

Pursuant to NRS a joint meeting of the Nye County Board of Commissioners, Nye County Board of Highway Commissioners, Nye County Licensing and Liquor Board, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District, was held at 10:00 a.m. in the Commissioners' Chambers, 101 Radar Road, Tonopah, Nevada 89049.

John Koenig, Chair
Debra Strickland, Vice-Chair
Lorinda Wichman, Commissioner
Donna Cox, Commissioner
Leo Blundo, Commissioner
Sandra L. Merlino, Ex-Officio Clerk of the Board
Chris Arabia, District Attorney
Sharon Wehrly, Sheriff
Tim Sutton, County Manager

Also present: Lorina Dellinger, Assistant County Manager; Kelly Sidman, Deputy Clerk; Savannah Rucker, Comptroller; Samantha Tackett, Administrative Manager; Marla Zlotek, Chief Deputy District Attorney; Bradley Richardson, Deputy District Attorney; Christi Kindel, Deputy District Attorney

Not Present: Chris Arabia, District Attorney

Sheriff Wehrly was not present at this time.

Commissioner Cox was present via telephone.

1. Pledge of Allegiance

The Pledge was recited.

2. Approval of the Agenda for March 11, 2019 (Non-action item)

Tim Sutton said items 5 and 21-23 could be removed from the agenda.

3. GENERAL PUBLIC COMMENT (Three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (first).

Frank Carbone talked about the Veterans' Extravaganza held March 8, 2019. It went very well and more veterans attended than last year. He thanked everyone for their help.

Frank McClellan had suggestions for intersection improvements. He said at the intersection of Cass and Highway 160 a change in the traffic flow could occur by

3. GENERAL PUBLIC COMMENT (Three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (first)-Cont'd.

changing the color of the paint. He also suggested a right-hand flow of traffic northbound for merging and the addition of a right turn lane. Mr. McClellen then asked why there was no flashing turn light at Highway 160 and Homestead.

Commissioner Koenig said he would bring those up to NDOT for consideration.

4. For Possible Action – Discussion and deliberation of the minutes of the joint meetings of the Nye County Board of Commissioners, Board of Highway Commissioners, Nye County Licensing and Liquor Board, Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District regular meeting on February 5, 2019 and teleconference on February 12, 2019.

Commissioner Wichman made a motion to approve; seconded by Commissioner Blundo; 5 yeas.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

5. For Possible Action - Emergency Items

This item was removed from the agenda.

6. Commissioners'/Manager's Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)

Commissioner Cox addressed public comment made at a previous meeting about illegal ad hoc committee meetings with Commissioners attending. She stated she had never heard of that and was not sure where it came from unless they were referring to staff meetings. She had not joined in anything illegal.

Commissioner Blundo asked for a moment of silence for two friends of his that passed away. He then talked about the NACO meeting and the need for the Commissioners to advocate for things that trickle down like public lands, roads and transportation.

Commissioner Wichman said while she was at NACO she met with the Deputy Assistant Secretary of the Navy at the Pentagon concerning the Naval Air Station moving into some of Nye County's land by Gabbs and also the combined cost of having areas taken out of Nye County's land mass by the Nellis Air Force Base. That person also put her in touch with all the Congressional members of the Armed Forces Appropriations Committee. Commissioner Wichman said she would have a very

6. Commissioners'/Manager's Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)-Cont'd.

detailed letter going out to them shortly which she would bring back to the Board for approval before sending.

Commissioner Strickland said she went to Washington, D.C., as well and concentrated on Fish and Wildlife issues such as the tortoise study for the race track. She also spent one day in nothing but public lands meetings talking about things like cattle grazing and sage grouse.

TIMED ITEMS

7. 10:00 – For Possible Action – Presentation, discussion and deliberation regarding: 1) the status, accomplishments and potential of the Rural Desert Southwest Brownfields Coalition (RDSBC) throughout Nye County; and 2) encouragement of community participation in the identification of potential Brownfields projects.

Lorina Dellinger said she had been visiting the coalition member counties with Rachel Schlick from BEC Environmental encouraging the project and hopefully engaging the community as well as board members on identifying properties for Brownfields projects.

Ms. Schlick explained a Brownfield was real property that was either contaminated or perceived to be contaminated hindering its redevelopment. More broadly, it was a piece of land that could benefit from some element of the program and the full goal was to encourage economic development through addressing environmental concerns. The coalition was formed in 2011, but Nye's involvement went back to 2002. The coalition had been awarded \$3 million in grant funds to be used across the coalition. The goals were to protect the health and welfare of the population; protect the environment; promote economic development and job creation; and promote economic development and diversification through water-efficient renewable energy, testing and manufacturing facilities, innovative agriculture, and tourism opportunities. Ongoing projects included the Tonopah Library expansion, the Tonopah Airport FBO Building, Nye County Public Works Buildings 1 and 2, and the Nye Regional Medical Center. Properties ready for re-use included the Beatty Airport, the Mountain Falls Boulevard Gateway in Pahrump, and E. Charleston Park Avenue in Pahrump. Ms. Schlick referred people to the RDSBC Web site (www.rdsbc.org) for further information and said people could contact her as well if they had potential properties.

Sheriff Wehrly was present.

Commissioner Cox asked who paid for the demolition and clean-up of the County projects.

7. 10:00 – For Possible Action – Presentation, discussion and deliberation regarding: 1) the status, accomplishments and potential of the Rural Desert Southwest Brownfields Coalition (RDSBC) throughout Nye County; and 2) encouragement of community participation in the identification of potential Brownfields projects-Cont'd.

Ms. Schlick explained the Brownfields Revolving Loan Fund was a fund managed by Nye County. The initial grant award was \$1 million in loan funds available. If those funds were loaned out anything paid back the County kept on an ongoing basis. Ultimately the County would pay back the loan that would be used in perpetuity.

Savannah Rucker added the County was in a unique situation as it was the revolving loan fund loan holder for itself as well as the grant administrator. The loan funds were on a payment schedule to pay the County back to demolish the building and execute the contract and those funds would be available for future Brownfields use.

Commissioner Cox asked what the plan was for the buildings being used right now.

Ms. Schlick said the Nye County Public Works buildings were not in use to protect the health and safety of the workers because they were not in good condition. The FBO building was in use, but there was already a structure on site to replace that building.

Commissioner Cox asked if the medical center would be reopened after it was cleaned up or would it have to be torn down.

Ms. Schlick advised the Hospital District was developing answers through the State Brownfields Program, not the coalition. Phase I and II were complete, but there were other considerations like ADA compliance to bring the buildings up to code.

COUNTY MANAGER

32. For Possible Action – Discussion and deliberation to approve the Renewal to Lease Agreement with George and LaRene Youngmans for leased space at the Beatty Airport.

Commissioner Wichman made a motion to approve; seconded by Commissioner Blundo; 5 years.

BOARD OF COMMISSIONERS

25. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2019-12: A Resolution Informing the 80th (2019) Session of the Nevada State Legislature that Nye County Opposes the Passage of any Bill that Restricts the Individual Right of U.S. Citizens as Protected by Section 11 of the Nevada Constitution and the Second Amendment of the United States Constitution.

Commissioner Blundo made a motion to approve and adopt Nye County Resolution No. 2019-12, a resolution informing the 80th session of the Legislature that Nye County opposed the passage of any bill that restricted the individual rights of United States citizens as protected by Section 11 of the Nevada Constitution and the Second Amendment of the United States Constitution, including lines for all Commissioners to sign it; seconded by Commissioner Strickland.

Robert Thomas felt the Nevada Legislature had usurped the rights reserved to the people as Federal Paper 46 stated individuals could bear arms similar to the standard military. He suggested two amendments to the proposed text, one being signature lines for each Commissioner as mentioned by Commissioner Blundo to show solidarity. The second would be adding a line supporting Sheriff Wehrly's letter as she was legally correct.

Brian Shoemake thanked the Board for taking up the proposal as well as Sheriff Wehrly for taking a bold stand which gave the proposal the teeth it needed to make a difference.

Frank Carbone applauded the Commissioners for putting their names on the document. He was happy to hear there was support coming from other counties.

Harry Greene commended the Board for bringing this up as fast as they did and supporting the citizens of the County. He approved what the Sheriff was doing as well. He asked the Board to follow suit of some of the counties in New Mexico, Oregon and Washington that were declaring themselves Second Amendment sanctuary counties.

Commissioner Blundo amended his motion to approve and adopt Nye County Resolution No. 2019-12, a resolution informing the 80th session of the Legislature that Nye County opposed the passage of any bill that restricted the individual rights of United States citizens as protected by Section 11 of the Nevada Constitution and the Second Amendment of the United States Constitution, add lines for all Commissioners to sign it, and insert language of support for the Sheriff; Commissioner Strickland amended her second; 5 yeas.

26. For Possible Action – Discussion and deliberation to direct staff to temporarily suspend the acceptance and processing of applications for new marijuana dispensaries until the present 2019 Nevada Legislative session adjourns.

Commissioner Strickland made a motion to temporarily suspend the acceptance and processing of applications for new marijuana dispensaries until the present 2019 Nevada Legislative session adjourned; seconded by Commissioner Blundo.

Commissioner Blundo asked for an amendment to the motion to have it go to July 1, 2019.

Commissioner Strickland amended her motion to temporarily suspend the acceptance and processing of applications for new marijuana dispensaries until July 1, 2019; Commissioner Blundo amended his second.

Commissioner Wichman stated she would not be able to support that because the County's playbook remained the same until there was a new one. She did not see any reason to thwart any opportunity for business gains while waiting for the legislators to get their ducks in a row.

Stefan Lee believed opening a second marijuana dispensary in Pahrump would be beneficial to the County and its residents by bringing in more money and providing pricing competition. Having The Grove as the only dispensary in Pahrump created a monopoly that could hurt cannabis customers, including medical patients, forcing them to drive to Las Vegas for better pricing and better product selection.

Commissioner Koenig clarified that this bill did not say the County would not have a second dispensary, just that none would be approved for two months. He then read the citizen input forms from the following people who did not support the bill: Ashley Bozek, Donald Wilde, Nicole Stiede, Brandon Wiegand, Stanley Bowditch, and Danielle Hunt.

John Bosta suggested not making any decisions on any marijuana until July 1, 2019.

Dwight Lilly said he was a free market capitalist and having one dispensary prevented competition in the market place. He suggested opening as many dispensaries as possible and increase competition.

Brandon Wiegand said the provisional license for Nevada Organic Remedies was referenced as potentially being invalidated although there was no precedent for licenses being invalidated in any state. In the event in this specific situation it was, the legal risk would not be at the County level but at the State level. The language in AB3 was specifically limited to incorporated cities, which Nye did not have any of so that would not impact the County license. Mr. Wiegand felt there was a greater legal risk for the County impeding the progression of the provisional license awarded by the State. The business impact to Nevada Organic Remedies was estimated at over \$700,000.00 a

26. For Possible Action – Discussion and deliberation to direct staff to temporarily suspend the acceptance and processing of applications for new marijuana dispensaries until the present 2019 Nevada Legislative session adjourns-Cont'd.

month in revenue and gross profits of approximately \$360,000.00 a month. Mr. Wiegand added they had a ticking clock on their license, which would expire on December 15, 2019, if they did not perfect it. While the delay seemed small, he explained it pushed them into a position where they might not be able to perfect it in time which would lead to undue harm to their business and the community.

Commissioner Wichman stated her concern about taking this action and putting a bit of liability on the County rather than leaving any liability on the State. She would prefer to leave the liability with the State and if they did something in error let them work it out with the licensee.

The motion to temporarily suspend the acceptance and processing of applications for new marijuana dispensaries until July 1, 2019, passed with 4 yeas. Commissioner Wichman voted nay.

COUNTY MANAGER

35. For Possible Action – Discussion and deliberation regarding approval of a Project Development Letter with Siemens Industry, Inc. to conduct an investment grade audit to improve infrastructure and operation efficiencies, to be funded from Fund 10401 Capital Fund.

Matt Vaccaro from Siemens Industry said he had been having discussions with staff about ways to reduce operational expenditures for the County like electricity and fuel. The preliminary analysis in Pahrump with a couple of buildings in Tonopah showed a potential \$100,000.00 of annual savings. Some potential improvement measures included readjusting temperatures as well as standardized lighting and air conditioning equipment. Mr. Vaccaro said as they worked through the measures they would come back with a list of things with open book pricing. Siemens and the County would then work together to determine what would be the best project based on County priorities and funding. Also, Siemens had a philosophy of workforce development programs based on the particular needs of the entity they were working with and if that was something the County would like them to develop they would explore that further.

Commissioner Blundo wanted to add the Calvada buildings and wondered if it would be feasible or reasonable to include the town buildings at the Bob Ruud Center.

Mr. Vaccaro said if they were already in the County and the County would gain some efficiencies by looking at other facilities then they could be added.

35. For Possible Action – Discussion and deliberation regarding approval of a Project Development Letter with Siemens Industry, Inc. to conduct an investment grade audit to improve infrastructure and operation efficiencies, to be funded from Fund 10401 Capital Fund-Cont'd.

Commissioner Blundo asked how long before the County saw a return on its investment and when the guarantee from Siemens ended.

Mr. Vaccaro explained the legislation was written that beginning in year one it had to be a budget neutral item. In other words, using the \$100,000.00 referenced earlier that savings amount would have to cover the expenses of that project in year one and going forward. As far as the guarantee, he said that would end at the end of the contract.

Dwight Lilly asked why the County could not institute most of this on its own and suggested the County from this moment forward take many of the steps on its own.

Leah Aldridge asked if Siemens was a member of ICLEI.

Horace Carlyle said Siemens was an international company with a great reputation. There was an assured guarantee and this was a win/win.

Addressing Mr. Lilly, Mr. Vaccaro said this was not a criticism of how the County had handled its business. This was an endemic problem to all public entities hence the reason for the legislation. He explained the reason the projects did not get accomplished on an ongoing basis was due to lack of staff and budget.

Commissioner Wichman made a motion to approve the project development letter and have staff to pursue the workforce development portion of this; seconded by Commissioner Strickland.

Commissioner Cox pointed out the agreement said if the parties did not execute it then the County agreed to pay a termination fee of \$70,000.00 within 30 days of the invoice. If the parties executed the agreement then the cost of the audit would be incorporated into the cost of the agreement. It sounded to her like no matter which direction the County went it would be in Siemens' favor. She thought the maintenance issues could be taken care of in-house and was worried about terminating maintenance workers because of what Siemens did. Commissioner Cox said if they were willing to remove that portion of the agreement then she might reconsider.

Commissioner Koenig asked where he could find the total cost to the County.

Mr. Vaccaro said the financial highlights page estimated an initial range of \$1 million to \$1.4 million. That would be part of the design as Siemens worked through it over the next couple of months. If the Board moved forward, Mr. Vaccaro committed to a half-time update through development. He would do a presentation and show where the numbers were at.

35. For Possible Action – Discussion and deliberation regarding approval of a Project Development Letter with Siemens Industry, Inc. to conduct an investment grade audit to improve infrastructure and operation efficiencies, to be funded from Fund 10401 Capital Fund-Cont'd.

The motion to approve the project development letter and have staff pursue the workforce development portion of this passed with 4 yeas. Commissioner Cox voted nay.

TIMED ITEMS

8. 10:00 – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2019-04: A Bill proposing to amend Nye County Code 17.06 relating to the Zoning and Special Use Permit requirements for Marijuana Establishments; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Set an effective date.

Commissioner Koenig advised the District Attorney wanted to continue this item.

Commissioner Koenig opened the public hearing.

Trevor Dolby, an Amargosa Town Board member, reminded the Commissioners they had no zoning authority or jurisdiction in Amargosa Valley as the town had their own area plan. The County regulated marijuana under two or more titles of the Code, but regulation of marijuana was a town function, not a County function. Also, the town never asked the Board to issue an SUP.

Pat Minshall asked that her comments be reflected in the minutes. She said hemp growers were springing up all over Amargosa Valley, three of which were within a mile and a half of her house. There were suggestions that hemp not be grown within a five to 20 mile radius of marijuana because of cross contamination. Marijuana growth was in Amargosa Valley before hemp and Ms. Minshall felt the marijuana farms should be protected. Substantial revenue was being received from them and at this point in time the town was not receiving anything from hemp.

Commissioner Koenig stated the State regulated hemp, not the County.

John Bosta asked that his comments be reflected in the minutes along with his written document (see Attachment 1). He felt the bill violated sections 15(1) and 15(2) as well as Sections 18.5(1) and 18.5(2) of AB422 and SB487. The County did not have the authority to regulate marijuana within the boundaries of an unincorporated town. The mandatory conditions of an SUP for marijuana zoning applied only to the areas of the County outside the boundaries of unincorporated towns. The town boards of unincorporated towns had not approved adoption of this bill and the bill had not even been presented. Mr. Bosta advised that NRS 453D.300, the statute governing the

8. 10:00 – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2019-04-Cont'd.

requirements to operate a marijuana establishment and inspection of the establishment, was proposed by an initiative petition and approved by the voters in the 2016 general election and therefore was not subject to legislative amendments or repeals until after November 22, 2019. Mr. Bosta recommended the Board put off addressing any marijuana matters until the Legislature was closed on July 2, 2019.

Commissioner Wichman made a motion to continue this item until April 2, 2019; seconded by Commissioner Blundo; 5 yeas.

Sam Merlino was not present.

9. 10:00 – For Possible Action – Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2019-09: A Resolution to Augment and Amend the 2018-2019 Budget of Nye County, State of Nevada.

Fund 10101 Nye County General Fund in the amount of \$1,249,568.
Fund 10213 911 Medical Emergency Fund in the amount of \$79,305.
Fund 10230 Juvenile Probation Fund in the amount of \$86,457.

Commissioner Blundo made a motion to adopt Resolution No. 2019-09; seconded by Commissioner Strickland.

Commissioner Blundo asked if this was an augment with more money coming in.

Savannah Rucker explained the ending fund balance was anticipated when budgeting for the next fiscal year. This was bringing the ending fund balance that was estimated up to what it actually was.

Commissioner Koenig added it was not only because of extra money coming in but also because the County spent more.

Mrs. Rucker said included in the back-up was a list of the departments being augmented and why. None of the departments had control over the expenditures.

The motion to adopt Resolution No. 2019-09 passed with 5 yeas.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

Commissioner Blundo assumed the Chair of the Board of Highway Commissioners.

10. General road report by Public Works Director.

Public Works Director Tim Dahl discussed the clean-up after the rains last week in Pahrump and snow in the northern part of the County. The crews would be out fixing potholes, adjusting ditches and dealing with ponding in all communities. As to the durapatcher, he said they were still working on the 10-wheeler dump truck so it could work in front of the durapatcher. It would not be too much longer before he was able to bring the durapatcher down.

Commissioner Koenig asked Mr. Dahl if he rode on Warren after the rains.

Mr. Dahl said he did and that was a very common place for ponding to occur. The only thing he could think of was to try to put a drop inlet there and get the water on the east side of Warren. He was continuing to look at it as well as maybe cleaning ditches out.

Commissioner Blundo said there were potholes on Indole between Winchester and Yucca Terrace he would like addressed.

SITTING AS THE NYE COUNTY LICENSING AND LIQUOR BOARD

Commissioner Strickland assumed the Chair of the Licensing and Liquor Board.

GAMING

11. For Possible Action – Discussion and deliberation regarding approval of a Gaming License for Sartini Gaming, LLC., dba Golden Route Operations, LLC. for leased space for slot machines within the Tonopah Liquor Company, located at 133 N. Main Street, Tonopah, NV. Blake Sartini – Applicant.

Commissioner Wichman made a motion to approve; seconded by Commissioner Blundo; 6 yeas.

LIQUOR

12. For Possible Action – Discussion and deliberation regarding adding Christopher Davidson to the CVS Pharmacy #8789 Liquor License as Manager. Liquor License number LQ10-000520 located at 100 S. Nevada Highway 160, Pahrump, NV. Christopher Davidson – Manager/Applicant.

Commissioner Koenig made a motion to conditionally approve Mr. Davidson to the license based on a satisfactory preliminary investigation conducted by the Sheriff's Office and completion of a satisfactory background investigation by the State; seconded by Commissioner Blundo; 6 yeas.

Commissioner Koenig assumed the Chair of the Board of County Commissioners.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

13. 10:00 – For Possible Action – Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject Town of Pahrump Resolution No. 2019-01: A Resolution to Augment and Amend the 2018-2019 Budget of the Town of Pahrump, County of Nye, State of Nevada.

Fund 25101 Town of Pahrump General Fund in the amount of \$182,500.

Commissioner Koenig opened and closed the public hearing.

Commissioner Blundo made a motion to adopt Town of Pahrump Resolution No. 2019-01; seconded by Commissioner Strickland; 5 years.

14. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Town of Pahrump Resolution No. 2019-02: A Resolution to Augment and Amend the 2018-2019 Budget of the Town of Pahrump, County of Nye, State of Nevada.

Fund 25234 Pahrump Sheriff PSST Fund in the amount of \$245,891.

Commissioner Blundo made a motion to adopt Town of Pahrump Resolution No. 2019-02, the Pahrump Sheriff PSST fund; seconded by Commissioner Strickland; 5 years.

**SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWNS OF
BEATTY, BELMONT, GABBS, MANHATTAN, AND RAILROAD VALLEY**

BEATTY

15. For Possible Action – Discussion and deliberation to approve funding for the purchase of five new turnouts for five new Beatty Volunteer Fire Department volunteers in an amount not to exceed \$14,000.00 from the Beatty Fire Public Safety Sales Tax (PSST).

Commissioner Wichman made a motion to approve; seconded by Commissioner Blundo.

Commissioner Blundo pointed out that the lowest responsive bid from Curtis Tools only included four gloves, not five and five should be purchased. He wondered if it should be raised to \$14,100.00 so the fifth pair of gloves could be purchased.

Commissioner Wichman amended her motion to approve and add an additional \$100.00 for the fifth pair of gloves; Commissioner Blundo amended his second; 5 years.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

CONSENT AGENDA ITEMS – These are items that Staff recommends for approval. The Board reserves the right to move any consent agenda item to the regular segment of the agenda should issues arise that need to be addressed. Discussion of any item from the Consent Agenda Items that needs review before a decision is made.

Commissioner Strickland recused herself from all consent agenda items due to her interest in item 17.

16. For Possible Action – Approval of Assessor’s Office Change Request to allow the Nye County Treasurer to process and issue a refund in the amount of \$27,819.92 to Goldwedge, LLC.

Commissioner Wichman made a motion to approve items 16-20; seconded by Commissioner Blundo; 4 yeas; Commissioner Strickland abstained.

17. For Possible Action – Approval to adopt Nye County Resolution No. 2019-10: A Resolution Directing the Levy of a Special Assessment on all Taxable Property Situated Within the Confines of the Pahrump Valley Groundwater Basin for Fiscal Year 2019-2020.

Commissioner Wichman made a motion to approve items 16-20; seconded by Commissioner Blundo; 4 yeas; Commissioner Strickland abstained.

18. For Possible Action – Approval to adopt Nye County Resolution No. 2019-11: A Resolution Directing the Levy of a Special Assessment on Each Water User Situated Within the Confines of the White River Valley Groundwater Basin for Fiscal Year 2019-2020.

Commissioner Wichman made a motion to approve items 16-20; seconded by Commissioner Blundo; 4 yeas; Commissioner Strickland abstained.

19. For Possible Action – Approval to: 1) Accept the Drug Enforcement Administration (DEA) of the United States Department of Justice (DOJ) FY19 award in the amount of \$7,000.00 for this fiscal year to fund marijuana eradication efforts by way of funding the necessary staffing, appropriate equipment, eradication supplies, and surveillance equipment and; 2) Fund from 10340 Grant Fund. There is no County match required.

Commissioner Wichman made a motion to approve items 16-20; seconded by Commissioner Blundo; 4 yeas; Commissioner Strickland abstained.

20. For Possible Action – Approval to accept a Notice of Subaward from Aging and Disability Services Division (ADSD) for Nutrition Services Incentive Program (NSIP) to provide commodity food funds for the nutrition program at the Beatty and Tonopah Senior Centers in the amount of \$5,432.00. This grant will be administered out of Fund 10281 Senior Nutrition and there is no County match required.

Commissioner Wichman made a motion to approve items 16-20; seconded by Commissioner Blundo; 4 yeas; Commissioner Strickland abstained.

BOARD OF COMMISSIONERS

21. For Possible Action – Closure of meeting, pursuant to NRS 288.220 for purposes of conferring with the County’s management representatives regarding labor negotiations, issues and other personnel matters.

This item was removed from the agenda.

22. Closed meeting, pursuant to NRS 288.220 for purposes of conferring with the County’s management representatives regarding labor negotiations, issues and other personnel matters.

This item was removed from the agenda.

23. For Possible Action – Discussion and deliberation on labor negotiations, issues and other personnel matters presented in closed meeting.

This item was removed from the agenda.

24. For Possible Action – Discussion and deliberation to ratify the letter and comments that have been submitted for Nye County, Nevada Comments on the Draft Environmental Impact Statement (DEIS) for the Fallon Range Training Complex Modernization (FRTC): Expansion of Land Ranges, Airspace Modifications, and Public Land Withdrawal Renewal (83 Federal Register 66685).

Commissioner Blundo made a motion to ratify the letter and comments submitted for Nye County; seconded by Commissioner Strickland; 5 yeas.

27. For Possible Action – Discussion and deliberation regarding approval of the updated 2019 BOCC Liaison List.

Commissioner Blundo made a motion to approve the updated Board of County Commissioner liaison list including John Koenig on item 33, Board of Equalization, as the primary; seconded by Commissioner Strickland; 5 yeas.

TREASURER

28. Treasurer's Report.

Commissioner Blundo made a motion to accept additional back-up; seconded by Commissioner Strickland; 5 yeas.

Treasurer John Prudhont said the additional back-up consisted of two reports, the Treasurer's report and the bank reconciliation. The Treasurer's report was complete while the bank reconciliation was a work in progress at the moment due to the need to find the reason certain items were not reconciling.

Regarding the list of transactions in error, Commissioner Wichman asked if Mr. Prudhont had to wait until the end of the year for Dan McArthur to make a journal entry to get those off.

Mr. Prudhont said those would have to wait until the next month as each month was closed out.

Commissioner Wichman pointed out the some items listed were back in 2017 and asked Savannah Rucker if there was a journal entry that took place to get those out of the error column.

Mrs. Rucker said her office and the Treasurer's Office would sit down to plan how to address the errors on both sides together.

COUNTY MANAGER

29. For Possible Action – Discussion and deliberation regarding Nye County Proclamation No. P2019-02: A Proclamation Recognizing April 2019 as National County Government Month.

Commissioner Blundo made a motion to adopt Proclamation No. 2019-02 recognizing April, 2019, as National County Government Month; seconded by Commissioner Wichman; 5 yeas.

30. For Possible Action – Discussion and deliberation to: 1) determine that excess medical and hospital equipment from the Nye Regional Medical Center is no longer required for public use; and 2) determine it is in the best interest of Nye County to dispose of the medical and hospital equipment through auction or other means with all resulting proceeds deposited to County Owned Building Fund 10291.

Commissioner Wichman made a motion to determine the medical and hospital equipment was no longer required for public use and it was in the best interest of the

30. For Possible Action – Discussion and deliberation to: 1) determine that excess medical and hospital equipment from the Nye Regional Medical Center is no longer required for public use; and 2) determine it is in the best interest of Nye County to dispose of the medical and hospital equipment through auction or other means with all resulting proceeds deposited to County Owned Building Fund 10291-Cont'd.

people to dispose of through auction or other means; seconded by Commissioner Strickland.

Commissioner Blundo asked if the Hospital District could use some of the equipment.

Lorina Dellinger advised the district was working hard on bringing services to the area which was the reason for this item. A physical therapy group opened in Tonopah and the exercise equipment would be the first to be auctioned. The rest of the equipment would be held until the groups arrived and identified what was needed.

The motion to determine the medical and hospital equipment was no longer required for public use and it was in the best interest of the people to dispose of through auction or other means passed with 5 years.

31. For Possible Action – Discussion and deliberation to: 1) take corrective action due to an incorrect VIN being reported on a previously approved request, by determining that an excess 2005 Ford F250 was no longer required for public use; and 2) take corrective action to determine it was in the best interest of Nye County to dispose of the excess vehicle through public auction on February 9, 2019 with all resulting proceeds deposited into Capital Funds 10402 and 10401.

Commissioner Blundo made a motion to take corrective action due to an incorrect VIN being reported on a previously approved request by determining that an excess 2005 Ford F250 was no longer required for public use and 2) take corrective action to determine it was in the best interest of Nye County and the people to dispose of the excess vehicle through public auction on February 9, 2019, with all resulting proceeds deposited into Capital Funds 10402 and 10401; seconded by Commissioner Strickland; 5 years.

33. For Possible Action – Discussion and deliberation regarding approval of a letter of support to the Town of Tonopah for their application to the Nevada Public Agency Insurance Pool (NPAIP) for a POOL/PACT Risk Management grant to purchase a Plymovent Diesel Exhaust Removal System for the Tonopah Volunteer Ambulance and Fire Facility.

Commissioner Blundo made a motion to approve the letter of support for the Town of Tonopah for their application to the Nevada Public Agency Insurance Pool for a POOL/PACT Risk Management grant to purchase a Plymovent diesel exhaust removal

33. For Possible Action – Discussion and deliberation regarding approval of a letter of support to the Town of Tonopah for their application to the Nevada Public Agency Insurance Pool (NPAIP) for a POOL/PACT Risk Management grant to purchase a Plymovent Diesel Exhaust Removal System for the Tonopah Volunteer Ambulance and Fire Facility-Cont'd.

system for the Tonopah Volunteer Ambulance and Fire facility; seconded by Commissioner Wichman; 5 yeas.

34. For Possible Action – Discussion and deliberation regarding approval of a letter of support for the State of Nevada Department of Veterans Services Officer working full time.

Commissioner Blundo made a motion to approve the letter of support for the State of Nevada Veterans Service Officer working full time; seconded by Commissioner Strickland; 5 yeas.

FINANCE

36. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2019-13: A Resolution to Augment and Amend the 2018-2019 Budget of Nye County, State of Nevada.

Fund 10209 Airport Fund in the amount of \$17,295.

Fund 10254 Building Fund in the amount of \$556,271.

Fund 10604 Self-Insured Dental/Vision, Employee Health Insurance Fund in the amount of \$35,000.

Commissioner Wichman made a motion to approve; seconded by Commissioner Blundo; 5 yeas.

37. For Possible Action – Discussion and deliberation to: 1) Award Bid #2018-15 Bound and Mechanical Book and Newspaper Scanning to US Imaging, Inc in the amount of \$228,705.40; 2) Execute the contract; and 3) Fund from 10320 Recorder Tech.

Commissioner Wichman made a motion to award the bid for bound and mechanical book and newspaper scanning, execute the contract and fund from 30120; seconded by Commissioner Strickland.

Commissioner Blundo pointed out that with the options the other bidder would be lowest at \$294,000.00. He asked if the extras were included in all bids.

Recorder Deborah Beatty explained the total at the bottom included all of the extras and the \$228,000.00 was the final bid amount.

37. For Possible Action – Discussion and deliberation to: 1) Award Bid #2018-15 Bound and Mechanical Book and Newspaper Scanning to US Imaging, Inc in the amount of \$228,705.40; 2) Execute the contract; and 3) Fund from 10320 Recorder Tech-Cont'd.

The motion to award the bid for bound and mechanical book and newspaper scanning, execute contract and fund from 30120, passed with 5 yeas.

38. For Possible Action – Discussion and deliberation to: 1) Award Bid 2018-05 – Tonopah FBO and Public Works Building to A&B Environmental, LLC in the amount of \$288,000.00; 2) Execute the contract; and 3) Fund from 10340 Grant Fund.

Commissioner Wichman made a motion to award the bid to A & B Environmental LLC, execute the contract, and fund from 10340; seconded by Commissioner Blundo; 5 yeas.

39. For Possible Action – Discussion and Deliberation to approve a contract with the Department of Defense to provide law enforcement support services to NTTR Range Security Forces; 2) Execute the contract in the amount of \$92,000.00; and 3) Fund from 10101 General Fund.

Commissioner Blundo made a motion to approve the contract with the Department of Defense to provide law enforcement services to NTTR Range Security Forces, 2) execute the contract in the amount of \$92,000.00, and 3) fund from 10101, General Fund; seconded by Commissioner Cox; 5 yeas.

INFORMATION TECHNOLOGY

41. For Possible Action – Discussion and deliberation to approve a Site Rental Agreement with Valley Communications Association (VCA) for space on a transmission tower located at 101 Radar Rd., Tonopah, NV.

Commissioner Wichman made a motion to approve; seconded by Commissioner Blundo; 5 yeas.

PLANNING/BUILDING/CODE COMPLIANCE

42. For Possible Action – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2019-05: A Bill proposing to amend Nye County Code Title 5, Business Licensing and Regulations, Chapter 5.32 entitled Marijuana and Medical Marijuana Establishments; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.

Commissioner Wichman made a motion to set the date and time as April 2, 2019, at 10:00 a.m.; seconded by Commissioner Blundo.

Planning Director Brett Waggoner suggested the second meeting in April instead so concerns with the current draft could be addressed.

Commissioner Wichman amended her motion to set the date and time as April 16, 2019, at 10:00 a.m.; Commissioner Blundo amended his second.

Commissioner Strickland questioned the need to pursue this at all. She noted the Board just set someone back from getting their licensing because they were waiting for the legislative session to be over. She wondered if these items should be held back as well.

Marla Zlotek explained Title 5 was the business license so the hearing could be set. All the Commissioners could comment on right now was to set it or not set it, not weigh in on the ramifications of action taken this morning.

Commissioner Wichman explained a former Board directed staff to move all fees to a resolution and take them out of the ordinance so public hearings required to change ordinances did not need to be held.

The motion to set the date and time as April 16, 2019, at 10:00 a.m., passed with 5 yeas.

43. For Possible Action – Discussion and deliberation concerning a request to approve a Letter of Agreement between Nye County and Stantec Consulting Services, Inc. for the purpose of authorizing use of Nye County GIS data as it relates to Nellis Complex Joint Land Use Study (Nellis JLUS); and approval to waive fees in the amount of \$6,000.00.

Commissioner Wichman made a motion to approve; seconded by Commissioner Blundo.

Commissioner Cox asked why the fees were being waived and why the County was sharing its GIS data in the first place.

43. For Possible Action – Discussion and deliberation concerning a request to approve a Letter of Agreement between Nye County and Stantec Consulting Services, Inc. for the purpose of authorizing use of Nye County GIS data as it relates to Nellis Complex Joint Land Use Study (Nellis JLUS); and approval to waive fees in the amount of \$6,000.00-Cont’d.

Commissioner Wichman explained they were providing a service to the County and to the people. If they had to pay the fees they would not provide that service. As to the sharing question, she said the County needed the Nellis Complex Joint Land Use Study information correctly on the maps they would submit to Congress. If the contractor doing the mapping was not given that information that could result in messed up boundary lines, which were extremely hard to fix after the fact.

The motion to approve passed with 5 yeas.

42. For Possible Action – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2019-05: A Bill proposing to amend Nye County Code Title 5, Business Licensing and Regulations, Chapter 5.32 entitled Marijuana and Medical Marijuana Establishments; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record-Reopened.

Commissioner Wichman read the title of the bill into the record.

PUBLIC WORKS

44. For Possible Action – Discussion and deliberation concerning a request to approve a Memorandum of Agreement between Nye County and the Bureau of Indian Affairs for the purpose of utilizing gravel in an existing gravel pit for Nye County road maintenance. This pit was previously permitted through BLM and is a continuation of that use.

Commissioner Blundo made a motion to approve entering into a memorandum of agreement between Nye County and the Bureau of Indian Affairs for the purpose of utilizing gravel in the existing gravel pit for Nye County road maintenance; seconded by Commissioner Wichman; 5 yeas.

FINANCE

40. For Possible Action – Discussion and deliberation regarding the Corrective Action Letter for the Annual Audit Report for Fiscal Year ending June 30, 2018 to be submitted to the Nevada Department of Taxation.

Savannah Rucker explained this plan was a result of the audit heard and approved by the Board on February 5, 2019, which contained several audit findings.

40. For Possible Action – Discussion and deliberation regarding the Corrective Action Letter for the Annual Audit Report for Fiscal Year ending June 30, 2018 to be submitted to the Nevada Department of Taxation-Cont'd.

Commissioner Blundo made a motion to accept additional back-up; seconded by Commissioner Strickland; 5 yeas.

Mrs. Rucker said the corrective action letter addressed the audit findings, why they happened and the proposed resolution.

Treasurer John Prudhont outlined his plans to address the findings concerning his office, which included the addition of Kim Lara to the office; reorganization of existing staff; having reports audited by the Comptroller; and monthly delivery of Treasurer reports and bank reconciliations to the Department of Taxation (DTAX). His proposed timeline indicated that by the June 4, 2019, Commission meeting the office would be caught up through March, 2019.

Commissioner Koenig questioned the need for 1,000 hours for Mrs. Lara, which equated to 25 weeks at 40 hours a week. By his calculations if it took a week to do a report that would be seven reports times 40 hours equaling 280 hours, which was a lot less than 1,000. Meanwhile DTAX was still sticking to the April 2, 2019, date.

Mr. Prudhont said the original plan stated 120 hours, which was nowhere near the amount of time needed. He e-mailed the County Manager last night about the ending date, which he thought was May 31, 2019, so whichever came first, the hours or the date.

Commissioner Wichman felt if Mrs. Lara was helping to get the staff up to speed she should be able to do that well within 300 or 240 hours so those people could take over the job instead of extending her out for 25 weeks.

Commissioner Strickland said with the projected date of completion being the end of May that was ten weeks at 40 hours a week equaling 1,040 hours. She felt if this was going to get done then Mrs. Lara needed to be in place while the training was going on at the same time.

Commissioner Blundo asked what remained in the Treasurer's budget.

Mrs. Rucker said they were projected to be under budget due to the position vacancies and from this point in time through the end of February there was about \$40,000.00 available in salaries/benefits for overtime and comp time for existing staff and the temporary employment situation with Mrs. Lara. The Treasurer himself was a salaried position. Until Mrs. Rucker could find out what Mr. Prudhont was anticipating it was hard for her to tell how the overtime would be affected.

40. For Possible Action – Discussion and deliberation regarding the Corrective Action Letter for the Annual Audit Report for Fiscal Year ending June 30, 2018 to be submitted to the Nevada Department of Taxation-Cont'd.

Mr. Prudhont pointed out he could allocate his budget to different areas and he had almost \$254,000.00 left to use in three months.

Mrs. Rucker cautioned him that being fully staffed with overtime and comp time, services and supplies, and travel for staff a significant portion of that could be used. Of that \$254,000.00 only about \$40,000 would remain in salaries and benefits to absorb Mrs. Lara's contract.

Commissioner Wichman felt it would probably be better for the Treasurer to come back when he knew what he needed.

Commissioner Wichman made a motion to approve the corrective action letter; seconded by Commissioner Strickland; 5 yeas.

Commissioner Blundo made a motion to accept additional back-up from the Sheriff; seconded by Commissioner Strickland; 5 yeas.

The Board took a brief recess to review the additional back-up.

Mrs. Rucker said the third page of her back-up toward the bottom talked about expenditures in excess of appropriations. Per NRS budget overages were driven at the function level, so the function in the County general fund of public safety was over budget \$412,392.00. That was the Department of Emergency Management combined with the Sheriff's Office. The Department of Emergency Management was under budget, but the Sheriff's Office was over yielding the entire function of public safety to be over budget. The last page of the back-up showed the budget versus actual expenditures for the Sheriff's Office.

Sheriff Wehrly explained she did not use all of the regular time because of the lack of staffing which generated over \$400,000.00 of overtime. She talked about the historical turnover and position vacancies in the office and said once people were trained they left to go to better paying areas. A larger overtime budget was given last year due to pending openings, but they did not expect two officer involved shootings along with 35 workers compensation injuries and ten officers out on FMLA. She said the expenses she could not control were things like uniform equipment and cleaning; new hire testing because of the turnover; fuel costs; recruiting expenses; inmate food, hygiene, pharmacy and medical; shelter costs; sexual assault exams, annual physicals; workers' comp physiological evaluations; autopsies; investigation services; CCW fees; and capital expenditures. One of the changes made was a switch to a new pharmacy with the hope that would lower the bill quite a bit. Sheriff Wehrly then discussed the invoices that were not put in on time and said that was entirely her fault. She thought the billing was a part-time job and made it an ancillary duty for one of her employees, but things

40. For Possible Action – Discussion and deliberation regarding the Corrective Action Letter for the Annual Audit Report for Fiscal Year ending June 30, 2018 to be submitted to the Nevada Department of Taxation-Cont'd.

then fell through the cracks. That had since been changed and there were three people working on it plus checks and balances were in place. Sheriff Wehrly believed the true way to fix that situation would be to have one person trained in the financial area and working on it in her office.

Commissioner Cox said a lot of the inmates were in on misdemeanor charges and it cost a lot of money to house those people. She thought possibly too many people were being put in jail on misdemeanors when they could be issued a citation and sent to court. She also wondered if the Sheriff needed to have her budget increased.

Commissioner Wichman added that on average 10,600 people were in jail in Nevada on any given day and 74% of those individuals were first time misdemeanors if they are not being held waiting for arraignment. She said Commissioner Cox was right and there was no reason why they could not be issued a ticket and show up on the court date to keep them out of the system until they absolutely had to be there.

John Bosta was bothered by the fact that the Treasurer, Sheriff and Mrs. Rucker had to send the State a letter to get the County out of the possibility of fiscal watch. He said everyone was debating the budget items and quibbling about 1,000 hours, yet at Christmas the Commissioners had no problem spending \$110,000.00 to give the employees a day off. He thought the Board should support the Sheriff and Treasurer in the endeavor to get off of fiscal watch.

Nannette Fretwell said she was bothered by the fact that on average throughout the year the Sheriff's Office was five staff members short and there were no people to fill those positions.

Sheriff Wehrly said that was because the whole training process took about a year.

Mrs. Rucker discussed the funds that had expenditures in excess of appropriation. One was the State and County room tax fund, the intergovernmental function, which was a pass through to the State. She explained that unfortunately too much budget was given to the County to spend out of that fund and shorted the pass through to the State. That had been rectified in FY19 and would not be seen moving forward. The audit findings for the intergovernmental functions of public safety sales tax and County special ad valorem taxes were the result of revenues being received in excess of anticipation and those revenues being divided and transferred out to the other towns. Mrs. Rucker said those two audit findings were basically a legal finding, but DTAX had deemed them to not be a technical violation of the law. The final page of the letter talked about deficit fund balance and net position. Two funds ended the fiscal year with deficit funds balance, the Pahrump town ambulance fund due to PERS liability, and the State and County room tax fund which ended negative primarily due to the budget inconsistencies over the past few years.

Commissioner Wichman made a motion to accept the corrective action letter; seconded by Commissioner Blundo; 5 yeas.

45. GENERAL PUBLIC COMMENT (second)

Dan Weeks thanked the Board for the increased transparency and congratulated them on their professional decorum with each other.

46. ADJOURN

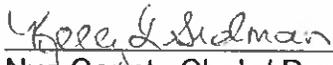
Commissioner Koenig adjourned the meeting.

APPROVED this 2nd day ATTEST:

Of April, 2019.



Chair



Nye County Clerk / Deputy

3/11/19

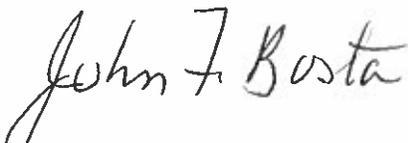
I request that my comments are reflected in the minutes and I submit a copy of my prepared written remarks for inclusion in the minutes also

Bill No. 2019-04 violates Sections 15(1) & (2) and 18.5 (1) & (2) of AB422 and SB487. The County does not have the authority to regulate marijuana within the boundaries of an unincorporated town.

The Mandatory Conditions of Approval of Special Use Permits and Marijuana Zoning apply only to the areas of the County outside the boundaries of the unincorporated towns. The Town Boards of Unincorporated Towns have not approved the adoption of this Bill.

NRS453D.300 Requirements for operation of marijuana establishment; inspection of establishment. [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

Respectfully submitted,



John F. Bosta

ATTACHMENT 1