



Call to Order: The meeting was called to order at 3:03 P.M. by Chairman Brad Oneto.

Board Members Present: Bradley Oneto, Chairman; Anne Harry, Treasurer; Doreen Andriacchi, Secretary; Kylie Gerken, Trustee; via Zoom: Bill Olin, Trustee.

Others Present:

Rob Anderson (R.O. Anderson Engineering, Inc. a Wilson Engineers Company), Chuck Zumpft (Minden Lawyers, LLC), Bob Felton, Beverly Oneto

Approval of agenda: A. Harry **motioned** to approve the agenda. **Seconded** by K. Gerken. The vote was **unanimous**.

Public Comment: None

Discussion with legal counsel Chuck Zumpft

Easement agreements are on hold pending Engineering specifications, which should be available by late January. Chairman Oneto would like the private property owners of potential generator sites to be informed that the generators are whisper units, in sound attenuating enclosures, not much louder than a refrigerator. The generators run at a quieter half speed when exercised. Legal Counsel will work on an easement agreement with Elk Point Country Club (EPCC). Sewer force mains, water lines, and man holes currently exist in 20-foot roadway. Some sewer lines may be on EPCC and/or private property. Survey can be done in the Spring to map the entire system. Rob Anderson will send an estimate for completing survey. Flow meter on private property near front gate will also need an easement agreement. Chairman Oneto will contact Richard Rowe to request permission to use the EPCC breaker box near front gate. Rob Anderson will send an estimate for completing survey.

Fee Schedule/Special Assessment Process Attachment 1

Chuck Zumpft provided NRS requirements that need to be followed to develop a rate schedule NRS 318.197, 318.199, 318.201, and 318.202. Public Hearing for rate schedule must be scheduled and noticed 30 days prior. Rate schedule must be fully developed and agendized before notice goes out. Process for a special assessment is defined in NRS 318.202. EPSD currently uses one flat rate per user. RCAC recommends keeping the one flat rate per user. Chuck Zumpft advised the we could create a tiered rate schedule based on square footage. The Board was advised to wait for the final report from RCAC due in January 2025.

Engineering Report

RO Anderson completed the survey of the two lift station sites, assisted by Douglas County Lake Tahoe Sewer Authority (DCLTSA) personnel. All the data is collected and in process of completing the 60% design. Some anomalies were found relative to the location of the pavement and some of the facilities relative to the location of the streets, alleyways, and common places. Should be prepared to show anomalies and 60% design at the next meeting. The USDA found the EPSD project to have no significant impact environmentally which saves about \$25K because it prevents the need to go through an extensive environmental impact study. We need to do a conduit hard wire connection to a power source for the new meter. USDA suggested using the

power that operates the main gate. Chairman Oneto will reach out to the EPCC Infrastructure Committee to discuss the possibility.

Anne Harry reported that EPSD notice of intent to apply to the USDA for funding. Notice must be published 10 days before the meeting in a local newspaper. The meeting agenda must include notice of intent to apply for USDA funding. The public must be invited to comment on the project. The process must be completed within 60 days after the application is submitted including meeting held and minutes posted. The goal is to submit the application before the end of the year.

Approval of November 19, 2024 minutes: D. Andriacchi **motioned** to approve the November 19, 2024. **Seconded** by K. Gerken. The vote was **unanimous**.

Chairman Oneto **motioned** to table the final decision on Bitler Road until Rural Community Assistance Corporation (RCAC) report is complete. **Seconded** by D. Andriacchi. The vote was **unanimous**.

Chairman's Report

Chairman Oneto thanked Bill Olin for serving on the EPSD Board. The work Bill did on insurance was extremely helpful. Incoming trustee, Robert Felton, was welcomed to the new Board. The EP1 Compressor failed in November. DCLTSA is responsible for maintenance. EPSD should keep track of the outages.

Treasurer's Report

Trustees must take the oath of office by January 15, 2025 and file a financial disclosure statement. USDA is full speed ahead to help EPSD get the funding and submit the application by the end of the year. The Chair needs to sign the application, working on getting the proper security clearance.

Secretary's Report

No Correspondence.

Website Update

Drafts, Agendas and Minutes are promptly posted.

The next EPSD meeting will be scheduled for January 2025.

Public Comment: None.

Adjournment: D. Andriacchi **motioned** to adjourn the meeting which was **seconded** by K. Gerken. The vote was unanimous. The meeting was adjourned at 5:08 pm.

Respectfully submitted:

Doreen Andriacchi
Elk Point Sanitation District Board Secretary

Approved by:



Doreen Andriacchi
Elk Point Sanitation District Board Secretary

Attachment(s):
NRS Rates Sections

NRS Rates Sections**NRS 318.197 Rates, tolls and charges; liens; regulations governing connection and disconnection for facilities and services of district; collection of charges and penalties.**

1. The board may fix, and from time to time increase or decrease, electric energy, cemetery, swimming pool, other recreational facilities, television, FM radio, sewer, water, storm drainage, flood control, snow removal, lighting, garbage or refuse rates, tolls or charges other than special assessments, including, but not limited to, service charges and standby service charges, for services or facilities furnished by the district, charges for the availability of service, annexation charges, and minimum charges, and pledge the revenue for the payment of any indebtedness or special obligations of the district.

2. Upon compliance with subsection 9 and until paid, all rates, tolls or charges constitute a perpetual lien on and against the property served. A perpetual lien is prior and superior to all liens, claims and titles other than liens of general taxes and special assessments and is not subject to extinguishment by the sale of any property on account of nonpayment of any liens, claims and titles including the liens of general taxes and special assessments. A perpetual lien must be foreclosed in the same manner as provided by the laws of the State of Nevada for the foreclosure of mechanics' liens. Before any lien is foreclosed, the board shall hold a hearing thereon after providing notice thereof by publication and by registered or certified first-class mail, postage prepaid, addressed to the last known owner at his or her last known address according to the records of the district and the real property assessment roll in the county in which the property is located.

3. The board shall prescribe and enforce regulations for the connection with and the disconnection from properties of the facilities of the district and the taking of its services.

4. The board may provide for the collection of charges. Provisions may be made for, but are not limited to:

(a) The granting of discounts for prompt payment of bills.

(b) The requiring of deposits or the prepayment of charges in an amount not exceeding 1 year's charges from persons receiving service and using the facilities of the enterprise or from the owners of property on which or in connection with which services and facilities are to be used. In case of nonpayment of all or part of a bill, the deposits or prepaid charges must be applied only insofar as necessary to liquidate the cumulative amount of the charges plus penalties and cost of collection.

(c) The requiring of a guaranty by the owner of property that the bills for service to the property or the occupants thereof will be paid.

5. The board may provide for a basic penalty for nonpayment of the charges within the time and in the manner prescribed by it. The basic penalty must not be more than 10 percent of each month's charges for the first month delinquent. In addition to the basic penalty, the board may provide for a penalty of not exceeding 1.5 percent per month for nonpayment of the charges and basic penalty. The board may prescribe and enforce regulations that set forth the date on which a charge becomes delinquent. The board may provide for collection of the penalties provided for in this section.

NRS Rates Sections

6. The board may provide that charges for any service must be collected together with and not separately from the charges for any other service rendered by it, and that all charges must be billed upon the same bill and collected as one item.

7. The board may enter into a written contract with any person, firm or public or private corporation providing for the billing and collection by the person, firm or corporation of the charges for the service furnished by any enterprise. If all or any part of any bill rendered by the person, firm or corporation pursuant to a contract is not paid and if the person, firm or corporation renders any public utility service to the person billed, the person, firm or corporation may discontinue its utility service until the bill is paid, and the contract between the board and the person, firm or corporation may so provide.

8. As a remedy established for the collection of due and unpaid deposits and charges and the penalties thereon an action may be brought in the name of the district in any court of competent jurisdiction against the person or persons who occupied the property when the service was rendered or the deposit became due or against any person guaranteeing payment of bills, or against any or all such persons, for the collection of the amount of the deposit or the collection of delinquent charges and all penalties thereon.

9. A lien against the property served is not effective until a notice of the lien, separately prepared for each lot affected, is:

(a) Mailed to the last known owner at his or her last known address according to the records of the district and the real property assessment roll of the county in which the property is located;

(b) Delivered by the board to the office of the county recorder of the county within which the property subject to such lien is located;

(c) Recorded by the county recorder in a book kept by the county recorder for the purpose of recording instruments encumbering land; and

(d) Indexed in the real estate index as deeds and other conveyances are required by law to be indexed.

(Added to NRS by [1959, 465](#); A [1963, 632](#); [1967, 1700](#); [1969, 95](#); [1971, 187](#), [1054](#); [1975, 137](#); [1977, 542](#); [1991, 1708](#); [1995, 1906](#); [1997, 452](#); [2005, 727](#))

NRS 318.199 Rates, tolls and charges for sewerage or water services or products: Schedules; public hearings; adoption of resolution; action to set aside resolution.

1. The board of trustees of any district organized or reorganized under this chapter and authorized to furnish sanitary sewer facilities pursuant to [NRS 318.140](#) or to furnish water facilities pursuant to [NRS 318.144](#) shall establish schedules showing all rates, tolls or charges for services performed or products furnished.

NRS Rates Sections

2. Whenever the board of trustees proposes to change any individual or joint rate, toll, charge, service or product, or any individual or joint practice which will affect any rate, toll, charge, service or product, the board of trustees shall hold public hearings after 30 days' notice has been given to all users of the service or product within the district.

3. Notice shall be given by publication in a newspaper published in the county and if no such newspaper is published, then a newspaper published in this state which has a general circulation in the county. The notice shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear and the type used in the headline of such notice shall not be smaller than 18 point.

4. All users of the service or product shall be afforded a reasonable opportunity to submit data, views or arguments orally or in writing at the place, date and time specified in the notice, or at any subsequent place or time to which the hearing may be adjourned.

5. If, after public hearing, the board of trustees determines that the proposed action is required, the board shall adopt a resolution establishing the new or changed rates, tolls, charges, services to be performed or products to be furnished.

6. Within 30 days immediately following the effective date of such resolution, any person who has protested it may commence an action in any court of competent jurisdiction to set aside the resolution.

7. Within 30 days after the effective date of the resolution, the secretary of the district shall file a copy of the new schedules in the office of the district. The schedules shall be made available to any user of the service or product.

(Added to NRS by [1977, 541](#))

NRS 318.201 Procedure for collection of service charges on tax roll.

1. Any board which has adopted rates pursuant to this chapter may, by resolution or by separate resolutions, elect to have such charges for the forthcoming fiscal year collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the county's general taxes. In such event, it shall cause a written report to be prepared and filed with the secretary, which shall contain a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for such year, computed in conformity with the charges prescribed by the resolution.

2. The powers authorized by this section are alternative to all other powers of the district, and alternative to other procedures adopted by the board for the collection of such charges.

3. The real property may be described by reference to maps prepared by and on file in the office of the county assessor or by descriptions used by the county assessor, or by reference to plats or maps on file in the office of the secretary.

NRS Rates Sections

4. The board may make the election specified in subsection 1 with respect only to delinquent charges and may do so by preparing and filing the written report, giving notice and holding the hearing therein required only as to such delinquencies.

5. The secretary shall cause notice of the filing of the report and of a time and place of hearing thereon to be published once a week for 2 weeks prior to the date set for hearing, in a newspaper of general circulation printed and published within the district if there is one and if not then in such paper printed and published in a county within which the district is located.

6. Before the board may have such charges collected on the tax roll, the secretary shall cause a notice in writing of the filing of the report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in the report is assessed in the last equalized assessment roll available on the date the report is prepared, at the address shown on the assessment roll or as known to the secretary. If the board adopts the report, then the requirements for notice in writing to the persons to whom parcels of real property are assessed does not apply to hearings on reports prepared in subsequent fiscal years but notice by publication as provided in this section is adequate.

7. At the time stated in the notice, the board shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time. If the board finds that protest is made by the owners of a majority of separate parcels of property described in the report, then the report shall not be adopted and the charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel or parcels of land.

8. Upon the conclusion of the hearing, the board may adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in the report, which determination is final.

9. After the hearing, when the board has made a final decision on a service charge or fee to be collected on the county tax roll, the secretary shall prepare and file a final report, which shall contain a description of each parcel receiving the services and the amount of the charge, with the county assessor for inclusion on the assessment roll. If a report is filed after the closing of the assessment roll but before the extension of the tax roll, the auditor shall insert the charges in such extension.

10. The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of the time when the lien of taxes on the roll attach.

11. The county treasurer shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land. Thereafter the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the county. The charges shall become delinquent at the same time as such taxes and are subject to the same delinquency penalties.

NRS Rates Sections

12. All laws applicable to the levy, collection and enforcement of general taxes of the county, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund, redemption and sale, are applicable to such charges.

13. The county treasurer may issue separate bills for such charges and separate receipts for collection on account of such charges.

(Added to NRS by [1963, 626](#); A [1967, 1701](#); [1975, 465](#))

NRS 318.202 Procedure for collection of charges for connecting to water, drainage or sewerage facilities on tax roll or by special assessments.

1. Subject to [NRS 318.199](#), the board may by resolution:

(a) Fix fees or charges for the privilege of connecting to its water, drainage or sewerage facilities;

(b) Fix the time or times at which such fees or charges shall become due;

(c) Provide for the payment of such fees or charges prior to connection or in installments over a period of not to exceed 15 years; and

(d) Provide the rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of such fees or charges.

2. The amount of such fees or charges and the interest thereon constitute a lien against the respective lots or parcels of land to which the facilities are connected if the board complies with subsection 9 and gives notice to the owners of the lots or parcels of land affected.

3. The notice shall set forth:

(a) The schedule of fees or charges to be imposed.

(b) A description of the property subject to such fees or charges, which description may be as provided in subsection 3 of [NRS 318.201](#).

(c) The time or times at which such fees or charges shall become due.

(d) The number of installments in which such fees or charges shall be payable.

(e) The rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of such fees or charges.

(f) That it is proposed that the fees or charges and interest thereon shall constitute a lien against the lots or parcels of land to which the facilities are furnished.

NRS Rates Sections

(g) The time and place at which the board will hold a hearing at which persons may appear and present any and all objections they may have to the imposition of the fees or charges as a lien against the land.

4. The notice shall be published once a week for 2 weeks prior to the date set for hearing. At least 10 days prior to the date of hearing, written notice shall be mailed to all persons owning land subject to such fees or charges, whose names and addresses appear on the last equalized assessment roll.

5. At the time stated in the notice the board shall hear and consider all objections or protests, if any, to the imposition of the fees or charges as set forth in the notice and may continue the hearing from time to time.

6. Upon the conclusion of the hearing, the board may adopt, revise, change, reduce or modify the fees or charges or may overrule any or all objections and make its determination, which determination is final.

7. Prior to the time the county treasurer posts taxes to the county tax roll following such final determination, the board shall certify to the county auditor a list of the lots or parcels of land, as they appear on the current assessment roll, subject to such fees or charges and the amounts of the installments of such fees or charges and interest to be entered against such lots or parcels on the assessment roll. If a lot or parcel connected to the facilities is subsequently divided into two or more lots or parcels as shown on the current assessment roll, the board shall designate the lot or parcel that remains connected to the facilities and against which the installments of the fees or charges and interest are to be entered.

8. The county treasurer shall annually collect the charges or the respective installments thereof as provided in subsections 10 to 13, inclusive, of [NRS 318.201](#).

9. A lien against the respective lots or parcels of land to which the facilities are connected is not effective until a notice of the lien, separately prepared for each lot or parcel, is:

(a) Delivered by the board to the office of the county recorder of the county within which the property subject to such lien is located;

(b) Recorded by the county recorder in a book kept by the county recorder for the purpose of recording instruments encumbering land; and

(c) Indexed in the real estate index as deeds and other conveyances are required by law to be indexed.

(Added to NRS by [1963, 628](#); A [1967, 1703](#); [1977, 544](#))

NRS Rates Sections

NRS 318.202 Procedure for collection of charges for connecting to water, drainage or sewerage facilities on tax roll or by special assessments.

1. Subject to [NRS 318.199](#), the board may by resolution:
 - (a) Fix fees or charges for the privilege of connecting to its water, drainage or sewerage facilities;
 - (b) Fix the time or times at which such fees or charges shall become due;
 - (c) Provide for the payment of such fees or charges prior to connection or in installments over a period of not to exceed 15 years; and
 - (d) Provide the rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of such fees or charges.
2. The amount of such fees or charges and the interest thereon constitute a lien against the respective lots or parcels of land to which the facilities are connected if the board complies with subsection 9 and gives notice to the owners of the lots or parcels of land affected.
3. The notice shall set forth:
 - (a) The schedule of fees or charges to be imposed.
 - (b) A description of the property subject to such fees or charges, which description may be as provided in subsection 3 of [NRS 318.201](#).
 - (c) The time or times at which such fees or charges shall become due.
 - (d) The number of installments in which such fees or charges shall be payable.
 - (e) The rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of such fees or charges.
 - (f) That it is proposed that the fees or charges and interest thereon shall constitute a lien against the lots or parcels of land to which the facilities are furnished.
 - (g) The time and place at which the board will hold a hearing at which persons may appear and present any and all objections they may have to the imposition of the fees or charges as a lien against the land.
4. The notice shall be published once a week for 2 weeks prior to the date set for hearing. At least 10 days prior to the date of hearing, written notice shall be mailed to all persons owning land subject to such fees or charges, whose names and addresses appear on the last equalized assessment roll.

NRS Rates Sections

5. At the time stated in the notice the board shall hear and consider all objections or protests, if any, to the imposition of the fees or charges as set forth in the notice and may continue the hearing from time to time.

6. Upon the conclusion of the hearing, the board may adopt, revise, change, reduce or modify the fees or charges or may overrule any or all objections and make its determination, which determination is final.

7. Prior to the time the county treasurer posts taxes to the county tax roll following such final determination, the board shall certify to the county auditor a list of the lots or parcels of land, as they appear on the current assessment roll, subject to such fees or charges and the amounts of the installments of such fees or charges and interest to be entered against such lots or parcels on the assessment roll. If a lot or parcel connected to the facilities is subsequently divided into two or more lots or parcels as shown on the current assessment roll, the board shall designate the lot or parcel that remains connected to the facilities and against which the installments of the fees or charges and interest are to be entered.

8. The county treasurer shall annually collect the charges or the respective installments thereof as provided in subsections 10 to 13, inclusive, of [NRS 318.201](#).

9. A lien against the respective lots or parcels of land to which the facilities are connected is not effective until a notice of the lien, separately prepared for each lot or parcel, is:

(a) Delivered by the board to the office of the county recorder of the county within which the property subject to such lien is located;

(b) Recorded by the county recorder in a book kept by the county recorder for the purpose of recording instruments encumbering land; and

(c) Indexed in the real estate index as deeds and other conveyances are required by law to be indexed.

(Added to NRS by [1963, 628](#); A [1967, 1703](#); [1977, 544](#))

NRS 318.203 Structure reasonably believed to be used as dwelling unit in certain counties: Affidavit filed by employee of district or other person; notice and hearing; resolution to charge owner of dwelling unit for services provided by district.

1. If an employee of a general improvement district or other person has a reasonable belief that a dwelling unit exists that is not currently being charged for services provided by a general improvement district in a county whose population is less than 700,000, the employee or other person may submit an affidavit to the board of trustees of the district, setting forth the facts upon which the employee or other person bases his or her belief, including, without limitation, personal knowledge and visible indications of use of the property as a dwelling unit.

NRS Rates Sections

2. If a board of trustees receives an affidavit described in subsection 1, the board may set a date for a hearing to determine whether the unit referenced in the affidavit is being used as a dwelling unit. At least 30 days before the date of such a hearing, the board shall send a notice by certified mail, return receipt requested, to the owner of the property where the unit referenced in the affidavit is located at the address listed in the real property assessment roll in the county in which the property is located. The notice must specify the purpose, date, time and location of the hearing.

3. Except as otherwise provided in this subsection, if, after the hearing, the board determines that the unit referenced in the affidavit submitted pursuant to subsection 1 is being used as a dwelling unit, the board may adopt a resolution by the affirmative votes of not less than two-thirds of the total membership of the board to charge the owner pursuant to [NRS 318.197](#) for the services provided by the district to the dwelling unit. The board shall not adopt such a resolution if the owner provides evidence satisfactory to the board that the unit referenced in the affidavit is not being used as a dwelling unit.

4. As used in this section:

(a) “Dwelling unit” means a structure that is designed for residential occupancy by one or more persons for living and sleeping purposes, consisting of one or more rooms, including a bathroom and kitchen. The term does not include a hotel or a motel.

(b) “Kitchen” means a room, all or part of which is designed or used for storage, refrigeration, cooking and preparation of food.

(c) “Owner” means a person to whom the parcel of real property upon which the unit referenced in an affidavit submitted pursuant to subsection 1 is located is assessed in the most recent assessment roll available.

(Added to NRS by [2001, 1709](#); A [2011, 1215](#))

NRS 318.205 Bylaws. The board shall have the power to adopt and amend bylaws, not in conflict with the Constitution and laws of the State:

1. For carrying on the business, objects and affairs of the board and of the district.
2. Regulating the use or right of use of any project or improvement.

(Added to NRS by [1959, 465](#); A [1967, 1715](#))