

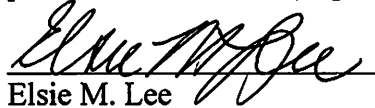
AGENDA
CITY OF FALLON – CITY COUNCIL
55 West Williams Avenue
Fallon, Nevada
December 6, 2022 – 9:00 a.m.

The Honorable City Council will meet in a regularly scheduled meeting on December 6, 2022 at 9:00 a.m. in the City Council Chambers, 55 West Williams Avenue, Fallon, Nevada.

Items on the agenda may be taken out of order. The Council may combine two or more agenda items for consideration. The Council may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Unless otherwise allowed by the City Council, public comments by an individual will be limited to three minutes.

1. Pledge of Allegiance to the Flag.
2. Certification of Compliance with Posting Requirements.
3. Public Comments: General in nature, not relative to any agenda items.
No action may be taken on a matter raised under this item until the matter has been specifically included on an agenda as an item upon which action will be taken. **(For discussion only)**
4. Approval of Warrants: **(For possible action)**
 - A) Accounts Payable
 - B) Payroll
 - C) Customer Deposit
5. Public hearing for Bill No. 789: An Ordinance Joining the Central Nevada Health District, Providing the Organizational Structure of Said District, Establishing Its Powers and Authorities, and Other Matters Relating Thereto. **(For discussion only)**
6. Consideration and possible adoption of Bill No. 789: An Ordinance Joining the Central Nevada Health District, Providing the Organizational Structure of Said District, Establishing Its Powers and Authorities, and Other Matters Relating Thereto. **(For possible action)**
7. Public Comments **(For discussion only)**
8. Council and Staff Reports **(For discussion only)**
9. Executive Session (closed):
 - Discuss Litigation Matters **(For discussion only)** (NRS 241 et.seq.)
 - Negotiations with Operating Engineers Local Union No. 3 **(For discussion only)**
 - Negotiations with Fallon Peace Officers Association **(For discussion only)**

This agenda has been posted on or before 9:00 a.m. on December 1, 2022 at City Hall, District Court Building, Churchill County Office Complex, Churchill County Public Library and posted to the City's website (<https://fallonnevada.gov>) and the State of Nevada public notice website (<https://notice.nv.gov/>). Members of the public may request the supporting material for this meeting by contacting Elsie M. Lee, Deputy City Clerk, City Clerk's Office, City Hall, 55 West Williams Avenue, Fallon, Nevada, 775-423-5104. The supporting material for this meeting is also available to the public on the City's website (<https://fallonnevada.gov>) and the State of Nevada public notice website (<https://notice.nv.gov/>).


Elsie M. Lee

NOTICE TO PERSONS WITH DISABILITIES: Reasonable effort will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Please call the City Clerk's Office at 775-423-5104 in advance so that arrangements may be conveniently made.

December 6, 2022

Agenda Item 5

Public hearing for Bill No. 789: An Ordinance Joining the Central Nevada Health District, Providing the Organizational Structure of Said District, Establishing Its Powers and Authorities, and Other Matters Relating Thereto. **(For discussion only)**

Incorporated 1908

**CITY OF FALLON
REQUEST FOR COUNCIL ACTION**

Agenda Item No. 5

DATE SUBMITTED: November 29, 2022

AGENDA DATE REQUESTED: December 6, 2022

TO: The Honorable City Council

FROM: Sean Rowe, Deputy City Attorney

SUBJECT TITLE: Public hearing for Bill No. 789: An Ordinance Joining the Central Nevada Health District, Providing the Organizational Structure of Said District, Establishing Its Powers and Authorities, and Other Matters Relating Thereto. **(For discussion only)**

Resolution Ordinance
 Formal Action/Motion Other

POSSIBLE COUNCIL ACTION: None. This item is for the public hearing on Bill 789.

DISCUSSION: The proposed Ordinance was introduced at the Council's properly noticed special meeting on November 17, 2022. Notice of the deposit of copies of the proposed ordinance and the public hearing date was duly published in the Lahontan Valley News on November 24, 2022. The proposed ordinance, as introduced, and Proof and Statement of Publication of the Notice of Deposit of Copies and Public Hearing to Adopt Bill No. 789 are attached to this coversheet. This agenda item represents the public's opportunity to comment on the proposed ordinance and to present relevant information and materials to the Council.

PREPARED BY: Sean Rowe, Deputy City Attorney



Proof and Statement of Publication
AD #: 29179

PO Box 648, Carson City, NV 89702
580 Mallory Way, Suite 200, Carson City, NV 89701
(775) 881-1201 FAX: (775) 887-2408

Customer Account #: 2263

Legal Account
CITY OF FALLON - LEGAL

55 W. WILLIAMS AVE.
FALLON, NV 89406

Jodi Lynn Dark says:
That she is a legal clerk of the
Lahontan Valley News
a newspaper published Thursday at
Fallon, in the State of Nevada.

Copy Line

11/24 LVN Notice of deposit & Public Hearing

PO #:

AD #: 29179

of which a copy is hereto attached, was published
in said newspaper for the full required period of 1
time(s) commencing on 11/24/2022
and ending on, 11/24/2022
all days inclusive.

Signed:

Jodi Lynn Dark

Statement:

Date	Amount	Balance
11/24/22	81.50	81.50

City of Fallon

Notice of Deposit of Copies and Public Hearing
to Adopt Bill No.789

Notice is hereby given that the Honorable City Council of the City of Fallon will hold a Public Hearing on Tuesday, December 6, 2022, at 9:00 a.m. in the City Council Chambers, City Hall, 55 West Williams Avenue, Fallon, Nevada 89406, to consider possible adoption of Bill No. 789, an ordinance by which the City of Fallon will join the Central Nevada Health District. Additionally, Bill 789 provides for the organizational structure of the District, establishes its powers and authorities, and establishes its initial budget and funding.

Notice is hereby further given that copies of the Bill have been deposited with the City Clerk, City Hall, 55 West Williams Avenue, Fallon, Nevada 89406, for public examination and distribution upon request. Members of the public may request a copy of the Bill by contacting Elsie Lee, Deputy City Clerk, at (775) 423-5104 or elee@fallonnevada.gov.

ORDINANCE No. _____

Bill _____

TITLE: AN ORDINANCE JOINING THE CENTRAL NEVADA HEALTH DISTRICT, PROVIDING THE ORGANIZATIONAL STRUCTURE OF SAID DISTRICT, ESTABLISHING ITS POWERS AND AUTHORITIES, AND OTHER MATTERS RELATING THERETO.

SUMMARY: THE CENTRAL NEVADA HEALTH DISTRICT IS CREATED. THIS HEALTH DISTRICT WILL INCLUDE AS FOUNDING MEMBERS, CHURCHILL COUNTY, PERSHING COUNTY, EUREKA COUNTY, MINERAL COUNTY, AND THE CITY OF FALLON. PURSUANT TO NRS CHAPTER 439, THE CENTRAL NEVADA HEALTH DISTRICT SHALL HAVE ALL OF THE POWERS OF THE CITY OF FALLON BOARD OF HEALTH, AND ANY FURTHER POWERS AUTHORIZED BY NRS CHAPTER 439 OR ITS SUCCESSOR STATUTES.

WHEREAS, the City of Fallon, Nevada, is a municipal corporation and subdivision of the State of Nevada;

WHEREAS, the City of Fallon is authorized pursuant to NRS 439.420 *et seq.* to establish a city board of health charged with overseeing all sanitary conditions of the city and adopting such regulations as may be necessary for the prevention, suppression and control of any contagious or infectious disease dangerous to the public health.; and

WHEREAS, the Fallon City Council seeks to protect the public health and welfare of the citizens of Mineral County through joining the Central Nevada Health District;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FALLON do ordain that:

A new chapter entitled CENTRAL NEVADA HEALTH DISTRICT be added to the FALLON MUNICIPAL CODE, TITLE 8 – HEALTH AND SAFETY as follows:

8.02.010 DEFINITIONS;

As used in this chapter, unless the context requires otherwise:

- 1. “Board” means the Central Nevada Health District Board of Health**
- 2. “Department” shall mean the Central Nevada Health Department**
- 3. “District” means the Central Nevada Health District**
- 4. “Health Officer” means the Central Nevada Health District Health Officer**

8.02.020 – CENTRAL NEVADA HEALTH DISTRICT

The Central Nevada Health District is hereby created. The founding members of the District are Churchill County, Pershing County, Eureka County, Mineral County, and the City of Fallon.

8.02.030 MEMBERSHIP

- A. If not a founding member of the District, a county, city, or town may become a member of the District by adopting a resolution of its governing body requesting to join the District. Membership shall be effective upon approval by a majority vote of all members of the Board to add the county, city, or town as a member of the District. The new member must adopt an Ordinance substantially in conformance with this Chapter within 60 days of the Board's approval to join the District.**
- B. A member of the District may voluntarily withdraw from the District after a minimum period of 3 years following inclusion as a member.**
- C. Members of the District may remove any member of the District by a super majority vote (75% or more) of all members of the District. Such removal shall become effective on July 1st of the next odd-numbered year.**

8.02.040 DISTRICT BOARD OF HEALTH, CREATED

- A. There is established and created the Central Nevada District Board of Health to oversee and manage health services within the district including all operations of a district health department. The Board is authorized to act for and on behalf of the district and to fulfill all the duties, perform all functions, and exercise all powers of a district board of health as the same is defined and set forth in the provisions of NRS chapter 439, and all acts amendatory thereto.**
- B. The Board shall have jurisdiction over all public health matters in the health district, except in matters concerning emergency medical services pursuant to the provisions of NRS chapter 450B. Specifically, the Board is empowered to adopt regulations, effective upon approval by the State Board of Health, to:
 - i. Prevent and control nuisances;**
 - ii. Regulate sanitation and sanitary practices in the interests of the public health;**
 - iii. Provide for the sanitary protection of water and food supplies; and**
 - iv. Protect and promote the public health generally within the boundaries of the member governing bodies.****

8.02.050 DISTRICT BOARD OF HEALTH, COMPOSITION

The Central Nevada Health District Board of Health shall consist of the following membership

- A. Two members from each county, city, or town which is a member of the Central Nevada Health District. Members representing the City of Fallon shall be appointed by the Mayor and confirmed by the City Council;
- B. One physician licensed to practice medicine in the State of Nevada selected by the appointed members within 30 days of the establishment of the district, or by the Chief Medical Officer of the State of Nevada if no member is selected by the appointed members.

8.02.060 TERM OF OFFICE; COMPENSATION

- A. Each member of the Central Nevada Health District Board of Health shall serve for a term of two (2) years or until his successor takes office. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term. Members of the Board may be removed from office by majority vote of the governing body of the county, city, or town which appointed them for inefficiency, neglect of duty, or malfeasance of office.
- B. All members of the Board shall serve without additional compensation, though Board members may be reimbursed for reasonable expenses made necessary in the fulfillment of their duties.
- C. Members of the Board shall elect a chairperson and vice-chairperson at the first meeting held in each calendar year.

8.02.070 HEALTH OFFICER

- A. The Board shall appoint a Health Officer on the basis of his or her graduate education in public health, training, experience, and interest in public health and related programs within 90 days of formation or any vacancy in the position.
- B. The Health Officer shall have full authority to act as a county health officer for any area within the district.
- C. The Health Officer is entitled to receive a salary fixed by the Board and serves at the pleasure of the Board.

8.02.080 PROVISION OF MEDICAL SERVICES

The Board shall adopt a schedule of fees for the provision of medical assistance provided by the department directly to residents within the district. Such schedule shall not charge any fee to a person who qualifies as medically indigent pursuant to NRS 428. Such schedule shall become effective upon ratification by the governing body of each county, city, or town that is a member of the district.

8.02.090 CONTINGENCY FUND

- A. The District shall establish and administer a contingency fund which shall be funded solely by the annual contingency fees. The contingency fund shall be set aside and kept separately from other District funds.

8.02.100 BUDGET; FUNDING

- A. A budget shall be prepared by the District in accordance with the provisions of NRS Chapter 354 and shall be reviewed by the Board no later than December of each year and approved by the Board no later than April 30 of each year for the ensuing fiscal year.
- B. Funding responsibility for the District shall be allocated among the District members. The amount of fees owed by each member of the District shall be calculated, determined, and approved by the Board in accordance with this section no later than April 30 of each year for the ensuing fiscal year. All fees owed by each member of the District shall be paid no later than July 1 of each year.
- C. The annual fees owed by each member of the District shall be:
 - i. An annual base rate fee of One Hundred Thousand Dollars (\$100,000); and
 - ii. An annual per person capita fee which shall equal Five Dollars (\$5.00) for each person of the member's population based on the State Demographer's population numbers for each year. If a town or city that is a member of the District is located within a county that is a member of the District, the population of the town or city shall not be included in the population of the county when determining the county's annual per capita fee; and
 - iii. An annual contingency fee which shall equal 20% of the member's annual base rate fee and the member's annual per person capita fee. The annual contingency fee shall only be collected in years when the unused portion of the contingency fund is less than \$200,000 on December 31 immediately preceding the July 1 that the annual contingency fee is due. The District shall keep the funds collected from the annual contingency fee in the contingency fund.
- D. The obligation of each member to pay the fees in this section shall be extinguished when their withdrawal or removal from the District becomes effective.
- E. If the District is abolished, each member of the District at the time of abolishment will be reimbursed an equal apportionment of any remaining funds held by the District including the Contingency Fund.

This ordinance shall be effective upon two of the founding members of the district passing an ordinance establishing the Central Nevada Health District and upon approval by the State Board of Health of the creation of the District.

PROPOSED on November 17, 2022.

PROPOSED by COUNCIL MEMBER _____.

PASSED on _____, 2022.

Passed and adopted this _____ day of December, 2021.

**Those voting
aye: _____**

**Those voting
nay: _____**

**Those absent:
_____**

**Those
abstaining: _____**

Attest:

City Clerk

Mayor

December 6, 2022

Agenda Item 6

Consideration and possible adoption of Bill No. 789: An Ordinance Joining the Central Nevada Health District, Providing the Organizational Structure of Said District, Establishing Its Powers and Authorities, and Other Matters Relating Thereto. **(For possible action)**

Incorporated 1908

**CITY OF FALLON
REQUEST FOR COUNCIL ACTION**

Agenda Item No. 6

DATE SUBMITTED: November 29, 2022

AGENDA DATE REQUESTED: December 6, 2022

TO: The Honorable City Council

FROM: Sean Rowe, Deputy City Attorney

SUBJECT TITLE: Consideration and possible adoption of Bill No 789: An Ordinance Joining the Central Nevada Health District, Providing the Organizational Structure of Said District, Establishing Its Powers and Authorities, and Other Matters Relating Thereto. (For possible action)

Resolution Ordinance
 Formal Action/Motion Other

POSSIBLE COUNCIL ACTION: Motion to adopt Bill No 789: An Ordinance Joining the Central Nevada Health District, Providing the Organizational Structure of Said District, Establishing Its Powers and Authorities, and Other Matters Relating Thereto

DISCUSSION: Pursuant to Nevada Revised Statutes Chapter 439, by affirmative votes of their governing commissions or councils, political subdivisions in adjacent counties and the municipalities within those counties may, with the approval of the State Board of Health, create a health district consisting of a health district board and district health officer. The purpose of this ordinance is to join with the counties of Churchill, Pershing, Eureka, and Mineral and create a district board of health. A district board of health is responsible for the administration of public health within the district as set forth NRS 439.360.

PREPARED BY: Sean Rowe, Deputy City Attorney

ORDINANCE No. ____

Bill ____

TITLE: AN ORDINANCE JOINING THE CENTRAL NEVADA HEALTH DISTRICT, PROVIDING THE ORGANIZATIONAL STRUCTURE OF SAID DISTRICT, ESTABLISHING ITS POWERS AND AUTHORITIES , AND OTHER MATTERS RELATING THERETO.

SUMMARY: THE CENTRAL NEVADA HEALTH DISTRICT IS CREATED. THIS HEALTH DISTRICT WILL INCLUDE AS FOUNDING MEMBERS, CHURCHILL COUNTY, PERSHING COUNTY, EUREKA COUNTY, MINERAL COUNTY, AND THE CITY OF FALLON. PURSUANT TO NRS CHAPTER 439, THE CENTRAL NEVADA HEALTH DISTRICT SHALL HAVE ALL OF THE POWERS OF THE CITY OF FALLON BOARD OF HEALTH, AND ANY FURTHER POWERS AUTHORIZED BY NRS CHAPTER 439 OR ITS SUCCESSOR STATUTES.

WHEREAS, the City of Fallon, Nevada, is a municipal corporation and subdivision of the State of Nevada;

WHEREAS, the City of Fallon is authorized pursuant to NRS 439.420 *et seq.* to establish a city board of health charged with overseeing all sanitary conditions of the city and adopting such regulations as may be necessary for the prevention, suppression and control of any contagious or infectious disease dangerous to the public health.; and

WHEREAS, the Fallon City Council seeks to protect the public health and welfare of the citizens of Mineral County through joining the Central Nevada Health District;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FALLON do ordain that:

A new chapter entitled CENTRAL NEVADA HEALTH DISTRICT be added to the FALLON MUNICIPAL CODE, TITLE 8 – HEALTH AND SAFETY as follows:

8.02.010 DEFINITIONS;

As used in this chapter, unless the context requires otherwise:

- 1. “Board” means the Central Nevada Health District Board of Health**
- 2. “Department” shall mean the Central Nevada Health Department**
- 3. “District” means the Central Nevada Health District**
- 4. “Health Officer” means the Central Nevada Health District Health Officer**

8.02.020 – CENTRAL NEVADA HEALTH DISTRICT

The Central Nevada Health District is hereby created. The founding members of the District are Churchill County, Pershing County, Eureka County, Mineral County, and the City of Fallon.

8.02.030 MEMBERSHIP

- A. If not a founding member of the District, a county, city, or town may become a member of the District by adopting a resolution of its governing body requesting to join the District. Membership shall be effective upon approval by a majority vote of all members of the Board to add the county, city, or town as a member of the District. The new member must adopt an Ordinance substantially in conformance with this Chapter within 60 days of the Board's approval to join the District.**
- B. A member of the District may voluntarily withdraw from the District after a minimum period of 3 years following inclusion as a member.**
- C. Members of the District may remove any member of the District by a super majority vote (75% or more) of all members of the District. Such removal shall become effective on July 1st of the next odd-numbered year.**

8.02.040 DISTRICT BOARD OF HEALTH, CREATED

- A. There is established and created the Central Nevada District Board of Health to oversee and manage health services within the district including all operations of a district health department. The Board is authorized to act for and on behalf of the district and to fulfill all the duties, perform all functions, and exercise all powers of a district board of health as the same is defined and set forth in the provisions of NRS chapter 439, and all acts amendatory thereto.**
- B. The Board shall have jurisdiction over all public health matters in the health district, except in matters concerning emergency medical services pursuant to the provisions of NRS chapter 450B. Specifically, the Board is empowered to adopt regulations, effective upon approval by the State Board of Health, to:
 - i. Prevent and control nuisances;**
 - ii. Regulate sanitation and sanitary practices in the interests of the public health;**
 - iii. Provide for the sanitary protection of water and food supplies; and**
 - iv. Protect and promote the public health generally within the boundaries of the member governing bodies.****

8.02.050 DISTRICT BOARD OF HEALTH, COMPOSITION

The Central Nevada Health District Board of Health shall consist of the following membership

- A. Two members from each county, city, or town which is a member of the Central Nevada Health District. Members representing the City of Fallon shall be appointed by the Mayor and confirmed by the City Council;
- B. One physician licensed to practice medicine in the State of Nevada selected by the appointed members within 30 days of the establishment of the district, or by the Chief Medical Officer of the State of Nevada if no member is selected by the appointed members.

8.02.060 TERM OF OFFICE; COMPENSATION

- A. Each member of the Central Nevada Health District Board of Health shall serve for a term of two (2) years or until his successor takes office. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term. Members of the Board may be removed from office by majority vote of the governing body of the county, city, or town which appointed them for inefficiency, neglect of duty, or malfeasance of office.
- B. All members of the Board shall serve without additional compensation, though Board members may be reimbursed for reasonable expenses made necessary in the fulfillment of their duties.
- C. Members of the Board shall elect a chairperson and vice-chairperson at the first meeting held in each calendar year.

8.02.070 HEALTH OFFICER

- A. The Board shall appoint a Health Officer on the basis of his or her graduate education in public health, training, experience, and interest in public health and related programs within 90 days of formation or any vacancy in the position.
- B. The Health Officer shall have full authority to act as a county health officer for any area within the district.
- C. The Health Officer is entitled to receive a salary fixed by the Board and serves at the pleasure of the Board.

8.02.080 PROVISION OF MEDICAL SERVICES

The Board shall adopt a schedule of fees for the provision of medical assistance provided by the department directly to residents within the district. Such schedule shall not charge any fee to a person who qualifies as medically indigent pursuant to NRS 428. Such schedule shall become effective upon ratification by the governing body of each county, city, or town that is a member of the district.

8.02.090 CONTINGENCY FUND

- A. The District shall establish and administer a contingency fund which shall be funded solely by the annual contingency fees. The contingency fund shall be set aside and kept separately from other District funds.**

8.02.100 BUDGET; FUNDING

- A. A budget shall be prepared by the District in accordance with the provisions of NRS Chapter 354 and shall be reviewed by the Board no later than December of each year and approved by the Board no later than April 30 of each year for the ensuing fiscal year.**
- B. Funding responsibility for the District shall be allocated among the District members. The amount of fees owed by each member of the District shall be calculated, determined, and approved by the Board in accordance with this section no later than April 30 of each year for the ensuing fiscal year. All fees owed by each member of the District shall be paid no later than July 1 of each year.**
- C. The annual fees owed by each member of the District shall be:**
- i. An annual base rate fee of One Hundred Thousand Dollars (\$100,000); and**
 - ii. An annual per person capita fee which shall equal Five Dollars (\$5.00) for each person of the member's population based on the State Demographer's population numbers for each year. If a town or city that is a member of the District is located within a county that is a member of the District, the population of the town or city shall not be included in the population of the county when determining the county's annual per capita fee; and**
 - iii. An annual contingency fee which shall equal 20% of the member's annual base rate fee and the member's annual per person capita fee. The annual contingency fee shall only be collected in years when the unused portion of the contingency fund is less than \$200,000 on December 31 immediately preceding the July 1 that the annual contingency fee is due. The District shall keep the funds collected from the annual contingency fee in the contingency fund.**
- D. The obligation of each member to pay the fees in this section shall be extinguished when their withdrawal or removal from the District becomes effective.**
- E. If the District is abolished, each member of the District at the time of abolishment will be reimbursed an equal apportionment of any remaining funds held by the District including the Contingency Fund.**

This ordinance shall be effective upon two of the founding members of the district passing an ordinance establishing the Central Nevada Health District and upon approval by the State Board of Health of the creation of the District.

PROPOSED on November 17, 2022.

PROPOSED by COUNCIL MEMBER _____.

PASSED on _____, 2022.

Passed and adopted this _____ day of December, 2021.

**Those voting
aye: _____**

**Those voting
nay: _____**

**Those absent:
_____**

**Those
abstaining: _____**

Attest:

City Clerk

Mayor