considered in determining what liquor license class is applicable to the event. (Ord. 676, 1-14-2016)

### **3-2-5: APPLICATIONS:**

#### **3-2-5-1: LIQUOR LICENSE:**

A. **First Time Applicant:** In the case of a first time applicant for a liquor license in the city, he/she shall submit a statement of places where he/she has resided during the past five (5) years, whether or not he/she has engaged in the liquor business previously and if so, the physical address of each past business, on a form prescribed by the city clerk/city administrator or designee, accompanied by a set of fingerprints recently taken or taken at the Ely City Hall at the time of submitting the application.

B. **Written Application:** Any person desiring a liquor license shall submit a completed written application on the form provided by the city clerk/city administrator or designee, submitting the annual payment of the applicable liquor license class fee, and the completed business license application and fee pursuant to chapter 1 of this title.

C. **Submission To City Council:** The city clerk/city administrator or designee shall, upon receipt of the application and all attachments, present them to the city council, sitting as the city of Ely liquor board and then as the city council for its approval or rejection. Should the Ely liquor board or the city council reject an application for a liquor license, the fees paid by the applicant shall be returned to the applicant within thirty (30) calendar days of rejection of the application by the city council.

#### **D. Application Due Dates:**

1. New applications are accepted at any time by the city clerk/city administrator or designee and presented at the next liquor board and city council meeting.

2. Renewal applications shall be accepted by the city in such time as to allow the renewal to occur not more than one year after the initial license was issued and shall be renewed annually thereafter.

E. Located In Residential District: If the location of a retail liquor business is intended to be in a residential district of the city, or in a zone which may be designated for residential purposes, there shall also accompany such application the petition, in writing, of not less than seventy five percent (75%) of the number of residents, householders or property owners residing or owning property within a radius of five hundred feet (500') of the premises in which such business is contemplated to be established, stating whether or not they favor the granting of such license.

F. Zoning Requirements: All establishments for the sale of liquor, except the special event only liquor license, shall be required to meet all zoning and building requirements pursuant to titles 9 and 12 of this code. In no case will a new liquor license be granted if the location of the business is within five hundred (500) linear feet of any school. Those businesses currently holding a liquor license as of the implementation of this chapter are exempt from these zoning requirements. (Ord. 696, 11-17-2016)

G. In order to obtain a temporary business / special event license pursuant to Chapter 9, with the sale of alcohol, the sponsor of the event must complete and submit the required forms to the city and must pay the applicable fees at least seven (7) calendar days prior to the event. The city council has authorized the mayor to sign the special event license and notify the city council at the first regularly scheduled meeting of what licenses were issued. (Ord. 696, 11-17-2016)

### **~~3-2-5-2: SPECIAL EVENT, SPECIAL EVENT BEER AND/OR WINE, OR SPECIAL EVENT ONLY LIQUOR LICENSE:~~**

~~—A. A "special event" shall be defined as any event which has as its primary function: entertainment, social gathering, or a special occasion event. A special event license will be required if the person, association, nonprofit, fraternal or other similar organization will be displaying and/or selling wares at the entertainment, social gathering, or special occasion event. Examples include: wedding/reception in a public facility, car races, Rocky Mountain Elk Foundation annual dinner, and similar activities. A special event license shall be issued when the nature of the event is not purely commercial. Purely commercial activities require a "temporary business license" pursuant to chapter 9 of this title.~~

~~—B. If an organization plans on selling alcohol, as defined in this chapter, as part of its commercial event, the sponsor of the event must obtain both a "temporary~~



~~business license" pursuant to chapter 9 of this title and a special event beer and/or wine or special event liquor license (as appropriate) as defined herein, before the event.~~

~~—C. In order to obtain a special event license, with or without the sale of alcohol, the sponsor of the event must complete and submit the required forms to the city and must pay the applicable fees at least seven (7) calendar days prior to the event. The city council has authorized the mayor to sign the special event license and notify the city council at the first regularly scheduled meeting of what licenses were issued. (Ord. 696, 11-17-2016)~~

### **3-2-6: TRANSFERABILITY:**

A. License Not Transferable: No license granted under this chapter shall be assignable, transferable or authorize any person not named therein, other than an employee of such licensee, to carry on the business therein specified, nor shall such license authorize the person therein named to carry on the business therein specified in any other place or building than that described in the license without first having obtained a special event permit issued by the city to do so. All licenses so granted shall be in the name of the individual, or names of the partners composing a partnership, or in the name of the corporation applying therefor, and shall not be construed to appertain to the building in which the business is proposed to be carried on. Meaning, if such business shall cease to be carried on at any time during the year for which a license shall have been granted and shall not be resumed prior to the beginning of the ensuing year, then such license shall lapse and be no longer in effect, nor subject to renewal.

B. Lapse: Should a license holder allow a liquor license to lapse, for any reason, he/she shall be required to apply for a license as if he/she were a new applicant. During any period where a license has lapsed, the business shall not be allowed or permitted to sell or give away alcohol. A liquor license shall be considered lapsed if not applied and paid for within fourteen (14) calendar days after the renewal date.

C. Penalty: Should a business be found to have sold liquor or alcohol without a license, the business, its owner or owners and any licensed bartender shall be subject to a civil penalty of one hundred dollars (\$100.00) per day for each day which the business operated without a liquor license. The civil penalty, if any, must be paid before a liquor license can be issued. (Ord. 696, 11-17-2016)

### **3-2-7: BARTENDING PROHIBITED:**

A. License Revocation Or Suspension: It is hereby declared to be the policy of the city that no one who has been previously licensed by the city as a retailer by the drink and whose license has been revoked or suspended shall be employed as a bartender in any other establishment licensed under this chapter after such revocation or during such suspension. (Ord. 676, 1-14-2016)

~~B. Special Events: In order to protect the privileged liquor licenses that are issued by the city, any organization or person applying for a special event license who intends to sell or give away alcohol during the special event and who does not possess the appropriate retail liquor license or caterer's endorsement shall not be issued a special event liquor license. All special events in which liquor is intended to be sold or given away shall be required to hire a duly licensed retail liquor license holder and must use their bartenders and servers as a condition precedent to the sale or giving away of alcohol at the special event. (Ord. 696, 11-17-2016)~~

### 3-2-11-2: POLICY:

A. It is hereby declared to be the policy of the city as expressed by the city council in this section 3-2-11, that the safety, morals, good order and general welfare of the inhabitants of the city will be better protected and served by requiring the registration with the city through its designees at city hall and the thumbprinting/fingerprinting of all employees of establishments where alcoholic beverages are sold at retail on the premises. ~~An "establishment where alcoholic beverages are served" includes temporary liquor licenses for special events. In other words, a person who works as a bartender or who serves alcoholic beverages solely pursuant to a temporary liquor license for a special event shall be required to obtain a bar card.~~

B. It is the intent of this policy to require bartender's cards for noncommercial events such as weddings, family gatherings or similar events, if a business is used to provide food and alcoholic beverages at the event. (Ord. 676, 1-14-2016)

This Ordinance shall take effect from and after passage, approval, and publication.

PROPOSED on the \_\_\_\_ day of \_\_\_\_\_, 2020.

PROPOSED by \_\_\_\_\_.

PASSED on the \_\_\_\_ day of \_\_\_\_\_, 2020.

Votes:

Aye: \_\_\_\_\_

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Nay: \_\_\_\_\_

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Absent: \_\_\_\_\_

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\_\_\_\_\_

MAYOR

ATTEST:

\_\_\_\_\_

CITY CLERK

Approved as to Form and Content

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City Attorney

DRAFT



**Summary:** An ordinance amending Chapter 9 of Title 3 of the City Code of the City of Ely to amend the requirements for liquor licenses regarding special events.

**Title:**

**Proposed ordinance amending Chapter 9 of Title 3 of the City Code of the City of Ely to amend the requirements for liquor licenses regarding special events.**

**Whereas,** N.R.S. 266.105 empowers the Ely City Council to pass ordinances necessary for the municipal government and the management of the affairs of the City, for execution of all powers vested in the City, and for making effective the provisions of Chapter 266 of the Nevada Revised Statutes;

**Therefore,** the City Council of the City of Ely, State of Nevada, does AMEND and otherwise ordain that the sections of Chapter 9 of Title 3 of the City Code of the City of Ely specified below shall read as follows:

**3-9-1: DEFINITIONS:**

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

**PROMOTION AND PROMOTER:** Any person who engages any public or private facility or person, whether his agent, owner, cosignee or employee, whether a resident or not, to participate in the transfer of goods for consideration. Promoter includes all entities who solicit others for the formation of a promotional event.

**PROMOTIONAL EVENTS:** Any promotional activities which involve the temporary displaying or selling of wares and merchandise which are staged or occupy any building, structure, shop, public facility or any other place for the exhibition or sale of goods, wares and merchandise either privately or at public activities not at the licensee's physical business location. Promotional events include all activities commonly referred to as flea markets, auto swaps, carnival markets, sundry markets, odds and ends sales, parking lot sales, trade shows, and specialty sales or markets of any nature which involve sale, swap or display of new or used merchandise or rummage for commercial gain; excluding events sponsored by fraternal, religious, civic, nonprofit or charitable organizations where the proceeds therefrom are used for a nonprofit corporation, business, or association or purpose; excluding yard sales and auctions from the operation of this chapter. (Ord. 696, 11-17-2016)

**3-9-2: LICENSE REQUIRED:**



A. Temporary Business License/Special Event: ~~It shall be unlawful for any person, who does not have a business license as defined in chapter 1 of this title~~A Temporary Business/Special Event License is required; to ~~buy, sell, or allow venders to sell or deal in merchandise, new or used, or rummage or junk of any kind or alcoholic beverages, or promotional events, as defined, in the city without first obtaining a temporary business license to do so~~ under the terms and conditions as provided in this chapter. ~~The carrying on of the aforesaid business together with any other business for which a license is paid or required to be paid shall not exempt such person from paying a license fee as provided in this chapter.~~ Such license shall be at the discretion of the mayor for any temporary business/special events for not more than seven (7) calendar days during any twelve (12) consecutive month period. (Ord. 696, 11-17-2016)

B. Intoxicating Liquor: A license to sell intoxicating liquor shall be issued, at the discretion of the mayor, to any fraternal, civic, religious, charitable or social organization upon application and payment of a license fee as provided in section 3-9-4 of this chapter. The application for the temporary business/special event liquor license must include proof that the organization making such application is in fact a fraternal, civic, religious, charitable or social organization and not a for profit organization. Organizations that are giving away liquor, beer, or wine shall be exempt from obtaining a temporary business license. (Ord. 679, 1-14-2016)

C. Exemptions: Organizations that have a business license pursuant to chapter one and/or a liquor license pursuant to chapter 2 are exempt from obtaining a temporary business license.

### **3-9-3: APPLICATION:**

A. Form; Time Limitation: Any person desiring to obtain a temporary business license under this chapter shall submit a verified application on application blanks furnished by the city license division which shall be filed with the city clerk/city administrator or designee at least seven (7) calendar days prior to the time of the event, accompanied by the required fees, and which application must state definitely the particular place at which such promotion is to be carried on.

#### **B. Required Information:**

1. Firm, Copartnership Or Association: If the application is for the issuance of a temporary business license to a firm, copartnership or association, the application must state the names and addresses in full of each member of the firm, copartnership or association; and in the case of a corporation, the application for the temporary

business license shall state the names and addresses in full for each of the officers of the group together with the name and address of the resident agent of the group in the state and the name of the state under which the group exists.

2. Nature Of Event: The application shall also describe in detail the exact nature of the events and activities contemplated, the duration, the number of booths, exhibits, tables or other persons engaging with the applicant in the activities.

3. Additional Information: Any further information requested by the city clerk/city administrator or designee will be provided upon request.

C. Fee Deposit: At the time of the filing of the application, the applicant shall deposit with the city clerk/city administrator or designee an amount of money equal to the fee set by the city council for temporary business licenses.

D. Compliance Required; Damages, Fines And Forfeitures: The applicant will comply with this chapter and will pay all damages, fines and forfeitures charged which may be adjudged against the licensee under the ordinances of the city. The charges assessed by the promoter or person holding the promotional event will be included as a portion of the application and contemplated number of participants estimated by the applicant.

E. Renewal: Renewals of temporary business licenses under this chapter will be treated in the same manner as an original application.

F. Authority: The mayor has been granted the authority by the city council to approve all temporary business licenses for purpose of expediency. However, the applicant must meet all requirements set forth in this chapter before the mayor may issue the temporary business license. Failure of the applicant to meet all of the requirements of this chapter shall result in the mayor denying the application.

1. In the event a road closure is required for the event licensed under this section, the promoter of the event must appear before the city council at its regularly scheduled meeting, and obtain their approval. A majority vote of the council members present shall be required for approval of the road closure.

2. In the event a special event liquor license or special event beer and/or wine license is requested, pursuant to chapter 2 of this title, the promoter of the event must provide proof that they have obtained security, either by contracting with the White Pine County sheriff's office or through a private security firm, to protect those individuals attending the promotional event and the general public. If a copy of that security contract is not included in the application for the temporary business license,



the mayor must deny that application until all requirements have been met. In addition, the promoter of the event must also identify the person or company which will be providing alcoholic beverages for sale (as defined in chapter 2 of this title) at the event. In no case will alcohol be provided for sale (as defined in chapter 2 of this title) unless the promotor or sponsor holds a liquor license.

G. Approval: The mayor shall, at the next regularly scheduled city council meeting, inform the council members of each temporary business license he/she has approved or denied. In the event of a denial, the mayor must indicate the reason for the denial. If there exists enough time prior to the event, the city council may hear an appeal from the promoter of the mayor's denial. A majority vote of the city council shall be required to approve a temporary business license, subject to the mayor's veto. (Ord. 696, 11-17-2016)

### **3-9-4: FEES:**

A. Time: A fee of twenty five dollars (\$25.00) per day or portion of a day for the applicant applying for a temporary business license under the provisions of this chapter. Fraternal, social, civic and nonprofit organizations shall be exempt from being required to pay for a special event license, but must obtain the special event license, upon proof that the proceeds of the event support the fraternal, civic, or nonprofit organization.

B. Space: A fee of ten dollars (\$10.00) per day or portion of a day for each individual booth, activity or separate facility or space where goods, wares or other merchandise are exhibited for immediate or future sale. The applicant shall be responsible for the cumulative fees required by this subsection. (Ord. 696, 11-17-2016)

1. A fee of two dollars (\$2.00) per day or portion of a day for each individual booth, activity or separate facility or space where goods, wares or other merchandise are exhibited for immediate or future sale when the applicant is a nonprofit organization, with proof provided at time of application of status as a fraternal, social, civic or nonprofit organization. (Ord. 711, 4-12-2018)

C. Liquor: As a condition precedent to obtaining a special event liquor license along with a temporary business license, the applicant must already possess a current liquor license issued by the City pursuant to section 3-2-2 of this title or ~~must obtain a "caterer's endorsement" if licensed in another jurisdiction pursuant to section 3-2-4 of this title,~~ must complete the required forms and pay the appropriate licensing fees established by section 3-2-4 of this title, before the event. (Ord. 696, 11-17-2016)

This Ordinance shall take effect from and after passage, approval, and publication.

PROPOSED on the \_\_\_\_ day of \_\_\_\_\_, 2020.

PROPOSED by \_\_\_\_\_.

PASSED on the \_\_\_\_ day of \_\_\_\_\_, 2020.

Votes:

Aye: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Nay: \_\_\_\_\_

\_\_\_\_\_

Absent: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_

CITY CLERK

Approved as to Form and Content

---

City Attorney

DRAFT



# City of Ely Fire Department

1780 Great Basin Blvd.  
Ely, Nevada 89301

Business Phone: (775) 289 6633  
Fax: (775) 289 3122

1662-5:25PM  
8/10/20

July 8, 2020

To: Nathan Robertson, Ely City Mayor  
Ely City Council

I truly enjoy the Fire and EMS Service and has been a part of my life for over 37 years when I first started as a volunteer February of 1983. I have provided this service to the City of Ely Fire Department for over 28 years of my employment.

I Ross Rivera with this letter giving notice to my retirement of being City of Ely Fire Chief. I have set the date for July 31<sup>st</sup>, 2020 to be my last day of employment with the City of Ely Fire Department.

Thank you, respectively,

  
Ross Rivera  
Fire Chief  
Ely Fire Department

CC: Jennifer Lee, Ely City Clerk  
Janette Trask, Ely City Treasurer/Human Resources  
Craig McKnight, president Ely Volunteer Fire Department  
Misty Mangum McCardle, Secretary Ely Volunteer Fire Department

Chuck Scott, Assistant Fire Chief

July 2, 2020

Ely Fire Department

1780 Great Basin Blvd.

Ely, Nevada 89301

Dear Chuck,

I wanted to again say Thank You for coming to my aid on Saturday June 26, 2020. I came in with breathing issues due to being a higher elevation than I was able to be. The loaning of the regulator and Oxygen bottles certainly saved my weekend riding the trains and saved you a trip out somewhere to bail me out, I was really feeling poorly!

So to show my appreciation after some thought my Wife Ann and I would like to donate a little something for you to use as you see fit.

So again, thank you and be safe out there!!

Keith and Ann Rogers

*Keith Rogers*

**KEITH ROGERS**

July 2, 2020 Date

Pay to the Order of Ely Fire Dept. \$ 100.00

One hundred dollars Dollars

**WESCOM** 5601 East La Palma Ave  
Credit Union Anaheim, CA 92807  
(888) 493-7288

For "Thanks" *Keith Rogers* MP

Security Features Details on Back

Harland Clarke

## Ordinance No. 726

Bill No. 2019-09

**Summary:** An ordinance adding Chapter 5 to Title 2 of the City Code of the City of Ely to create, in collaboration with the White Pine County Board of County Commissioners, a regional planning commission pursuant to Chapter 278 of the Nevada Revised Statutes.

**Title:**

Proposed Ordinance Adding Chapter 5 to Title 2 of The City Code of The City of Ely to Create, in Collaboration With The White Pine County Board of County Commissioners, a Regional Planning Commission Pursuant to Chapter 278 of The Nevada Revised Statutes.

**Whereas,** NRS 278.090 grants the White Pine County Board of County Commissioners the authority to collaborate with the governing body of the incorporated cities in the county to create a Regional Planning Commission which consists of representatives of White Pine County ("County") and the City of Ely ("City");

**Whereas,** the establishment of a Regional Planning Commission is desirable and necessary for the purpose of promoting health, safety, morals, and the general welfare of White Pine County and the City of Ely;

**Whereas,** the White Pine County Board of County Commissioners and the Ely City Council both voted in favor of forming a Regional Planning Commission during a special joint meeting held on August 22, 2018.

**Therefore,** the City Council of the City of Ely, State of Nevada, does AMEND and otherwise ordain that Chapter 5 be added to Title 2 of the City Code of the City of Ely, be titled "Regional Planning Commission," and shall read as follows:

### 2-5-1: PLANNING DISTRICT:

White Pine County, Nevada and the incorporated City of Ely, Nevada are hereby declared to be part of a Regional Planning District, the boundaries of which district shall be the boundaries of White Pine County, Nevada, including the incorporated City of Ely, Nevada.

### 2-5-2: ESTABLISHMENT AND AUTHORITY:

Effective January 1, 2020, there is hereby established and created a Regional Planning Commission. White Pine County and the City of Ely shall be represented on the Regional Planning Commission. The Regional Planning Commission is hereby authorized to act for and on behalf of White Pine County and the City of Ely as a Planning Commission which shall fulfill all of the duties and functions of a Planning Commission as set forth in Chapter 278 of the Nevada Revised Statutes and all applicable sections of the White Pine County Code and the City Code of the City of Ely.

### 2-5-3: MEMBERSHIP:

The Regional Planning Commission shall consist of six (6) members, three (3) of whom shall be appointed by the Mayor of the City of Ely, with the approval of the Ely City Council and three (3) of whom shall be appointed with the approval of the White Pine County Board of County Commissioners.

### 2-5-4: TERM OF MEMBERS, REMOVAL, AND VACANCIES:



The term of office for members shall be four (4) years and shall expire on December 31 of their respective years.

The terms of the members shall be overlapping and the membership of the Regional Planning Commission first appointed to represent White Pine County and the City of Ely shall include two (2) members, one (1) from the County and one (1) from the City, who will serve three (3) years, and one (1) member, selected by the County, who will serve a term of two (2) years, and one (1) member, selected by the City, who will serve a term of one (1) year.

Members appointed by the White Pine County Board of County Commissioners may be removed, after public hearing if requested, by a majority vote of the White Pine County Board of County Commissioners, for inefficiency, neglect of duty, malfeasance of office, or conduct detrimental to the Regional Planning Commission or any of its governing bodies.

Members appointed by the Ely City Council may be removed, after public hearing if requested, by a majority vote of the Ely City Council, for inefficiency, neglect of duty, malfeasance of office or conduct detrimental to the Regional Planning Commission or any of its governing bodies.

Vacancies occurring otherwise than through the expiration of term of office shall be filled for the unexpired term.

No more than one-third (1/3) of the members of the Regional Planning Commission may hold any other public office. Accordingly, only one (1) member appointed by the County and only one (1) member appointed by the City may hold any other public office.

#### **2-5-5: COMPENSATION AND EXPENSES:**

Members of the Regional Planning Commission shall serve without compensation, except for reasonable travel expenses made necessary in the fulfillment of their official duties.

#### **2-5-6: BUDGET, APPROPRIATIONS, AND EXPENDITURES:**

The Regional Planning Commission shall prepare an annual budget containing a detailed estimate of expenditures, and transmit copies thereof to the budget officers of White Pine County and the City of Ely for their use in complying with the provisions of the local government budget act.

White Pine County is hereby authorized independently or in collaboration with the City of Ely, to appropriate from the funds received by the County from general taxation or other sources, money for the expenses of the Regional Planning Commission.

The City of Ely is hereby authorized independently or in collaboration with White Pine County, to appropriate from the funds received by the City from general taxation or other sources, money for the expenses of the Regional Planning Commission.

The Regional Planning Commission shall have no authority to expend any funds of White Pine County or the City of Ely in excess of those budgeted and appropriated. The Regional Planning Commission may negotiate and receive gifts, Federal or State grants, or other funds and may expend the same only within the total amounts as acquired, budgeted and authorized.

White Pine County and the City of Ely shall not be chargeable with any expense incurred by the Regional Planning Commission except pursuant to such authorized appropriations and the provisions of this Chapter.

#### **2-5-7: CHAIRPERSON, OFFICERS, AND EMPLOYEES:**

The Regional Planning Commission shall elect a Chairperson from its own members, and the term of such elected Chairperson shall be one (1) year, with eligibility for re-election to successive terms.

The Regional Planning Commission shall create and fill such other offices as it may deem necessary.

The Regional Planning Commission shall have the power to employ experts, clerks and a secretary, and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the annual appropriation that may be made by White Pine County and the City of Ely for the Regional Planning Commission, together with such other funds as may be available through grant, gift or other means.

White Pine County and the City of Ely are authorized to provide professional planning services for the Regional Planning Commission by mutual agreement.

Legal counsel for White Pine County and the City of Ely shall not serve as de facto legal counsel for the Regional Planning Commission.

#### **2-5-8: MEETINGS, RULES, AND RECORDS:**

The Regional Planning Commission shall hold at least one regular meeting in each month.

The first meeting of the Regional Planning Commission shall take place during the first week of January, 2020, at a time and place arranged by the members first appointed by the White Pine County Board of County Commissioners and the Ely City Council. The frequency, time, and place of the Regional Planning Commission's regular meetings shall be fixed by resolution at this first meeting.

Additional meetings may be held as circumstances may require or render desirable for the performance of its functions and the proper discharge of its duties and responsibilities.

A majority of the membership shall constitute a quorum for the purpose of transacting business.

Action by the Regional Planning Commission shall be by majority vote.

The Regional Planning Commission shall adopt rules and regulations for the conduct of its business, not inconsistent with applicable State laws, the White Pine County Code, or the City Code of the City of Ely.

The Regional Planning Commission shall keep a record of its Resolutions, transactions, findings and determinations, which record shall be a public record.

#### **2-5-9: DUTIES:**

The Regional Planning Commission shall prepare and adopt a Master Plan setting forth a comprehensive, long-term general plan for the physical development of the White Pine County, including the City of Ely, pursuant to the Master Plan provisions set forth in Chapter 278 of the Nevada Revised Statutes, and shall perform such other duties, functions and powers as provided by State law, the White Pine County Code, and the City Code of the City of Ely.

#### **2-5-10: AUTHORITY, APPEAL TO GOVERNING BODIES:**

"Governing body," as used in this Chapter, shall mean the Ely City Council or the White Pine County Board of County Commissioners.

The Regional Planning Commission shall be vested with the authority to make determinations on all matters governed by Chapter 278 of the Nevada Revised Statutes vested in the White Pine County Board of County Commissioners absent this provision.

The Regional Planning Commission shall be vested with the authority to make determinations on all matters governed by Chapter 278 of the Nevada Revised Statutes vested in the Ely City Council absent this provision.

A party may appeal a determination of the Regional Planning Commission to the appropriate governing body within thirty (30) days of such determination.



Nothing in this section shall be interpreted to divest a governing body of the appeal authority granted to it, nor alter the appeal procedures provided in Chapter 278 of the Nevada Revised Statutes.

#### 2-5-11: REFORMATION OR REPEAL OF CONFLICTING ORDINANCES:

Any and all ordinances or parts of ordinances heretofore adopted by the White Pine County Board of County Commissioners or the Ely City Council which are inconsistent with this Ordinance are hereby reformed to be read consistently with this Ordinance. For example, any ordinance conferring a benefit or burden that would normally fall upon the Regional Planning Commission pursuant to this Ordinance or State law shall so fall upon the Regional Planning Commission despite the fact that the Regional Planning Commission is not duly named in said ordinance.

Any and all ordinances or parts of ordinances heretofore adopted by the White Pine County Board of County Commissioners or the Ely City Council which are in conflict with this Ordinance and cannot be reformed to be read consistently with this Ordinance are hereby repealed.

#### 2-5-12: ADOPTION OF ORDINANCE:

Both the White Pine County Board of County Commissioners and the Ely City Council shall adopt identical versions of this Ordinance in order to effectuate the creation of the Regional Planning Commission.

Any modification of the terms of this Ordinance must be done through each political subdivision's ordinance process. Any such modifying ordinance must be identical in language to that of the other governing body.

Repeal of this Ordinance by either governing body shall dissolve the Regional Planning Commission.

Upon repeal, a third party mutually selected by the White Pine County Board of County Commissioners and the Ely City Council shall be charged with the winding down of the Regional Planning Commission's affairs and the distribution of its property or assets, if necessary. Both White Pine County and the City of Ely agree that the cost of this shall be paid equally by the parties that this subsection shall survive any repeal of this Ordinance.

This Ordinance is effective contingent upon the City of Ely's dissolution of its City Planning Commission prior to the first meeting of the Regional Planning Commission.

#### 2-5-13: SEVERABILITY:

If any provisions of this Ordinance are held invalid, such invalidity shall not affect other provisions and each provision is hereby declared to be severable.

This Ordinance shall take effect from and after passage, approval, and publication.

PROPOSED on the \_\_\_\_ day of \_\_\_\_\_, 2019.

PROPOSED by \_\_\_\_\_.

PASSED on the \_\_12\_\_ day of \_\_\_\_ September \_\_\_\_\_, 2019.

Votes:

Yay: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Ordinance No. 727

### Bill No. 2020-3

**Summary:** An ordinance amending Chapter 5, Title 2 of the City Code of the City of Ely clarifying the Regional Planning Commission's lack of authority to dispose of government property; defining "appropriate governing body"; specifying appeal procedure.

Title:

**Proposed ordinance amending Chapter 5, Title 2 of the City Code of the City of Ely clarifying the Regional Planning Commission's lack of authority to dispose of government property; defining "appropriate governing body"; specifying appeal procedure.**

Whereas, in 2019, both the City of Ely and White Pine County passed ordinances establishing a Regional Planning Commission and vesting the Commission with certain authority regularly vesting in each governing body to make the formation of the Commission more meaningful,

Whereas, neither governing body intended to vest the Regional Planning Commission with the authority to vacate, abandon, or otherwise dispose of or encroach upon a governing body's property;

Therefore, the City Council of the City of Ely, State of Nevada, does AMEND Chapter 5, Title 2 of the City Code of the City of Ely, as follows:

#### 2-5-10: AUTHORITY, APPEAL TO GOVERNING BODIES:

##### A. AUTHORITY OF REGIONAL PLANNING COMMISSION

"Governing body," as used in this Chapter, shall mean the Ely City Council or the White Pine County Board of County Commissioners.

"Appropriate governing body," as used in this Chapter, shall mean the governing body wherein the property at issue sits within its jurisdiction.

Except for the limitations provided in this Section, the Regional Planning Commission shall be vested with the authority to make determinations on all matters governed by Chapter 278 of the Nevada Revised Statutes vested in the White Pine County Board of County Commissioners absent this provision.

Except for the limitations provided in this Section, the Regional Planning Commission shall be vested with the authority to make determinations on all matters governed by Chapter 278 of the Nevada Revised Statutes vested in the Ely City Council absent this provision.

The Regional Planning Commission is not vested with the authority to vacate or abandon a street or easement owned by the City of Ely or White Pine County pursuant to Chapter 278 of the Nevada Revised Statutes. The Regional Planning Commission is likewise not vested with the authority to vacate, abandon, sell, lease, convey, or otherwise dispose of or authorize the encroachment upon any property owned, leased, or otherwise controlled by the City of Ely or White Pine County.

##### B. APPEAL

Any person or entity who is aggrieved by a decision of the Regional Planning Commission may appeal the decision to the appropriate governing body.

A person or entity shall be deemed to be aggrieved Section if the person or entity appeared, either in person, through an authorized representative or in writing, before the Regional Planning Commission on the matter which is the subject of the

decision.

Nothing in this section shall be interpreted to divest a governing body of the appeal authority granted to it, nor alter the appeal procedures provided in Chapter 278 of the Nevada Revised Statutes.

### C. APPEAL PROCEDURE

1. A person or entity seeking to appeal a decision of the Regional Planning Commission must file their appeal in writing with the clerk of the appropriate governing body within thirty (30) days of the decision of the Regional Planning Commission.
2. Thereafter, the governing body will place the appeal hearing on the agenda of its next regular meeting.
3. The governing body must render a decision on the appeal with sixty (60) days of the filing of the appeal.
4. If the governing body's regular meeting schedule is such that a decision of the governing body cannot be rendered within sixty (60) days, the governing body shall convene a special meeting to hear the appeal.
5. In reviewing a decision, the governing body will be guided by the statement of purpose underlying the regulation of the improvement of land expressed in NRS 278.020.
6. The governing body may affirm, modify or reverse a decision. The decision of the governing body is a final decision for the purpose of judicial review.
7. The governing body may charge the appellant a fee for the filing of an appeal. The fee shall be set by resolution of the Regional Planning Commission.

This Ordinance shall take effect from and after passage, approval, and publication.

PROPOSED on the \_\_\_\_ day of \_\_\_\_\_, 2020.

PROPOSED by \_\_\_\_\_.

PASSED on the \_\_\_\_ day of \_\_\_\_\_, 2020.

Votes:

Yay: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Nay: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Absent: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## TITLE 4

## PUBLIC HEALTH AND SAFETY

## CHAPTER 1

PUBLIC NUISANCE <sup>1</sup>

## SECTION:

**4-1-1: Definition****4-1-2: Maintaining Or Permitting A Public Nuisance****4-1-3: Abatement****4-1-4: Penalty**

## Notes

<sup>1</sup> 1. NRS §§ 202.450 through 202.480.

**4-1-1: DEFINITION:**

A "public nuisance" shall be defined as:

A. A crime against the order and economy of the state.

B. Every place:

1. Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device, or bucket shop, or any agency therefor is conducted, or any article, apparatus or device useful therefor is kept;

2. Wherein any fighting between animals or birds is conducted;

3. Wherein any dog races are conducted as a gaming activity;

4. Wherein any intoxicating liquors are kept for unlawful use, sale or distribution;

5. Wherein controlled substance, immediate precursor as defined in Nevada Revised Statutes 453.086 or controlled substance analog as defined in Nevada Revised Statutes 453.043 is unlawfully sold, served, stored, kept, manufactured, used or given away; or

6. Where vagrants resort;

is a public nuisance.

C. Every act unlawfully done and every omission to perform a duty, which act or omission:

1. Annoys, injures, or endangers the safety, health, comfort or repose of any considerable number of persons;

2. Offends public decency;

3. Unlawfully interferes with, befoils, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or

4. In any way renders a considerable number of persons insecure in life or the use of property, is a public nuisance. (Ord. 490, 11-23-1993; amd. 2001 Code)

**4-1-2: MAINTAINING OR PERMITTING A PUBLIC NUISANCE:**

Every person who:

- A. Shall commit or maintain a public nuisance, for which no special punishment is prescribed; or
- B. Shall wilfully omit or refuse to perform any legal duty relating to the removal of such nuisance; or
- C. Shall let, or permit to be used, any building or boat, or portion thereof, knowing that it is intended to be, or is being used, for committing or maintaining any such nuisance shall be guilty of a misdemeanor. (Ord. 490, 11-23-1993)

**4-1-3: ABATEMENT:**

The municipal court, before whom there may be pending any proceeding for a violation of section 4-1-2 of this chapter shall, in addition to any fine or other punishment which it may impose for such violation, order such nuisance abated and removed at the cost of the defendant. (Ord. 490, 11-23-1993)

**4-1-4: PENALTY:**

Every person who is convicted of any violation of section 4-1-2 of this chapter shall be guilty of a misdemeanor, and shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 490, 11-23-1993; amd. 2001 Code)

## **CHAPTER 2**

# **GARBAGE AND REFUSE**

### **SECTION:**

#### **4-2-1: Definitions**

#### **4-2-2: Illegal Waste Disposal**

#### **4-2-3: Accumulations Prohibited**

#### **4-2-4: Removal By Owner**

#### **4-2-5: Liability For Payment**

#### **4-2-6: Containers**

#### **4-2-7: Removal, Generally**

#### **4-2-8: City Dump**

#### **4-2-9: Contract For Service**

#### **4-2-10: Collection By City**

#### **4-2-11: Licensed Haulers In Lieu Of Exclusive Contract**

#### **4-2-12: Unlicensed Commercial Hauling Unlawful**

#### **4-2-13: Failure To Abate Nuisance**

#### **4-2-14: Abatement Of Unsafe Buildings, Filth, Rubbish**

#### **4-2-15: Owner Responsibility**

#### **4-2-16: Additional Rules And Regulations**

#### **4-2-17: Compliance With Other Laws**

#### **4-2-18: Remedies Cumulative**

#### **4-2-19: Penalty**

#### **4-2-20: Landfill Fees**

#### **4-2-1: DEFINITIONS:**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**CITY DUMP:** The sanitary landfill dumping area set aside by the city council for the sanitary disposal of garbage, trash and waste matter, and such other sanitary landfill dumping area as the city council may in the future designate for the sanitary disposal of garbage, trash and waste matter.

**GARBAGE:** Kitchen and table refuse, offal, swill and other accumulation of animal, vegetable and other matter that attends the preparation and consumption, decay or dealing in or storage of meats, fish, fowl, birds, fruits, vegetables, printed matter, paper, boxes, rags, straw, glass, glassware, ashes, metals, tin containers and grass.

**REFUSE:** All types of materials defined by this section under the headings of "garbage", "rubbish", "waste matter" or "trash".

**RUBBISH:** Charred or partially burned roofing material, boards, timbers or other building material remaining after fires in any building, scrap building material, cardboard boxes or cartons, rags, paper, sawdust, packing material, shavings, boxes, barrels or other wooden containers, lawn trimmings, manure, tree branches or trunks, dead flowers or flower garden waste material, weeds, grass, waste hay, and other combustible materials.

**TRASH:** Woods, leaves, dead trees, the branches of trees and woodenware.

**WASTE MATTER:** Natural soil, earth, sand, clay, gravel, loam, manure, stones, bricks, plaster, cement and crockery. (Prior code § 11-1)

#### **4-2-2: ILLEGAL WASTE DISPOSAL:**

A. It is unlawful for any person, firm or corporation to dump, spill, throw, place or bury, or cause the same to be done, any "garbage", "refuse", "rubbish", "trash" or "waste matter", as defined in this chapter, on any public or private property, parcel of land, lot, street, highway, gutter, alley, body of water, stream, canal or ditch within the city of Ely, county of White Pine, state of Nevada, except at the "city dump" as defined by this chapter.

B. It is unlawful for any person, firm, or corporation to dump, spill, throw, place or bury, or cause the same to be done, any regular accumulation of garbage, refuse, rubbish, trash or waste matter, in any publicly or privately maintained garbage, trash or waste receptacle, where such person, firm or corporation disposes of such garbage, refuse, rubbish, trash or waste matter in public or private waste receptacles not intended for the disposal of regular or incidental accumulations of garbage, refuse, rubbish, trash or waste matter.

C. When any unlawful deposit of garbage, refuse, rubbish, trash or waste matter includes any evidence which identifies any person, firm or corporation, such identification will establish a presumption in any civil action and/or criminal prosecution under this chapter, that such person, firm or corporation is civilly and/or criminally responsible for such unlawful deposit and such person, firm or corporation shall be liable for the cost of removal and final disposition of the unlawful deposit, in addition to any other penalty authorized by this chapter or by other applicable law.

D. This chapter is not intended to prohibit any person, firm or corporation from depositing in publicly provided and maintained waste receptacles, incidental accumulations of garbage, refuse, rubbish, trash or waste matter, associated with periodic motor vehicle traffic; rather, this chapter is intended to discourage persons, firms or corporations from using waste receptacles, provided for public use, by public entities, as an alternative to the deposit of garbage, refuse, rubbish, trash or waste matter in an approved disposal site. In addition, this chapter is intended to prohibit all deposits by any person, firm or corporation, of any garbage, refuse, rubbish, trash or waste matter in any privately owned or maintained waste receptacle without express authorization by the owner of any such waste receptacle.

E. For purposes of this chapter, "incidental accumulation" of garbage, refuse, rubbish, trash or waste matter, is defined by a volume of no more than thirty (30) gallons in any thirty (30) day period of time. A "regular accumulation" is defined as any accumulation exceeding a volume of thirty (30) gallons in any thirty (30) day period of time. (Ord. 610, 1-12-2006)

#### **4-2-3: ACCUMULATIONS PROHIBITED:**

A. Prohibited; Exception: No person owning or occupying any building, lot or premises in the city shall allow or permit to accumulate and remain upon or in such building, lot or premises, refuse of any kind; provided, that this section shall not be construed as applying to buildings under construction, repair or alteration, as to which specific provision is hereinafter made under subsection 4-2-6E of this chapter.

B. Old Or Disused Automobiles: The language "upon or in such premises", as used in this section, shall be construed to mean and shall include, with reference to old or disused automobiles or parts thereof, the immediately adjacent portion of any street or alley, and the owners of such old or disused



automobiles or parts, on notice oral or written from city officials, shall be required to remove the same at their own expense, or have the same removed by city employees at the expense of such owners, as provided in section 4-2-7 of this chapter. (Prior code § 11-3)

#### **4-2-4: REMOVAL BY OWNER:**

Nothing contained in this chapter shall be construed as prohibiting any person from collecting and removing his own garbage, trash and waste matter; provided, that in so doing he shall be subject to all requirements of this chapter as to hauling, place and manner of disposition and all similar requirements. (Prior code § 11-2)

#### **4-2-5: LIABILITY FOR PAYMENT:**

All owners and occupants of commercial and residential premises shall, jointly and severally, be liable for and pay the rates for dumping garbage, trash and waste matter as hereinafter set forth regardless of whether such commercial and residential premises be occupied or not. (Prior code § 11-2)

A. A property owner who takes his trash, refuse, waste, etc., to a landfill located in another county and who pays a fee to that landfill, may present proof of payment to said other landfill to the city clerk or his designee and the property owner will receive a complete credit toward his obligation to pay landfill fees to the city of Ely for the operation of the regional landfill for the time period within which he paid the fees to another landfill.

B. The property owner who is applying for and/or receiving credit must provide proof of payment to the other landfill at a minimum of an annual basis to the city clerk or his designee to receive continuing credit. (Ord. 659, 7-11-2013)

#### **4-2-6: CONTAINERS:**

A. Required: Every person in occupancy, possession, charge or control of any dwelling, boarding house, restaurant, hotel, rooming house, apartment, tourist court or motel, trailer court or eating or drinking establishment within the city, and every other person in the city having under his control refuse, shall provide or cause to be provided and at all times keep or cause to be kept suitable and sufficient tightly covered cans or other metal receptacles, adequate to contain without leakage or escape of odors, the amount of garbage and waste matter ordinarily accumulating at such establishment during the intervals between collections. (Prior code § 11-6)

B. Specifications: Each such receptacle shall be constructed of galvanized iron or other durable metal or durable plastic, with suitable bales or handles on the outside, and shall have a tightfitting cover, and no container shall be of a size exceeding fifty two (52) gallons' capacity. (Prior code § 11-6; amd. 2001 Code)

C. Maintenance: Such cans or containers shall be kept in a clean and sanitary condition and the covers shall not be removed except for the purpose of placing refuse therein or removing refuse therefrom, and shall at all times be proofed against access of flies to the contents thereof.

D. Placement: No garbage receptacles, rubbish or trash shall be placed or kept on or in any public street, alley, sidewalk, or any public place whatsoever, but shall be placed on the premises so as to be readily accessible for removing and emptying. (Prior code § 11-6)

E. Building Refuse: Every contractor, builder or other person engaged in the erection, alteration or repair of a building within the city shall provide a suitable receptacle for the deposit of refuse, and shall, so far as practicable, keep the surrounding area free of debris and trash at all times. (Prior code § 11-7)

#### **4-2-7: REMOVAL, GENERALLY:**

The removal of refuse shall be in the following manner and by the following methods and at not less than the following frequency:

A. Use Of City Dump Required: All garbage, trash and waste matter shall be hauled and taken to the city dump in such manner so as to prevent the sifting, spilling, dropping or blowing thereof upon



any of the streets, alleys or public places.

**B. Collection, Hauling Hours; Frequency:** Garbage and refuse must be collected and hauled between the hours of six o'clock (6:00) A.M. and six o'clock (6:00) P.M. on collection days, which, for the business district of the city, must be not less often than twice weekly, and for the residence district, not less often than once weekly. Subject to provision contained in section 4-2-9 of this chapter for the letting of exclusive contract therefor, no garbage or refuse hauling may be done by other than a duly licensed person; provided, that such hauling by an individual from premises occupied, owned or controlled by him may be done if the manner of such handling conforms with this chapter. (Prior Code § 11-8)

#### **4-2-8: CITY DUMP:**

**A. Designated:** The city dump is hereby designated as being those city lands more particularly described as follows: E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, section 10, township 16 north, range 63 E., MDM, and such other lands as the city may designate by resolution from time to time.

**B. Use Required:** Every person hauling garbage, trash and waste matter shall dispose thereof only at the city dump site designated by the city council and such disposition shall be in accord with all provisions of law, rules and regulations. (Prior Code § 11-8.1)

**C. City Dump Operator:** One or more employees of the city shall be designated as the city dump operator with authority to direct any and all dumping operations at the city dump, including, but not limited to, the placement of dumping and segregation of dumping materials as to type, etc. (Prior Code § 11-8.2)

**D. Operation:** All dumping of any material, of any nature or description, be it garbage, trash or waste matter, shall be in conformity to the following provisions:

1. **Hours Of Operation:** Dumping shall be performed during, and access to the city dump limited to, only those hours of operation adopted by the city council and posted at the main entrance to the city dump.

2. **Dumping:** All dumping of any material, of any nature or description, be it garbage, trash or waste matter, and all access within the city dump area, shall be at the direction of the city dump operator.

3. **Burning:** There shall be no burning at the city dump except under the direction of the city dump operator.

4. **Scavenging Or Salvaging:** There shall be no scavenging or salvaging about the city dump nor removal of any material of any nature or description from the city dump without the written authorization of the employee designated as the city dump operator. (Prior Code § 11-8.4)

5. **Use By Other Municipalities:** The use of the city dump for the disposal of garbage, trash and waste matter may be made available to the commercial and residential premises of the towns of Ruth and McGill, Nevada, and their respective environs, subject to payment of all charges and fees and the collection and payment thereof, pursuant to an agreement between the city and the county. (Prior Code § 11-8.4; amd. 2001 Code)

6. **Participation With County:** The city will participate with the county in regard to the county's collecting the charges and fees herein provided for from the county areas that use the city dump. Such fees and charges so collected by the county shall be remitted to the city by the county, less a needed percentage for the county's administrative costs in regard to such collection and remittance.

7. **Billing And Collecting:** The city and the county, acting individually, shall each be liable for and do its own billing and collecting in regard to the charges and fees in this chapter provided for the use of the city dump. (Prior Code § 11-8.3)

E. Status Of Dumped Material: All material dumped at the city dump, of any nature or description, be it garbage, trash or waste matter, for any length of time, no matter how short, is deemed abandoned and becomes property of the city. (Prior Code § 11-8.4)

#### **4-2-9: CONTRACT FOR SERVICE:**

A. Power To Call For Bids: Under the authority of this chapter, the city council, by resolution duly adopted by majority vote thereof and approved by the mayor, may, at such time as it sees fit and deems expedient, publish a notice calling for sealed bids for the exclusive collection and hauling of garbage and refuse within the city, at a time not less than sixty (60) days after such publication.

B. Notice: Such notice shall require bidders to submit specifications of type of equipment to be used, together with a schedule of fees to be charged for regular service and for additional or special hauling of refuse.

C. Guaranty: Each bid so submitted must be signed by the bidder or his or its agent and accompanied by a cashier's check for two hundred fifty dollars (\$250.00) payable to the city as a guaranty that the bidder will execute the contract in accordance with his bid.

D. Council Considerations: The city council, in awarding a contract pursuant to such notice, shall take into consideration the type of equipment proposed to be used, the financial responsibility of the bidder, the schedule of fees or charges so submitted, and all other pertinent matters, as well as the amount of money offered by the bidder to the city for the awarding of such contract. (Prior code § 11-9)

E. Bond And Insurance Requirements: The published notice shall set forth the requirement that the successful bidder shall give bond for the faithful performance of the contract in the sum of twenty five thousand dollars (\$25,000.00) and submit evidence that he carries full compensation insurance for his employees as required by the state, and public liability insurance to the extent of not less than one hundred thousand dollars (\$100,000.00) for death or injury of one person and not less than one million dollars (\$1,000,000.00) for death or injury of more than one person, and property damage insurance of not less than twenty five thousand dollars (\$25,000.00) upon each truck or vehicle to be used by him under such contract, such insurance to cover and protect both the city and the contractor. (Prior code § 11-9; amd. 2001 Code)

F. Return Of Bidder Deposits: Such notice shall further specify that upon the letting of such contract, deposits of unsuccessful bidders shall be returned, and that such deposit by the successful bidder will be returned to him upon his posting bond and submitting evidence of insurance coverage as hereinabove stated. (Prior code § 11-9; amd. 2001 Code)

G. Schedule Of Fees And Charges; Payment: Such notice shall further specify that the schedule of fees and charges submitted by the successful bidder may not be increased thereafter without application to and permission granted by the city council, and that the successful bidder, upon the granting of contract to him, may include in such schedule of fees and charges announced to the public a statement that service will be suspended to any person in the event such charges are not paid regularly and promptly, or after such period of delinquency in payment as the contractor may in such schedule set forth.

H. Term; Power To Revoke: No contract let under such notice shall run for a term longer than five (5) years, and shall be revocable by the city council after a hearing for noncompliance by the contractor with the terms thereof. (Prior code § 11-9)

#### **4-2-10: COLLECTION BY CITY:**

A. Power Of Council: The city council may, by resolution, carry out the provisions of this chapter and may purchase such equipment as may be required to carry out the provisions of this chapter. (Prior code § 11-10)

B. **Collection Fees:** For the collection and disposal of solid waste, the city council shall, by resolution regularly passed and adopted, establish fees consistent with the fees charged by the county, to be assessed annually pursuant to the fiscal year for the collection and disposal of solid waste. (Ord. 485, 6-23-1993)

C. **Billing:** The city clerk shall maintain a list showing all persons liable for the charges provided in this chapter, and the clerk shall cause bills to be issued therefor and collect them the same as other city funds. (Prior code § 11-11.4)

D. **Delinquent Payments:** If any person shall fail or neglect to pay within one month of billing any proper charge against such person in conformity with the schedule as established in subsection B of this section, the same shall be considered delinquent and such person shall be liable to the city, by way of a penalty for such failure or neglect, to a further and additional charge equal to ten percent (10%) of the delinquent charge. The penalty charge shall be added to such person's bill and, unless paid within one month thereafter, shall continue to accumulate and be added monthly until full payment shall be made. (Prior code § 11-11.4; amd. 2001 Code)

E. **Past Due Payment; Lien:** If any person shall fail to pay landfill fees and penalties allowing such fees and penalties to exceed two hundred fifty dollars (\$250.00), the city attorney shall notify the defaulter that the city intends to file the lien for nonpayment pursuant to this chapter, then file any necessary lien upon the property for the full amount of the fees and penalties. If a defaulter fails to pay the lien amount and allows the buildup of penalties and fees to exceed nine hundred ninety nine dollars (\$999.00), the city attorney shall file suit to obtain judgment and pursue the judgment to collection. Court costs and a reasonable attorney fee based upon counsel's hourly rate shall be collected and paid to counsel upon receipt of the funds sued upon. (Ord. 700, 6-23-2016)

F. **Filing Liens:** When the city administrator shall learn of a short sale, foreclosure sale, tax sale or any other manner of transfer of title to real property to which a landfill fee is due, the city administrator shall take that action necessary, other policies, ordinances, or laws notwithstanding, to secure the lien for the unpaid landfill fees by immediately filing with the county recorder a lien for the amount of the landfill fee due and payable, regardless of the amount owed. Upon filing the lien under this provision, the city administrator or designee shall ensure that the property owner as identified by the White Pine County assessor is notified of the lien by sending, via certified mail, a "conforming" copy of the lien and notifying the account holder, via certified mail, of the existence of the lien as well. (Ord. 695, 12-10-2015)

G. **Notification Of Intent To File Lien:** The city council, may by resolution, adopt, modify or eliminate a policy and procedure to be utilized by city staff which outlines the process by which landowners, account holders, and/or residents will be notified of the intention of the city to file a lien on the property for unpaid landfill fees, unpaid utility fees, or unpaid fees associated with abatement of properties.

H. **Copy Of Lien Policy:** Any landowner, account holder and/or resident may request, during normal city hall business hours, to receive a copy of the policy and procedure adopted, modified or eliminated by the city council regarding liens. (Ord. 687, 10-8-2015)

#### **4-2-11: LICENSED HAULERS IN LIEU OF EXCLUSIVE CONTRACT:**

Nothing contained in this chapter shall prevent the city from allowing the collection and hauling of garbage and refuse by licensed haulers; provided, that they conform to the methods, manner and frequency of collection as set forth in section 4-2-7 of this chapter, instead of calling for bids for exclusive handling, or after calling for such bids by notice, as provided in section 4-2-9 of this chapter, and after consideration of responses thereto, if any. (Prior code § 11-11)

#### **4-2-12: UNLICENSED COMMERCIAL HAULING UNLAWFUL:**

It shall be unlawful for any person, other than a person to whom a contract shall have been awarded or to whom a license shall have been granted by the city, to collect or remove garbage, trash and waste matter in or from the city other than to haul his own garbage, trash and waste matter as herein provided. (Prior code § 11-11.1)

**4-2-13: FAILURE TO ABATE NUISANCE:**

If at any time accumulation of garbage, trash and waste matter is not hauled or becomes offensive and is not removed by the owner or person responsible for doing so, then an order for such removal may forthwith be made by the city council, and if not removed within the time required by such order, then the city shall have such garbage, trash and waste matter moved in whatever manner may be convenient and shall be authorized and empowered to collect the reasonable charges and costs involved and take all lawful steps for collection thereof. (Prior code § 11-10.2)

**4-2-14: ABATEMENT OF UNSAFE BUILDINGS, FILTH, RUBBISH:**

A. The city council of the city of Ely may order an owner of property within the city to:

1. Repair, safeguard or eliminate a dangerous structure or condition, which potentially could include burned or charred buildings or structures;
2. Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not governed by chapter 459 of the Nevada Revised Statutes (hazardous materials); or
3. Clear weeds and noxious plant growth;

to protect the public health, safety and welfare of the residents of the city.

B. The city shall send a notice to the property owner either by certified mail, return receipt requested, or by personal service by the sheriff's office, or both, of the existence on his property of a condition set forth in subsection A of this section and a date thirty (30) days from the date of mailing by which the property owner must abate the condition.

C. The notice shall inform the property owner of his right to request a hearing before the city attorney to present his case as to why he should not be required to abate the condition. If the property owner is dissatisfied with the determination of the city attorney, he may appeal that decision to the city council. Said appeal must be made in writing and be filed with the city clerk within ten (10) days of the date of the hearing with the city attorney. The appeal will then be considered by the city council at its next regularly scheduled city council meeting, so long as the notice was submitted prior to the deadline for submitting agenda items. In such an event, the appeal will be considered at the following regularly scheduled meeting for which a timely agenda could be prepared and posted.

D. The date specified in the notice for abatement shall be tolled for the period during which the property owner requests a hearing and receives a decision.

E. In the event the property owner does not abate the condition within the time prescribed in the notice, and any applicable tolled time periods, the property owner will be subject to a civil penalty of one hundred dollars (\$100.00) per day for each day that the property owner does not abate the condition.

F. The Ely city council may direct the city to abate the condition on the property and may recover the amount expended by the city for labor and materials used to abate the condition if:

1. The owner has not requested a hearing within the time prescribed in the notice sent pursuant to subsection B of this section and has failed to abate the condition within the period specified in the notice;
2. After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in subsection C of this section and has failed to abate the condition within the time period specified within the order; or
3. The Ely city council has denied the appeal of the owner and the owner has failed to abate the condition within the period specified in the order.

G. In addition to any other reasonable means of recovering money expended by the city to abate the condition, the Ely city council may make the expense a special assessment against the property



upon which the condition is or was located. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessment.

H. The expense of abatement of the condition by the city is a lien upon the property upon which the condition is located. The lien must:

1. Be perfected by recording with the county recorder a statement by the city clerk of the amount of expenses due and unpaid and describing the property subject to the lien.
2. Be coequal with the latest lien thereon to secure the payment of general taxes.
3. Not be subject to extinguishment by the sale of any property because of the nonpayment of general taxes.
4. Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

I. Definitions:

**DANGEROUS STRUCTURE OR CONDITION:** A structure or condition that may cause injury to or endanger the health, life, property, safety or welfare of the general public or the occupants, if any, of the real property on which the structure or condition is located. In order to determine if a dangerous structure or condition exists, both the city building inspector and the city engineer will be required to jointly determine that the structure or condition may cause injury to or endanger the health, life, property, safety or welfare of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

1. Does not meet the requirements of a code or regulation adopted pursuant to Nevada Revised Statutes 268.413 with respect to minimal levels of health, maintenance or safety; or
2. Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the Ely city council, the violation of which is designated as a nuisance in the ordinance, rule or regulation.

**GARBAGE:** Shall have the same meaning as defined by the district board of health.

J. Nothing in this section shall prohibit the city from seeking any other sanctions, including the issuance of a criminal citation as provided in section 4-2-19 of this chapter. (Ord. 630, 10-23-2008)

**4-2-15: OWNER RESPONSIBILITY:**

Anything in this chapter to the contrary notwithstanding, the owner of the real property upon which the condition exists shall be responsible: a) for the repairing, safeguarding or elimination of a dangerous structure or condition; b) for the clearing of debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not governed by chapter 459 of the Nevada Revised Statutes (hazardous materials); or c) for the clearing of weeds and noxious plant growth from his premises and for otherwise complying with the terms of this chapter whether such owner is in possession personally or through a tenant or otherwise, and whether the same accrued during occupancy of the premises by the owner, by a tenant or while vacant or otherwise. Nothing in this chapter shall be construed as relieving from any civil or criminal liability the person actually responsible for any violation of this chapter. (Ord. 630, 10-23-2008)

**4-2-16: ADDITIONAL RULES AND REGULATIONS:**

A. The city council is authorized to make any and all necessary or proper regulations to carry out and enforce the provisions of this chapter, including all matters as to notices, procedures, regulation of hours, routes of travel, regulation of dump grounds or disposal site and similar matters. Owners

hauling their own garbage, trash and waste matter shall be bound by all such rules and regulations of which notice may be given as required by the city council and, as to the method of disposal of garbage, trash and waste matter at the disposal site, by notices posted at such site or on the road leading thereto, and a violation of the requirements of such notices shall be deemed a violation of this chapter punishable as herein provided.

B. Property owners who rebuild on the same lot within three hundred sixty five (365) days of the date of disposal shall be entitled to reimbursement of one hundred percent (100%) of the landfill fees only arising out of disposing a demolished structure on that same lot.

1. The property owner shall be responsible to provide proof to the city of Ely, city administrator, that there were landfill fees associated with the demolition of an old structure on the lot within the city of Ely; and

2. The property owner shall provide proof that the property owner paid those landfill fees to the city of Ely; and

3. The property owner shall provide proof, such as an occupancy permit issued by the city of Ely building official as proof the new structure was completed within three hundred sixty five (365) days of the date of disposal to be eligible to receive the reimbursement; and

4. The property owner shall have ninety (90) calendar days from completion of the building to request reimbursement from the city by providing the aforementioned items.

5. The city administrator shall upon payment of the reimbursement, report the reimbursement to the city council and mayor. (Ord. 678, 9-10-2015)

#### **4-2-17: COMPLIANCE WITH OTHER LAWS:**

This chapter shall be subject to the provisions of the constitution and the laws of the state and ordinances enacted by the city council. (Prior code § 11-11.6)

#### **4-2-18: REMEDIES CUMULATIVE:**

Any and all remedies herein provided shall be deemed cumulative. The city and the officers thereof shall in addition thereto have the right to exercise and enforce all rights and remedies otherwise created or existing, including the right of injunction, the right of abatement of nuisances, the right of action for damages and the right of prosecution for violation of any of the provisions of this chapter. (Prior code § 11-11.2)

#### **4-2-19: PENALTY:**

Any person violating any provision of this chapter shall be subject to penalty as provided in section 1-4-1 of this code. (Prior code § 11-11.5; amd. 2001 Code)

#### **4-2-20: LANDFILL FEES:**

A. Limit On User/Access Fees: Pursuant to the provisions of Nevada Revised Statutes 444.520(2), the user/access fees established or amended by this section are not subject to the limit on the maximum allowable revenue from fees established pursuant to Nevada Revised Statutes 354.5989.

B. Unpaid Fees Constitute Lien: Pursuant to Nevada Revised Statutes 444.520(3), until paid, any fee or charge levied pursuant to this section constitutes a perpetual lien against the property served, superior to all liens, claims and titles other than liens for general taxes and special assessments. The lien is not extinguished by the sale of any property on account of nonpayment of any other lien, claim or title, except liens for general taxes and special assessments. The lien may be foreclosed in the same manner as provided for the foreclosure of mechanics' liens.

C. Requirements To Establish Lien: A lien against property is not effective until notice of the lien, separately prepared for each lot affected, is:

1. Mailed to the last known owner at the owners' last known address according to the records of the county in which the property is located;
2. Delivered to the office of the county recorder of the county in which the property is located;
3. Recorded by the county recorder in a book kept for the purpose of recording instruments encumbering land; and
4. Indexed in the real estate index as deeds and other conveyances are required by law to be indexed. (Ord. 643, 7-8-2010)



## CHAPTER 3

### WEEDS, DEBRIS AND OTHER OFFENSIVE MATTER <sup>1</sup>

#### SECTION:

#### **4-3-1: Accumulations Unlawful; Nuisance Declared**

#### **4-3-2: Notice To Remove**

#### **4-3-3: Failure To Comply; Removal By City**

#### **4-3-4: Prohibited Deposits; Misdemeanor**

#### **4-3-5: Criminal Action**

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#### Notes

- <sup>1</sup> 1. For state law requiring city to cut, destroy and eradicate noxious weeds, see NRS § 555.150.

#### **4-3-1: ACCUMULATIONS UNLAWFUL; NUISANCE DECLARED:**

A. Nuisance Declared: All weeds, slop, waste, garbage, offal, bones, manure, or other unwholesome or offensive matter, scrap motor vehicles or trailers or parts thereof, wagon beds or bodies, running gear, tree stumps, old bed frames, bed springs, mattresses, old wire fencing, or other debris or junk permitted to grow or accumulate or be stored upon any real property within the city are hereby declared to be a nuisance and detrimental to the health, good order, safety and general welfare of the people of the city.

B. Accumulation Prohibited: It shall hereafter be unlawful for any person to suffer or permit accumulation of any of the things enumerated in this section upon any property owned by him, or of which he may have charge, and the cost of removing the same shall become a lien upon the real property upon which the same are found, unless it be removed in accordance with the terms of this chapter. (Prior code § 11-12)

#### **4-3-2: NOTICE TO REMOVE:**

The city administrator or designee shall cause to be published in a newspaper within the city during the first week of April of each year, unless changed by city council by resolution, for a period of one week, notice and order to all property owners to remove any and all weeds, debris, or other offensive matter from the owner's property within thirty (30) calendar days after the first publication of such notice and order. (Ord. 689, 10-8-2015)

#### **4-3-3: FAILURE TO COMPLY; REMOVAL BY CITY:**

A. Noncompliance Report: Should the property owner fail to comply with the terms of the notice and order provided for in the preceding section within the time specified, the street department, or such other officer as the city council may direct, will report to the council the location and owner of all real property which has failed to comply with the notice and order. (Prior code § 11-14; amd. Ord. 689, 10-8-2015)

B. Hearing; Notice: Thereafter the council shall cause a hearing to be held, providing fourteen (14) days' prior notice thereof to the legal owner of the real property according to the records in the office of the county assessor, to his last known address, certified mail, return receipt requested.

C. **Notice To Abate:** If the city council at said hearing finds that the condition of the property is in fact a nuisance as defined herein, the city council shall direct the owner of the real property to abate such nuisance within thirty (30) days of the date of the hearing. (Prior code § 11-14)

D. **Failure To Comply; Removal By City:** In the event the owner of the real property fails to abate such nuisance within thirty (30) days of the date of the hearing, the council shall thereafter direct the street department to remove the weeds, debris or other offensive matter which constitutes a nuisance and to prorate the cost thereof to each parcel of property upon which the work has been performed and report the same to the city administrator or designee. (Prior code § 11-14; amd. Ord. 689, 10-8-2015)

E. **Assessment Of Costs:** Upon receipt of the report from the street department as provided in subsection D of this section, showing the property to be charged and the owner thereof, the city administrator or designee shall make written demand upon the legal owner as of record in the office of the county assessor, at the last known address of such owner as recorded in said assessor's office, for the payment of the costs of removing said weeds, debris or other offensive matter. (Prior code § 11-15; amd. Ord. 689, 10-8-2015)

F. **Lien For Costs; Collection:** After the expiration of thirty (30) days from the demand referred to in subsection E of this section, the cost of removal, as therein provided, shall become a lien against the property and the city administrator or designee shall cause to be filed a lien specifically describing the property and the owner, or reputed owner, thereof, the amount expended including costs of preparing lien and file the same in the county recorder's office and shall in addition certify to the county treasurer the amount of the same segregated to the parcel of land of each owner, requesting the county treasurer to collect the same as and when taxes on real property are collected. (Prior code § 11-16; amd. Ord. 689, 10-8-2015)

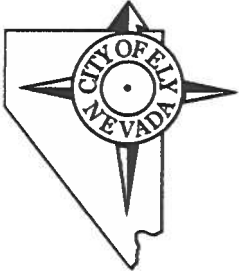
G. **Satisfaction Of Lien:** When the property owner pays the amount of the costs, plus the cost of preparing the lien as provided in this chapter, then the city administrator or designee shall cause to be recorded with the county recorder a satisfaction of the lien and shall in addition notify the county treasurer of the satisfaction of such claims. (Prior code § 11-17; amd. Ord. 689, 10-8-2015)

#### **4-3-4: PROHIBITED DEPOSITS; MISDEMEANOR:**

It is hereby made a misdemeanor to throw or dump, or cause or permit to be thrown or dumped, into any street, sidewalk, alley, gutter, creek or ditch within the city any ashes, cans, slop, manure, contents of spittoons, or any rubbish or filth or other refuse matter or to permit the same to accumulate on any premises within the city, or to convey and dump, or cause or permit the same to be conveyed and dumped to or upon any other place than that designated as the city dumping ground as the same is fixed and defined by the city council. (Prior code § 11-19)

#### **4-3-5: CRIMINAL ACTION:**

Nothing in this chapter shall be construed to limit or prohibit the prosecution of the owner, or others, for a violation of any provision of this code or other ordinance affecting the health or welfare of the people by criminal complaint. (Prior code § 11-18)



# CITY OF ELY

501 Mill Street Ely, Nevada 89301

City Hall (775) 289-2430

Fax (775) 289-1463

Date July 7, 2020

Mayor Nathan Robertson  
City Council

Re: Resignation

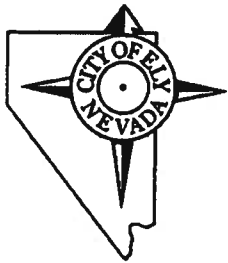
Dear Mr. Mayor and Honorable City Council Members:

Thank you for giving me this amazing opportunity to serve as your City Attorney. I have enjoyed my time with you all immensely; however, I will be relocating to Washington DC, as my husband has been stationed at the Pentagon. Please accept my resignation, effective August 20, 2020.

Sincerely,

A handwritten signature in blue ink, which appears to read "Caroline Townsend", is written over a horizontal line.

Caroline Townsend



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501 Mill Street Ely, Nevada 89301

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Sincerely,

A handwritten signature in black ink, appearing to read 'Caroline Townsend', is written over a faint, larger signature that is partially obscured.

Caroline Townsend

## **WHITE PINE COUNTY TREASURER**

801 Clark Street Suite #2 Ely, NV 89301

775-293-6506 Fax: 775-289-1573

treasurersoffice@whitepinecountynv.gov

### **SALE OF COUNTY PROPERTY**

Notice is hereby given by the Board of County Commissioners of White Pine County, Nevada, that I, Catherine M. Bakaric, Trustee for said County and State, was authorized to sell for cash, to the highest bidder, or bidders, the hereinafter described property, having been acquired for delinquent taxes.

**PARCEL #001-036-12**

**646 Stevens Avenue, Ely**

**Minimum Bid \$2,775**

**This property carries a utility lien from The City of Ely for approximately \$3,000\***

**PARCEL #001-054-05**

**488 Stevens Avenue, Ely**

**Minimum Bid \$4,075**

**PARCEL #001-123-21**

**236 Fay Avenue, Ely**

**Minimum Bid \$1,750**

**This property carries a utility lien from The City of Ely for approximately \$4,000\***

**PARCEL #001-218-08**

**City of Ely**

**Minimum Bid \$1,300**

**PARCEL #003-111-18**

**Ruth**

**Minimum Bid \$950**

**PARCEL #004-024-03**

**McGill**

**Minimum Bid \$1,000**

**PARCEL #004-046-06**

**19 Third Street, McGill**

**Minimum Bid \$3,300**

**PARCEL #004-092-03**

**McGill**

**Minimum Bid \$2,150**

**PARCEL #004-095-01**

**McGill**

**Minimum Bid \$4,100**

**PARCEL #004-097-03**

**McGill**

**Minimum Bid \$9,000**

**PARCEL #004-162-01**

**23 Avenue F, McGill**

**Minimum Bid \$3,400**

**This property carries a utility lien from The City of Ely for approximately \$2,500\***

**PARCEL #004-171-08, #004-171-16, #004-171-21, and 004-171-22**

**McGill**

**Minimum Bid \$720**

**PARCEL #005-123-04**

**Lots 7&8, Block 34, Baker**

**Minimum Bid \$1,650**

**This property carries a utility lien from The City of Ely for approximately \$2,000\***

**PARCEL #005-111-01**

**125 N. Nettie Avenue, Baker**

**Minimum Bid \$1,250**

**PARCEL #005-111-02**

**110 N. Baker Avenue, Baker**

**Minimum Bid \$1,100**

**PARCEL #005-111-03**

**120 N. Baker Avenue, Baker**

**Minimum Bid \$1,100**

**PARCEL #010-310-12**

**3733 N. US HWY 93, Ely**

**Minimum Bid \$23,600**

**This property carries a utility lien from The City of Ely for approximately \$4,500\***

**PARCEL #099-049-01**

**Buckeye PAT 39511 M/S 2059**

**Minimum Bid \$900**

**PARCEL #099-049-02**  
**Eclipse PAT 39508 M/S 2056**  
**Minimum Bid \$900**

**PARCEL #099-049-05**  
**Hawkeye PAT 39511 M/S 2059**  
**Minimum Bid \$900**

In pursuance of the above notice, at the hour of **10 a.m. on Friday August 14, 2020**, at the front door of the County Courthouse, I, as Trustee for said County and State, will sell at public auction all rights, title and interest now owned by the County in the above described properties. The right is reserved to refuse all bids for less than the above minimum bid which includes the cost of the sale. A complete packet of information including maps of all parcels on the sale plus Sale Procedures is available for \$5.00. Individual pages are available at \$.50 per page.

\*Contact the City of Ely for an exact amount owed.

CATHERINE M. BAKARIC  
County Treasurer and ex-officio Tax Receiver  
White Pine County  
State of Nevada

Published Ely Times: July 17<sup>th</sup>, 24<sup>th</sup>, 31<sup>st</sup>, and August 7<sup>th</sup>, 2020



