

Pursuant to NRS the Nye County Board of Commissioners met for a Teleconference at the Nye County Commissioner Chambers, 101 Radar Road, Tonopah, Nevada and at the Commissioner Chambers, 2100 E. Walt Williams Drive, Pahrump, Nevada 89048.

Gary Hollis, Chair  
Lorinda Wichman, Vice-Chair  
Butch Borasky, Commissioner  
Joni Eastley, Commissioner  
Dan Schinhofen, Commissioner  
Sandra L. Merlino, Ex-Officio Clerk of the Board  
Brian Kunzi, District Attorney  
Rick Osborne, Nye County Manager

Also Present: Pam Webster, Assistant County Manager; Lorina Dellinger,  
Administrative Manager

8:30 A.M.

Commissioner Wichman not present at this time.

### **1. PLEDGE OF ALLEGIANCE**

The Pledge was recited.

### **2. ACTION – DISCUSSION, DELIBERATION, AND POSSIBLE DECISION CONCERNING A REQUEST TO APPROVE A TEMPORARY ROAD EASEMENT BETWEEN PIV, LLC, A NEVADA LIMITED LIABILITY COMPANY (GRANTOR) AND COUNTY OF NYE, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA (GRANTEE) TO PROVIDE ALTERNATIVE ROAD ACCESS FOR THE PUBLIC'S USE DURING THE CLOSURE OF CERTAIN PORTIONS OF THE ROAD KNOWN AS BLAGG ROAD, IN PAHRUMP TOWNSHIP, NYE COUNTY, NEVADA BETWEEN IRENE STREET AND ADKISSON STREET.**

Mr. Osborne stated they were ready for the Board to deliberate this. Once this was approved they could provide an alternate route for traffic.

Commissioners Borasky asked if this would allow people to get to their businesses and homes.

Mr. Osborne reviewed the matter and stated signs would be posted.

Commissioner Borasky made a motion to approve; seconded by Commissioner Schinhofen; 4 yeas.

ITEM # 2011.03.25

**3. ACTION – DISCUSSION, DELIBERATION, AND POSSIBLE DECISION TO APPROVE A SOFTWARE MAINTENANCE AGREEMENT WITH PITNEY BOWES FOR SMARTMAILER 7 PREMIUM EDITION IN THE AMOUNT OF \$3,738.24. THE PURPOSE OF THIS SOFTWARE IS TO BEGIN SAVINGS ON ALL BULK MAILINGS FOR NYE COUNTY.**

Commissioner Eastley made a motion to approve; seconded by Commissioner Schinhofen.

Commissioner Borasky asked what a smart mailer was.

Pam Webster stated it was a software package that would allow the County to get better rates. They could save up to \$40,000.00.

The motion passed 4 yeas.

**4. ACTION – DISCUSSION, DELIBERATION AND APPROPRIATE DISCIPLINE REGARDING NYE COUNTY ASSESSOR SHIRLEY MATSON’S USE OF THE COUNTY INFORMATION SYSTEM AND THE COUNTY SEAL, IN HER OFFICIAL CAPACITY, TO DISSEMINATE PERSONAL POLITICAL VIEWS TO THE DISCREDIT OF NYE COUNTY, THROUGH EMAILS SHE SENT TO THE NYE COUNTY SHERIFF’S OFFICE ON OR ABOUT MARCH 11, 2011, REGARDING THE RACE, COLOR AND NATIONAL ORIGIN OF PERSONS EMPLOYED FOR THE CONSTRUCTION OF THE NEW COUNTY JAIL FACILITIES.**

Mr. Kunzi stated the Commissioners should have a copy of the exhibits.

Shirley Matson was present along with her attorney, Nancy Lord.

Commissioner Wichman was present at this time.

Mr. Kunzi explained why the meeting was called. He indicated the Board should look at article 2.13 in the Personnel Policy Manual. The provision provides for the basic level of conduct they expect of elected officials, appointed officials and employees. The provision also provides for disciplinary action up to and including termination. His legal conclusion on this was that according to State law they would be prohibited from imposing many of those forms of discipline.

Commissioner Eastley stated Ms. Lord was sitting next to Ms. Matson and asked if it changed the scope of this hearing.

Mr. Kunzi stated no and for the record, according to NRS 241, he did provide proof that Ms. Matson was provided written notice of this hearing.

**4. ACTION – DISCUSSION, DELIBERATION AND APPROPRIATE DISCIPLINE  
REGARDING NYE COUNTY ASSESSOR SHIRLEY MATSON'S USE OF THE  
COUNTY INFORMATION SYSTEM AND THE COUNTY SEAL, IN HER OFFICIAL  
CAPACITY...Cont'd**

Commissioners Eastley stated she wanted to focus on the comments made to the Sheriff. She asked Ms. Matson how she made the conclusion that the workers did not speak English.

Ms. Matson stated that was what she was told.

Commissioner Eastley asked about the threats that were made.

Ms. Matson stated she didn't say there were any threats.

Commissioner Eastley asked Ms. Matson how she concluded that the workers outside her office were illegal residents.

Ms. Matson stated she was told that by a volunteer employee for the County. She did not know what capacity he worked in other than he was driving a County vehicle. His name was Ben Gulley.

Commissioner Eastley asked Ms. Matson who told her that the workers did not speak English.

Ms. Matson stated it was Ben Gulley.

Commissioner Eastley stated Ms. Matson had also indicated that there were complaints made by her staff.

Ms. Matson stated there weren't complaints made by her staff, but they were concerned.

Commissioner Eastley asked Ms. Matson what happened that made them concerned and made them come to her.

Ms. Matson stated she did not want to bring her staff into this circus.

Commissioner Eastley stated Ms. Matson already did.

Mr. Kunzi asked what particular document it was that stated her staff's concerns and concern for the safety of her staff. Ms. Matson's concern over the safety of the staff was one of the primary reasons for this.

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CAPACITY...Cont’d**

Nancy Lord stated they had an informal declaration and a formal declaration from staff. She referenced another e-mail that the Pahrump Valley Times printed. She stated the e-mails should have been treated as police reports.

Commissioner Eastley asked Ms. Matson for the specific concerns that were brought to her by her employee.

Mr. Kunzi stated he understands the only basis for this was statements from Mr. Gulley. Mr. Kunzi explained that it was not necessary for Mr. Gulley to be sworn in.

Mr. Kunzi asked Mr. Gulley if he made a complaint that the workers were not from Pahrump.

Mr. Gulley stated he did not make a complaint. He stated he was stopped by Ms. Matson and asked why he was driving through her lot. He had never met her. She introduced herself and then asked about the Mexican workers and explained the problems she had with that. She went on to tell him problems she had in San Diego and she was going to do something about the illegals. She went on to tell him that the Sheriff was a liar and he was not doing anything about the illegal aliens. Mr. Gulley stated he worked with Mr. DeMeo before he was Sheriff and he may have downfalls but lying wasn't one of them. She explained to him she was a Tea Party Minuteman and was very excited about it. She stated she would complain to the Sheriff.

Mr. Gulley stated he would not go to the Assessor's Office to complain about illegal aliens. He didn't want to be part of this.

Mr. Kunzi stated in the paper it was quoted that Mr. Gulley stopped her and told her there wasn't one American worker on the lot.

Mr. Gulley stated he and Ms. Matson had a long conversation. He had nothing to do with this.

Mr. Kunzi asked Mr. Gulley if he stopped Ms. Matson regarding the workers.

Commissioner Eastley stated they should let Mr. Gulley go.

Ms. Lord stated they wanted to ask questions.

Mr. Kunzi stated technically there wasn't a right to counsel in this open meeting, only in a closed session.

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CAPACITY...Cont’d**

Commissioner Eastley stated she thought they should leave it up to Mr. Gulley. He made it clear that he didn't want anything to do with this.

Commissioners Eastley stated she wanted to go back to concerns from staff. She referred to the e-mails between Ms. Matson and Sheriff DeMeo. She asked again specifically what the concerns were from her staff and the public.

Ms. Matson explained that when she came into the office on Friday she had an employee get fired up due to concerns about undocumented employees working behind her office.

Commissioner Eastley asked Ms. Matson what her probable cause was for making a report to the Sheriff's Office. She stated if Ms. Matson had probable cause to report this to the Sheriff she should. She asked again what the probable cause was to have Ms. Matson ask Sheriff DeMeo to investigate this.

Commissioner Eastley referred to the e-mails from Ms. Matson containing statements that the Sheriff's Office had a duty to investigate this.

Ms. Lord stated if the Sheriff had simply answered her questions this would not have escalated.

Mr. Kunzi and Commissioner Eastley read aloud the contents of the e-mail from Ms. Matson to Sheriff DeMeo.

Commissioners Eastley asked what other employees of the Sheriff's Office had made complaints.

Ms. Matson stated she only wanted to provide information to those individuals who came into the office to complain or ask. She stated Mr. Osborne did the appropriate thing with his letter of response.

Ms. Matson stated "employees" of the Sheriff's Office was probably a typo.

Commissioner Schinhofen asked about the first e-mail. The criteria seemed to be that the workers did not seem to speak English and were Latino/Mexican looking and therefore they may be or must be illegal.

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CAPACITY...Cont’d**

Ms. Matson stated she came from San Diego and in her mind she wanted to find out what was going on. Her comments were not bigoted, it was simply a question. She stated maybe her statements were not well thought out, but she was not a bigot.

Commissioner Schinhofen stated he was concerned if people were here illegally or not, but not to question this just because these individuals didn't speak English. He stated he received many phone calls about her comments. He stated just the one statement in her e-mail sounded bigoted. Her statements looked racist and they reflected on the County.

Commissioner Borasky asked if Ms. Matson read the Nye County Personnel Policy.

Ms. Matson stated she did, but did not memorize it.

Commissioner Borasky stated because they are elected officials, there is language put in there for their conduct.

Ms. Lord stated there was still some confusion. There were two e-mails sent by inter-county e-mails. They should not have been sent to the papers.

Commissioner Wichman stated any e-mail sent by an elected official on County e-mail is public. She stated Ms. Matson had wanted to save the County from embarrassment. With tongue in cheek, she thanked Ms. Matson for keeping Nye County from embarrassment.

Commissioner Hollis stated he didn't think the Sheriff had the right to go up and down the street checking for illegal immigrants. If she had concerns she should have called ICE.

Sheriff DeMeo stated they are Constitutional Officers. He reviewed the duties of Peace Officers. He only pointed out that Ms. Matson's comments were racist and she asked the Sheriff's Office to do something based on racial profiling.

Ms. Lord stated Ms. Matson was not an attorney and could not know some of those things Sheriff DeMeo brought up.

Commissioner Eastley stated based on the testimony from Ms. Matson and the witnesses and based on the information she has read in the e-mails, newspapers and interviews, she would propose that Nye County adopt a Resolution publicly reprimanding Shirley Matson. She read Resolution 2011-25 into the record. The motion was seconded by Commissioner Wichman; 5 yeas.



**5. ACTION – CLOSURE OF MEETING, PURSUANT TO NRS 241.015(2)(B)(2) FOR PURPOSES OF CONFERRING WITH LEGAL COUNSEL REGARDING POTENTIAL OR CURRENT LITIGATION.**

Removed from the agenda.

**6. CLOSED MEETING, PURSUANT TO NRS 241.015(2)(B)(2) FOR PURPOSES OF CONFERRING WITH LEGAL COUNSEL REGARDING POTENTIAL OR CURRENT LITIGATION.**

Removed from the agenda.

**7. ACTION – DISCUSSION, DELIBERATION, AND POSSIBLE DECISION ON CONFERENCE WITH LEGAL COUNSEL REGARDING POTENTIAL OR CURRENT LITIGATION PRESENTED IN CLOSED MEETING.**

Removed from the agenda.

**8. 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).**

There was none.

**9. ADJOURNMENT**

Commissioner Schinhofen made a motion to adjourn; seconded by Commissioner Borasky; 5 yeas.

Meeting Adjourned.

APPROVED this \_\_\_\_\_ day      ATTEST:

Of \_\_\_\_\_, 2011

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Nye County Clerk / Deputy