

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 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, 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; Bradley Richardson, Deputy District Attorney

District Attorney Chris Arabia was not present at this time.

1. Pledge of Allegiance

The Pledge was recited.

2. Approval of the Agenda for June 4, 2019 (Non-action item)

Tim Sutton said item 5 could be removed from the agenda and a closed session would be held.

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).

Pat Minshall thanked the Road Department for taking care of the request she submitted two weeks ago.

Dave Stevens spoke on the need for a dog pound.

Ammie Nelson talked about a program she had heard of, Sleep in Heavenly Peace, which provided beds to homeless children and foster parents. The Web site was

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.

www.shpbeds.org. She also complimented the Road Department on a fix they did, but wished they would look at the potholes on Prospector and Basin.

Jerry Butler said he learned a lot when he ran for Sheriff and became very familiar with the federal and state constitutions as well as the supremacy clause. He felt in order to write, prosecute and judge the laws the neutral agreement between everybody needed to be read. He said he had also read the NRS and nothing in the constitutions or NRS stated the law had to be enforced. He pointed out that NRS 171 gave him the right as a citizen to make an arrest and write citations, but then he had to argue with individuals.

Vern Van Winkle advised that Channel 25 completed the conversion at T-Mobile's request for abandoning the entire 600 MHz bandwidth so they were on Channel 25 completely. The next step was moving to Las Vegas and the channel and signal would carry to 2.6 million people. Mr. Van Winkle expected that to happen between September 1 and September 30, 2019. All Commission meetings would be aired in Las Vegas as well as news broadcast content programming. He was also in discussions with a real estate show to start selling Pahrump and HBO had been at the station for six weeks doing a documentary on television news.

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 teleconference on April 30, 2019 and regular meeting on May 7, 2019.

Commissioner Koenig asked to have his statement on page 3 of the April 30, 2019, minutes reworded from “asked to have the budget hearings next year when the Sheriff could be present” to “next year’s budget hearing when the Sheriff could be present.”

Commissioner Wichman made a motion to approve with that correction; seconded by Commissioner Strickland; 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 Blundo advised the public a couple of great things were in the works.

Commissioner Koenig told Dave Stevens he was working with several others on getting an animal shelter, but it was not something that would happen overnight.

Public Information Officer Arnold Knightly mentioned the passing of Commissioner Jane Logan late last month at the age of 98, who was the first female Commissioner for Nye County from 1980-1984.

Commissioner Koenig said former Commissioner Gary Hollis was going into the hospital on June 13, 2019, for lung surgery.

TIMED ITEMS

7. 10:15 – For Possible Action – Discussion and deliberation regarding the Treasurer's Report.

Treasurer John Prudhont advised his office was caught up.

Commissioner Blundo made a motion to accept the Treasurer's report for April, 2019; seconded by Commissioner Cox; 5 yeas.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

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

8. General road report by Public Works Director.

Commissioner Cox said she received a citizen request to check out the potholes on Basin between Barney and Leslie.

Commissioner Wichman asked when Toquima Range Road would be back on the rotation, to which Public Works Director Tim Dahl responded he would look into it.

Commissioner Strickland said the durapatcher was discussed at a recent RTC meeting and asked if that was moving forward,

Mr. Dahl said they took it to the RTC, which approved purchasing the durapatcher. The cost went up a little bit, but it would be funded through the RTC and it would be in Pahrump full time. He was going through the procurement motions and said it would be at least 30 day before it was ready to be used.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

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

CLERK

14. For Possible Action – Discussion and deliberation to appoint one member to the Amargosa Valley Town Board due to one resignation.

Commissioner Wichman made a motion to appoint Melanie Morales; seconded by Commissioner Strickland.

John Bosta advised Ms. Morales worked for the chairperson at the Acres marijuana establishment. He thought it would be difficult for a person to sit on the town board when her boss was the chairman of the other board. He highly recommended reconsidering someone else.

Trevor Dolby said in a small community conflicts of interest arose, however, he believed the NRS provided a mechanism to deal with those. He would have recommended Ms. Morales.

The motion to appoint Melanie Morales passed with 5 yeas.

15. For Possible Action – Discussion and deliberation to appoint three members to the Nye County Wildlife Management Board due to three expiring terms.

Commissioner Wichman made a motion to appoint Ryan Perchetti, Charlie Cecchini and John Terras; seconded by Commissioner Strickland; 5 yeas.

SHERIFF

16. For Possible Action – Discussion and deliberation regarding a renewal of a Wholesale/Retail Fireworks permit for Phantom Fireworks Showrooms, LLC dba Phantom Fireworks located at 921 S. Hwy 160, Suite 501, Pahrump, NV. Applicant – Robyn Gallitto.

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

17. For Possible Action – Discussion and deliberation to issue a Display Fireworks Event Permit to Zambelli Fireworks for an Aerial display at their Annual Fourth of July Event on Thursday, July 4, 2019. This event is being held at Petrack Park at 150 Highway 160 in Pahrump, NV. Applicant – John O'Brien.

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

BOARD OF COMMISSIONERS

12. For Possible Action – Discussion and deliberation regarding approval to purchase a plaque honoring Dick Carver.

Commissioner Strickland made a motion to approve a plaque honoring Dick Carver; seconded by Commissioner Blundo.

Commissioner Wichman asked that the plaque be placed in Tonopah.

The motion to approve a plaque honoring Dick Carver passed with 5 yeas.

JUSTICE(S) OF THE PEACE

18. For Possible Action – Discussion and deliberation to approve a Court Reporter position and determine potential funding sources to fund the position in Fiscal Year 2020.

Commissioner Wichman asked Savannah Rucker about the funding.

Mrs. Rucker said a couple of options were in the back-up. The first one was to fund from the operating transfer out of the general fund for net proceeds. The second one was to fund from contingency. Considering this item was kind of an unknown contingency could be utilized and that would be the preference of the Finance Office.

Commissioner Wichman made a motion to approve based on funding from contingency; seconded by Commissioner Strickland.

Commissioner Blundo explained he wanted to bring this back because he believed it would be a measure that would address liabilities in the court.

The motion to approve based on funding from contingency passed with 5 yeas.

Commissioner Blundo confirmed with Mrs. Rucker it would be a July 1, 2019, start date.

COUNTY MANAGER

19. For Possible Action – Discussion and deliberation to: 1) determine that one (1) excess Nye County Vehicle is no longer required for public use; and 2) determine it is in the best interest of Nye County to dispose of the excess vehicle through salvage or other means with any resulting funds deposited into Fund 10402 Capital Projects.

Commissioner Wichman made a motion to determine one vehicle as described in the back-up was excess and it was in the public's best interest to sell or salvage and

19. For Possible Action – Discussion and deliberation to: 1) determine that one (1) excess Nye County Vehicle is no longer required for public use; and 2) determine it is in the best interest of Nye County to dispose of the excess vehicle through salvage or other means with any resulting funds deposited into Fund 10402 Capital Projects-Cont'd.

deposit the money into 10402, Capital Projects; seconded by Commissioner Blundo; 5 years.

Chris Arabia was present.

FINANCE

20. For Possible Action – Discussion and deliberation to accept or reject any or all bids and provide direction to staff regarding Bid No. 2019-11 Animal Shelter Services.

Commissioner Wichman asked if the bids came back nonresponsive because they did not provide something.

Honey Strozzi from the Finance Department said no. She explained she felt the bid documents needed more clarification within the scope of work such as insurance requirements, maintenance, and special conditions, to answer her questions and those of the bidders who submitted a bid. The first recommendation would be to reject all bids and then re-bid, but upon further discussions that did not seem to be necessary. This item could possibly be moved to the June 18, 2019, meeting to get the clarification needed and move forward at that time.

Commissioner Wichman made a motion to continue this item to the next meeting; seconded by Commissioner Strickland.

Commissioner Cox did not see why this could not move forward now and have the details worked out work with staff.

Mrs. Strozzi stated the bids were to be determined by an evaluation panel and a recommendation made, but that panel had not been developed. She said it needed to be developed soon and someone with knowledge and skill concerning the bid and scope needed to be part of it.

Commissioner Cox disagreed with having a board for every bid. She also thought that provision should have been brought to the Board to begin with and should be taken out.

Commissioner Wichman said this was an unusual bid process as it was a scope of work specific to the animal shelter. Normally when bids went out there was an evaluation team that recommended to the Commissioners and it was within the departments that were the experts in whatever the bid was on.

20. For Possible Action – Discussion and deliberation to accept or reject any or all bids and provide direction to staff regarding Bid No. 2019-11 Animal Shelter Services-Cont'd.

Commissioner Koenig said if that language was taken out it would have to go out to bid again.

Chris Arabia said that was correct.

Commissioner Strickland said she did not want to go out to bid again, so her second stood and the evaluation needed to be done or the bid was placed improperly.

Dave Stevens thought a new shelter was going to be built.

Ammie Nelson agreed with Commissioner Cox that a bid should be accepted. She did not know if the committee would be holding up the time it would take to get this on the road, but the shelter needed this help and was running out of time.

Herman Lewis said he was going to write a letter of support for Jane Carbone, Desert Haven, and Richard D'Iorio. He said he had been watching the animal shelter situation go on for years and this needed to get done.

Commissioner Koenig said unfortunately it was part of the bid form and that was what they bid on, so if that was taken out it would have to go out to bid again.

Commissioner Cox asked if a motion could be made to delete that portion of the bid process from the document and continue without this having to go in front of an evaluation panel.

Mr. Arabia supposed the Board could, but he would not recommend it as it was fraught with peril. He thought Commissioner Koenig's explanation of the reason to put this off was sound.

Commissioner Cox said if there was going to be a designated County evaluation panel she wanted it to come in front of the Board for a vote, and she wanted it to be a specific County evaluation panel, not someone sitting and taking care of business in their office.

Commissioner Koenig commented that requirement was in the bid document when it came out a month ago.

The motion to continue this item to the next meeting passed with 4 yeas. Commissioner Cox voted nay.

Commissioner Blundo said he would like to know when staff had the evaluation and that it was done before June 18, 2019.

21. For Possible Action – Discussion and deliberation to: 1) Award Bid 2019-12 Pahrump Type II to Wulfenstein Construction Inc. in the amount of \$190,000.00; 2) Execute the contract; and 3) Fund from 10205 Road.

Commissioner Wichman made a motion to award the bid to Wulfenstein Construction in the amount of \$190,000.00, execute the contract and fund from 205; seconded by Commissioner Strickland; 5 yeas.

PUBLIC PETITIONER

22. For Possible Action – Discussion and deliberation to approve a Letter of Support for Mr. William Hernstadt’s application to the Bureau of Land Management (BLM) to offer for competitive bid, 120 acres of BLM designated disposal land in Amargosa Valley for future development.

Commissioner Wichman made a motion to approve the letter of support; seconded by Commissioner Blundo; 5 yeas.

BOARD OF COMMISSIONERS

9. 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.

Commissioner Wichman made a motion to go into closed session; seconded by Commissioner Strickland; 5 yeas.

10. 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.

The Board was in a closed meeting.

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

There was no action taken.

13. For Possible Action – Discussion and deliberation regarding Order for Permanent Full-Time Law Clerk filed May 29, 2019

Commissioner Wichman suggested directing staff to work with the District Attorney’s Office on what the Board’s options were and how to move forward.

Judge Kimberly Wanker stated it was a valid court order, not a request for the Board to do something, and there was no disrespect intended. She discussed a judge who was

13. For Possible Action – Discussion and deliberation regarding Order for Permanent Full-Time Law Clerk filed May 29, 2019-Cont'd.

disciplined because when his position was denied he did not order the board to staff and fund it. If the order was not going to be followed, Judge Wanker said she had no other recourse than to issue an order to show cause as to why the Sheriff should not be held in contempt of court.

Commissioner Wichman said she would like to pursue this further and find out exactly what the other courts would order. She told Judge Wanker she had her budget and could do what she wanted with it and work with personnel however she saw fit.

Judge Wanker asked if there was no money to meet statutory requirements why staff just approved \$4,000.00 to put lights and sirens on a bailiff car when that bailiff could not pull people over, why the bailiff was allowed to take the car home for lunch and spend taxpayer money for gas, and why Angela Bello was put on the payroll for two weeks to get her PERS.

Bradley Richardson recommended being more specific on the direction to staff.

Commissioner Wichman said the direction was the County Manager was to talk with Mr. Richardson and the District Attorney and outline the path forward as discussed in the closed session.

Commissioner Blundo said he would like an item to come back showing the numbers and if it could be funded as well as options moving forward if the Board chose not to fund it.

Commissioner Cox pointed out items 13 and 20 were similar and she did not understand why the Board could not move forward on this.

Mr. Richardson explained the County had 30 days to appeal the order, which was a short time period to take action to prevent the effect of it. He suggested directing staff and the District Attorney to lodge an appeal and other actions with respect to the effect of this order or do nothing and a potential order to show cause could be issued to the Sheriff.

Commissioner Wichman withdrew her direction to staff.

Commissioner Wichman made a motion to direct staff to pursue an appeal with the District Attorney's Office; seconded by Commissioner Strickland.

Commissioner Cox did not want to see the Sheriff held in contempt of court. She thought pursuing this may cost more money in the long run than to hire the position and would rather have a motion to let the judge have what she said she needed.

13. For Possible Action – Discussion and deliberation regarding Order for Permanent Full-Time Law Clerk filed May 29, 2019-Cont'd.

Commissioner Strickland said the Commissioners needed to see if this was even something that could go forward with the courts. She told Judge Wanker that if she had allowed the Board some time rather than hitting them right when they got done with the budget they may have gone through with this. She stated her second stood because she was not sure the judge could even file this.

Herman Lewis talked about how County staff was given December 24, 2018, off with pay which cost more money instead of saving any.

Ammie Nelson felt the judge's request for a clerk was on the public's behalf and if the County stopped paying for high paying positions like lieutenants then it could afford to fund the courts.

Robert Thomas III thought the Board should approve what the judge was asking for. If they did not and sent it back to staff, he invited the Commissioners to read the best policies for the handling of drug court. Those stated the District Attorney should be staffed in there along with the public defender, and there should be more probation officers assigned to the court. All of that would cost money, but Mr. Thomas pointed out it would reduce the crime rate and the congestion in the court as the people in drug court would be better supervised.

Jerry Butler said the judge should get what she needed.

John Bosta stated the budget should be provided for the safety of the citizens of the County and high paid salaries should be reduced so the services could be provided to the people.

Commissioner Blundo said he wanted the County Manager to look into some of the things the judge talked about, like the County vehicle.

The motion to direct staff to pursue an appeal with the District Attorney's Office passed with 3 yeas. Commissioners Cox and Blundo voted nay.

23. GENERAL PUBLIC COMMENT (second)

Ammie Nelson said a lot of legislation passed concerning well water in Basin 162. She thought the committees had been useless and she was waiting for the formation of a water association.

John Bosta hoped the Commission kept track of the amount of money it would cost for the District Attorney's Office to appeal the order. He thought in the long run more money would be spent in legal fees than approving what the judge asked for.

23. GENERAL PUBLIC COMMENT (second)-Cont'd.

Jerry Butler expressed his concerns that certain laws were being pushed harder than others. There were problems with drugs here, harassment and other things, but crimes that had no victims were enforced more. He said Animal Control came to his house and threatened him with a \$631.00 ticket for his dog barking although he lived in an area where wildlife came in and it was not just his dog barking. Mr. Butler stated everyone made an oath to support and defend the constitution under penalties of perjury and he recommended everyone read it.

Sheriff Wehrly thanked Commissioner Wichman for honoring someone she always thought was a hero in the County, Mr. Carver. She said it took a lot for him to stand up and do the things he did and she wished there were more people who would stand up and say the things that needed to be said.

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

There were none.

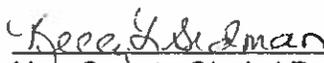
25. ADJOURN

Commissioner Koenig adjourned the meeting.

APPROVED this 2nd day ATTEST:

Of July, 2019.


Chair


Nye County Clerk / Deputy