



NYE COUNTY
BOARD OF COMMISSIONERS SPECIAL MEETING
101 Radar Rd, Tonopah NV 89049
TUESDAY, January 18, 2011
10:00 AM

Gary Hollis, Chair
Lorinda Wichman, Vice-Chair
Joni Eastley, Commissioner
Butch Borasky, Commissioner
Dan Schinhofen, Commissioner
Sandra "Sam" L. Merlino, Ex-officio Clerk of the Board

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. **NOTICE:** It is anticipated that the items of business before the Board of Commissioners on January 18, 2011, will be fully completed on those dates. However, should item(s) not be completed, it is possible item(s) could be carried over and be heard before the Board of Commissioners beginning at 8:30 a.m. on the next day.

Public Comment during the Commission Meeting on January 18, 2011 will be for all matters, both on and off the agenda, and be limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during individual action items. The Commission reserves the right to reduce the time or limit the total time allowed for public comment. The Commission may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the Commission, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting. **NOTE: You will not be permitted to speak during Public Comment without completing and submitting the appropriate forms. Please fill out a Citizen Inquiry form for a general public comment or a Citizen Input form to comment on a specific agenda item located on the public information table.**

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations. Tonopah Convention Center, 301 Brougner Avenue, Tonopah, NV; U.S. Post Office, 201 Erie Main St., Tonopah, NV; Commissioners' Meeting Room, 101 Radar Road, Tonopah, NV; District Court, 101 Radar Road, Tonopah, NV; The Ian Deutch Government Complex, 1520 East Basin Road, Pahrump, NV; Commissioners' Chambers, 2100 E. Walt Williams Drive, Pahrump, NV; Beatty Community Center, 100 A Avenue South Beatty, NV

Support documentation for the items on the agenda, provided to the Nye County Board of Commissioners is available to members of the public at the County Manager's Office (101 Radar Road, Tonopah, Nevada & 2100 E. Walt Williams Drive, Pahrump, Nevada) and on the County's website.

WEBSITE: www.nyecounty.net

The Nye County Board of Commissioners may take a short break every 1 ½ hours.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

January 18, 2011

Gary Hollis, Chair
Lorinda Wichman, Vice-Chair
Joni Eastley, Commissioner

Butch Borasky, Commissioner
Dan Schinhofen, Commissioner
Sandra "Sam" Merlino, Ex-Officio Clerk of the Board

NOTE: All times are approximate except for bid openings, public hearings, and any other items agendized at a specific time. Action may be taken on all items except where otherwise indicated. Items not scheduled for a specific time may be considered at any time and in any order.

Special Note: Any member of the public who is disabled and requires accommodation or assistance at this meeting is requested to notify the Nye County Manager's Office in writing or call 775-482-8191 prior to the meeting.

Please note: Blue text that is underlined indicates items are linked to supporting documentation

NOTICE OF TIMED AGENDA ITEMS

10:15 a.m. Recess to the Nye County Board of Road Commissioners (Agenda Attached)

10:30 a.m. Recess to the Nye County Licensing and Liquor Board (Agenda Attached)

10:45 a.m. Action – Public Hearing on results of Public Works identification and determination of improved roads and streets maintained by Nye County for the purposes of compliance with Nevada Revised Statutes Chapter 365.550 Paragraph 8 with respect to Proceeds of Tax Levied pursuant to NRS 365.180; and other matters properly related thereto.

10:50 a.m. Presentation of certificate and/or plaques to sixteen (16) employees honored for their years of service.

11:00 a.m. Planning, Zoning, and Building Items (Agenda Attached)

NYE COUNTY BOARD OF COMMISSIONERS

- 1 Pledge of Allegiance
- 2 Action - Approval of the Agenda for the Board of County Commissioners' meeting of January 18, 2011.
- 3 Action - Approval of Minutes of the Board of County Commissioners' meeting(s) for – N/A
- 4 Awards and Presentations – 10:50 a.m.
- 5 Announcements (first)
- 6 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).
- 7 Action - Emergency Items

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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- 8 Action - Commissioners'/Manager's Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)**
- 9 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.**
- a. Action – Discussion of any item from the Consent Agenda Items that needs review before a decision is made.
 - b. [Action](#) – Approval of Elected Official Collection Report
 - c. Action – Approval of Assessor’s Office Change Request
 - d. [Action](#) – Approval of Personnel Actions
 - e. [Action](#) – Approval to set the date and location of the second meeting of the Board of Commissioners for Tuesday April 19, 2011 in Pahrump, Nevada.
 - f. [Action](#) – Approval to enter into an agreement to adopt, extend and amend agreement No. P391-09-802 with the State of Nevada Department of Transportation to modify the language and to extend the term to the useful life of the vehicle. The original Grantee’s agreement was for the acquisition of two (2) vehicles, through a Federal Transit Administration 5311 American Recovery and Reinvestment Act grant. Matching funds are not required.
 - g. [Action](#) – Approval of a second amendment to the Professional Services Agreement with Geophysical Logging Services (Contract No. 10-005). The amendment includes increasing the not-to-exceed amount by \$10,000.00 due to delays in the drilling program. This increase is budgeted from Fund 284 Repository Project Oversight.
 - h. [Action](#) – Approval of: 1) the expenditure of \$2,932.00 for the setup and installation of utility stub-outs for a modular trailer unit donated to the County by Pac-Van, Inc., and located at the County Road Department yard in Tonopah, which was previously approved at the October 5, 2010 meeting; and 2) the transfer of \$2,932.00 from Fund 205-3144-541-59-01, Roads Tonopah Miscellaneous to Fund 205-3144-541-61-01, Roads Tonopah Capital Outlay to cover these expenses.
 - i. [Action](#) – Approval to purchase carpeting for new Facilities Management office located at 871 Boothill in Pahrump, NV in the amount of \$3,582.00, which can be funded from approved Project BP1102 Fund 492 Settlement Agreement to be reimbursed from Fund 499 Bond Proceeds.

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- j. [Action](#) – Approval to modify the application for the US Department of Agriculture (USDA) Rural Development Utilities Programs (RDUP) Solid Waste Management Grant to increase the amount requested to a total amount of \$60,000.00 to obtain training and certification for Nye County employees related to the operation of active landfills in the County. There is no match required; however Nye County Public Works will contribute \$5,000.00 through in-kind staff involvement to provide technical review and oversight of project activities and deliverables out of Fund 205 Roads. This grant will be administered from 247 Grants.
- k. [Action](#) – Adoption of Nye County Resolution 2010-150: a Resolution to create a fund entitled Nye County District Attorney Bad Check Program Fund.

PUBLIC OFFICIALS

10 Assessor

11 Board of Commissioners

- a. 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.
- b. 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.
- c. Action – Discussion, deliberation, and possible decision on labor negotiations, issues and other personnel matters presented in closed meeting.
- d. Action – Closure of meeting, pursuant to NRS 241.015(2)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.
- e. Closed meeting, pursuant to NRS 241.015(2)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.
- f. Action – Discussion, deliberation, and possible decision on conference with legal counsel regarding potential or current litigation presented in closed meeting.
- g. [Action](#) – Appointment of Commissioner Liaison / Representatives.
 - 1. Nevada Association of Counties (NACO)
 - 2. Pahrump Regional Planning Commission and one alternate
 - 3. Nye County Park and Recreation Commission
 - 4. Economic Development Authority for Nye County
 - 5. Nevada Public Agency Insurance Pool/Compensation Trust and one alternate

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

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6. Regional Transportation Commission (RTC)
 7. Nuclear Waste Issues
 8. Tri-County Working Group
 9. Tri-Party Formal Interaction Agreement Working Group (Northern Nye)
 10. Tri-Party Working Group (Southern Nye)
 11. Capital Improvements Advisory Committee
 12. Four-County Regional Forum
 13. Nye County Jails – Needs Assessment – Inspection North and South
 14. Local Emergency Planning Committee (LEPC)
 15. Nevada Business Services (NBS)
 16. Southern Nevada Workforce Investment Board (SNWIB)
 17. Public Utilities Commission
 18. Quad State County Government Coalition
 19. Central Nevada Regional Water Authority
 20. Legislative Issues
- h. [Action](#) – Discussion, deliberation, and possible decision concerning a request to support the Nevada Rural Counties R.S.V.P Program, Inc. to assist seniors in the communities of Nye County in the amount of \$7,071.00. Funding will be split between the following sources Pahrump Senior Center (\$2,500), Town of Pahrump (\$2,700) and \$1,871 from Nye County which has not been budgeted but can be funded from 101 General Fund Contingency.
- i. [Action](#) – Discussion, deliberation, and possible decision to adopt, amend and adopt or reject Nye County Resolution No. 2011-06: a Resolution adopting a policy regarding opening invocations before meetings of the Nye County Board of County Commissioners.
- j. [Action](#) – Discussion, deliberation, and possible decision to possibly revise the BOCC Rules of Procedure.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

January 18, 2011

12 Clerk

- a. [Action](#) – Discussion, deliberation and possible decision to appoint two members to the Belmont Town Advisory Board due to two expired terms. The terms expire January 2013.

13 District Attorney

14 Recorder

15 Sheriff

16 Treasurer

- a. [Treasurer's Report](#)

17 Justice(s) of the Peace

18 District Court

19 Juvenile Probation

GENERAL NYE COUNTY ADMINISTRATIVE STAFF

20 County Manager

- a. [Ongoing](#) Project Report

21 Emergency Services

22 Facilities

23 Finance

- a. [Action](#) – Discussion, deliberation, and possible decision to: 1) approve the establishment of a \$200,000.00 contingency reserve for the Pahrump Jail Project for value engineering phase of the project; and 2) approve Pam Webster as Owner Representative for the project with authority to approve changes to the Pick List pending BOCC approval. The contingency reserve may be funded from Fund 499 Bond Proceeds.
- b. [Action](#) – Discussion, deliberation, and possible decision to enter into an agreement with American Express for the use of County Travel and Purchasing cards. Funding is to come from the department making the purchase.

24 Health & Human Services

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

January 18, 2011

25 H/R and Risk Management

- a. [Action](#) – Discussion, deliberation, possible decision and direction to staff to authorize: 1) the reclassification of the vacant B&G Maintenance Worker II (NCEA Grade 7) to a Groundskeeper (NCEA Grade 2); and 2) authorize the advertising and filling of the position. The vacant position is currently budgeted in 101 General; the change will result in a cost savings to the department budget.
- b. [Action](#) – Discussion, deliberation, possible decision and direction to staff to authorize the advertising and filling of one Deputy Clerk in the Tonopah Clerk’s Office. This position is not budgeted but can be funded from Fund 276 Court Improvement and will exist as long as funds are available.
- c. [Action](#) – Discussion, deliberation, and possible decision to create and authorize the advertising and filling of one Deputy District Attorney position (Non Represented NCMEA Grade 21, Step 8) vacated in the Pahrump District Attorney’s office when the Chief Deputy District Attorney Civil Division was terminated effective March 7, 2010, and a Deputy District Attorney was promoted to the vacated chief position. This position is not budgeted in the 2010-2011 Fiscal Year; however it can be absorbed in Fund 101 General.
- d. [Action](#) – Discussion, deliberation, possible decision and direction to staff to approve the advertising and filling of the vacant Bailiff position in the Pahrump District Court. This position became vacant on January 7, 2011 and is allowed per NRS 3.310 and is budgeted in Fund 101 General.
- e. [Action](#) – Discussion, deliberation, possible decision, and direction to staff to adopt, amend and adopt, or reject Nye County Resolution No. 2010-151: a Resolution adopting the revised Nye County Personnel Policy Manual.

26 Information Technology

27 Nuclear Waste Repository Project Office

28 Planning/Building - (See 11:00 am Agenda Items)

29 Public Administrator

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

January 18, 2011

30 Public Works

- a. [Action](#) – Discussion, deliberation, and possible decision regarding a request to:
 1. Action – Approve the expansion of the use of \$6,000.00 that was originally budgeted by the Board under Project PE1016 on February 2, 2010 for permitting and reclamation of the 3 exploratory well sites in Gabbs to also include water chemistry analysis as needed in support of the construction of a monitor well at exploratory well Site #2
 2. Action – Approve the transfer of \$39,550.00 from Project CP0742 (Nye County GIS Phase II – Psomas) Fund 491, County Special Capital Projects, which has been completed to Project PE1016 (Gabbs Exploratory Drilling) to provide the remaining funds for items 3 & 4 that includes a \$3,000 contingency for all activities in items 1, 3 & 4.
 3. Action – Approve, conditional upon the approval of item 2, the attached Change Order #1 to the Parsons Drilling Contract on Project PE1016 for a change in the scope of services that includes the construction of a monitor well at the 2nd exploration site near the community of Gabbs and the elimination of drilling exploratory well at Site #3 and the redirection of remaining contract funds (\$29,200) to partially fund the construction of the monitor well. This Change Order increases the contract price by \$31,850.00 to \$114,150.00.
 4. Action – Approve, conditional upon the approval of item 2, the attached Change Order #1 to the Day Engineering Professional Services Agreement on Project PE1016 for a change in the scope of services that includes Engineering Support for construction of a monitor well at the 2nd exploration site near the community of Gabbs and the elimination of remaining technical support effort associated with exploratory well at Site #3 and redirection of remaining contract funds (\$1,500.00) to partially fund technical support for the construction of the monitor well. This Change Order increases the contract price by \$7,000.00 to \$18,500.00.

31 Senior Services

OTHER BUSINESS

32 Town Boards/Town Advisory Boards

- a. [Action](#) – Discussion, deliberation, and possible decision on placing an Advisory Question on the November 2012 General Election asking the voters of the Town of Pahrump whether they wish the Town of Pahrump to be Incorporated.
- b. [Action](#) – Discussion, deliberation, and possible decision to adopt, amend and adopt, or reject Nye County Resolution 2010-152: A Resolution Directing the Establishment of the Amount of the Amargosa Town Advisory Board Petty Cash.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

January 18, 2011

33 Public Petitioners

- a. [Action](#) – Discussion, deliberation, possible decision, and direction to staff concerning a request to approve a recommendation from the Nye County Water District Governing Board (NCWDGB) to revise Nye County Code (NCC) Sections 16.28.170.H.1.a. and 16.20.190.E.2.a., governing the relinquishment of water rights for certain divisions of land within the County.

- b. [Action](#) – Discussion, deliberation, and possible decision concerning a request to approve a GIS Cooperative Agreement between Nye County (County) and the Board of Regents of the Nevada System of Higher Education, acting by and through its University of Nevada Cooperative Extension (UNCE) for the purpose of exchanging and sharing of non-proprietary and non-sensitive raster and vector GIS data between UNCE and the County.

- c. [Action](#) – Discussion, deliberation, and possible decision concerning a request to terminate the Lease Agreement between Nye County and Mercy Air Service, Inc. for the purpose of construction of a double wide manufactured home pad, additional helo pad, above ground fuel storage and connection to utilities.

- d. [Action](#) – Discussion, deliberation, and possible decision to: 1) set a date, time and location for a public hearing to determine whether the best interests of the Town of Pahrump are no longer served by the town board form of government, pursuant to NRS 269.022; or 2) place an Advisory Question on the November 2012 General Election asking the voters of the Town of Pahrump to determine whether the best interests of the Town of Pahrump are no longer served by the town board form of government, pursuant to NRS 269.022.

34 GENERAL PUBLIC COMMENT (second)

35 ANNOUNCEMENTS (second)

36 ADJOURN

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

January 18, 2011

AGENDA
NYE COUNTY BOARD OF ROAD COMMISSIONERS

Commissioners Chambers, Tonopah, NV 89049
TUESDAY, January 18, 2011

10:15 A.M.

Lorinda Wichman, Chair
Dan Schinhofen, Vice-Chair
Joni Eastley, Member

Gary Hollis, Member
Butch Borasky, Member
Sandra "Sam" Merlino, Ex-Officio Clerk of the Board

NOTE: All times are approximate except for public hearings and any other items agendized at a specific time. Action may be taken on all items except where otherwise indicated. Items not scheduled for a specific time may be considered at any time and in any order.

1. Action - Approval of Minutes for the Nye County Board of Road Commissioners' meeting for – N/A
2. GENERAL PUBLIC COMMENT (Three-minute time limit per person and requested to be limited to items not listed on the agenda. No action will be taken by the Board.)
3. Action - General road report by Public Works Director
4. Adjourn

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

January 18, 2011

**AGENDA
NYE COUNTY LICENSING AND LIQUOR BOARD**

**Commissioners Chambers, Tonopah, NV 89049
TUESDAY, January 18, 2011**

10:30 A.M.

**Butch Borasky, Chair
Gary Hollis, Vice-Chair
Joni Eastley, Member
Lorinda Wichman, Member**

**Dan Schinhofen, Member
Tony DeMeo, Member
Sandra "Sam" Merlino, Ex-Officio Clerk of the Board**

NOTE: All times are approximate except for public hearings and any other items agendized at a specific time. Action may be taken on all items except where otherwise indicated. Items not scheduled for a specific time may be considered at any time and in any order.

1. Action - Approval of Minutes for the Nye County Licensing and Liquor Board meeting for – N/A
2. GENERAL PUBLIC COMMENT (Three-minute time limit per person and requested to be limited to items not listed on the agenda. No action will be taken by the Board.)
3. **Consent Agenda Items**
 - a. Action – Discussion of any item from the Consent Agenda Items that needs review before a decision is made.
 - b. Action – Approval to issue a Retail Liquor License to the Bikinis Gentlemen’s Club, LLC located at 100 Airport Road in Beatty, NV. Guy Brenkman, Applicant. All paperwork is in order, all fees paid and there is nothing in his background to preclude him from receiving a license.
 - c. Action – Approval to issue 72 Hour Liquor Permits to the Pahrump Valley Speedway to sell Liquor for the following Race Dates throughout the year: February 5th & 19th; March 5th, 19th & 31st; April 1st, 2nd, 9th, & 23rd; May 7th & 21st; June 4th & 18th; July 2nd, 16th, & 30th; August 13th & 27th; September 10th & 24th; October 1st, 14th, & 15th; and November 5th & 19th, 2011. Chad Broadhead, Applicant.
 - d. Action – Approval to issue a Brothel License to the Bikinis Gentlemen’s Club, LLC located at 100 Airport Road in Beatty, NV. Guy Brenkman, Applicant. All paper work is in order, all fees paid and there is nothing in his background to preclude him from receiving a license.
4. Brothel
5. Gaming

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

January 18, 2011

- 6. Liquor
- 7. Adjourn

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

January 18, 2011

Tuesday, January 18, 2011 beginning at 11:00 a.m.

NOTE: All times are approximate except for public hearings and any other items agendized at a specific time. Action may be taken on all items except where otherwise indicated. Items not scheduled for a specific time may be considered at any time and in any order.

PLANNING TIMED AGENDA ITEMS

Public Hearing Items: Action will be taken by the Board of County Commissioners (BOCC) on the following matters.

11:00 AM

1. Ex Parte Communications and Conflict of Interest Disclosure Statements
2. [Action](#) - Public Hearing, discussion, deliberation and possible decision on requests for approval of the following Planning and Zoning matters:
 - A. Appeal of Pahrump Regional Planning Commission Decision(s):
 1. [AP-10-0004](#): Discussion, deliberation and possible decision to affirm, modify, or reverse the Pahrump Regional Planning Commission's decision to approve Conditional Use Permit Application CU-10-0010 subject to Special Condition #12 which requires the improvement of Kellogg Road with 2 moving lanes of asphalt paving. Conditional Use Permit CU-10-0010 allows for the reinstatement of the previous grandfathered status of restaurant use on property in the Rural Estates (RE-1) Zoning District. The property owner specifically is appealing Special Condition #12. Located at 3561 E. Kellogg Road, described as Lot 730 of Green Saddle Ranch Subdivision. Vincent and John Congiu – Property Owners/Applicants. AP# 45-271-14.

CONSENT

Consent Agenda: 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. THESE ITEMS ARE NOT CONSIDERED PART OF THE PUBLIC HEARING.

1. [Action](#) – Approval of the following Planning and Zoning matters (Consent):
 - A. Offer of Dedication(s):
 1. [OD-11-0001](#): Approval to accept an Offer of Dedication and maintenance of forty (40) feet width of Mesquite Avenue and forty (40) feet width of Higley Road, Pahrump, Nevada. Record of Survey #746112, Government Lot #1. County of Nye – Property Owner/Applicant. A portion of AP# 35-011-01.

ADJOURN