



**NYE COUNTY  
BOARD OF COMMISSIONERS MEETING  
2100 E. Walt Williams Drive, Pahrump, NV 89048  
TUESDAY, August 21, 2012  
10:00 AM**

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

**NOTE:** All items are approximate except for bid openings, public hearings, and any other items agendized at a specific time. Items on the agenda without a time designation may be taken out of order. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. 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 August 21, 2012 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 August 21, 2012 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.

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations. Tonopah Convention Center, 301 Brougher 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 Justice Court, 426 C 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](http://www.nyecounty.net)**  
**The Nye County Board of Commissioners may take a short break every 1 ½ hours.**

In accordance with Federal law and U.S. Department of Agriculture policy, Nye County is prohibited from discriminating on the basis of race, color, national origin, sex, religion, age, or disability. (Not all prohibited bases apply to all programs.) To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider, employer, and lender

"Communication for Hearing Impaired: Dial Nevada Relay Service 711 or for Voice to TTY (800) 326-6888 or TTY to Voice (800) 326-6868"

# NYE COUNTY BOARD OF COMMISSIONERS AGENDA

**ITEM # SUBJECT**

**August 21, 2012**

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

Gary Hollis, Commissioner  
Butch Borasky, 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**

## NYE COUNTY BOARD OF COMMISSIONERS

- 1 Pledge of Allegiance**
- 2 For Possible Action - Approval of the Agenda for the Board of County Commissioners' meeting of August 21, 2012**
- 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).**

## NOTICE OF TIMED AGENDA ITEMS

- 10:00 a.m.** Presentation by H.O.P.E. Counseling services regarding their mental health services for children and adults.
- 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.** Timed Agenda Items:
- a. For Possible Action – Continued Public Hearing, discussion, and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2012-12: a Bill Proposing to amend Nye County Code Title 6, Animals, by adding Chapter 6.05, Administration and Enforcement; by adding Chapter 6.06, General Provisions – Licensing, Vaccinations, Limits of Number Of Animals, Running at Large, Impoundment, Rabies Prevention; by adding Chapter 6.07, Cruelty to Animals; by adding Chapter 6.13, Animal Facility Regulations; by adding Chapter 6.20, Miscellaneous Animal Regulations; by adding Chapter 6.25 Animal Advisory Committee; by adding Chapter 6.30, Ownership and Possession of Special Conditions Animals; providing for the severability; constitutionality and effective date hereof; and other matters properly relating thereto.

## NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

August 21, 2012

- b. [For Possible Action](#) – Public Hearing, discussion, and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2012-15: a Bill proposing to amend Title 5 of the Nye County Code by adding a new Chapter 5.30 allowing private business owners to designate clothing-optional areas on their premises, establishing regulations governing clothing-optional areas; providing for the severability, constitutionality and effective date hereof, and other matters properly relating thereto.
- c. [For Possible Action](#) – Public Hearing, discussion, and deliberation to issue an Outdoor Festival License to the Beatty Chamber of Commerce for their annual Beatty Days Event to be held on October 26-28, 2012 at Cottonwood Park located at Third and Amargosa Street, Beatty, Nevada.
- d. [For Possible Action](#) – Public Hearing, discussion, and deliberation to issue an Outdoor Festival License to Tough Mudder for the Tough Mudder Event to be held on October 6-7, 2012 at Spicer’s Ranch, Beatty, Nevada.
- e. [For Possible Action](#) – Public Hearing, discussion, and deliberation to issue an Outdoor Festival License to the Pahrump Social Pow-Wow for the 14<sup>th</sup> Annual Pahrump Pow-Wow Event to be held on November 16-18, 2012 at Petrack Park on the corner of Highway 160 and Basin Avenue, Pahrump, Nevada.
- f. [For Possible Action](#) – Public Hearing, discussion, and deliberation to issue an Outdoor Festival License to Bob Baker’s Wild West Extravaganza for the 14<sup>th</sup> Annual Wild West Extravaganza to be held on October 12-14, 2012 at the Saddle West Hotel, Casino and RV Park, Pahrump, Nevada.

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

### NYE COUNTY BOARD OF COMMISSIONERS

- 4 For Possible Action - Approval of Minutes of the Board of County Commissioners' meeting(s) for - N/A**
- 5 Awards and Presentations – N/A**
- 6 Announcements (first)**
- 7 For Possible Action - Emergency Items**
- 8 Commissioners'/Manager's Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)**

## NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

August 21, 2012

- 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. For Possible Action – Discussion of any item from the Consent Agenda Items that needs review before a decision is made.
  - b. [For Possible Action](#) – Approval of Elected Official Collection Report
  - c. [For Possible Action](#) – Approval of Assessor’s Office Change Request
  - d. [For Possible Action](#) – Approval of Personnel Actions
  - e. [For Possible Action](#) – Approval to set the date and location of the second meeting of the Board of Commissioners for Tuesday November 20, 2012 in Pahrump, Nevada.
  - f. [For Possible Action](#) – Approval to accept the Mid-Cycle Small Rural Access Grant through Susan G. Komen for the Cure of Southern Nevada to assist low-income residents in Nye County with screening and diagnostic mammograms; other diagnostic testing and travel expenses. This grant will be administered from Fund 10340 Grants and there is no match required.
  - g. [For Possible Action](#) – Adoption of Nye County Resolution No. 2012-37: A Resolution in the matter of the FFY 2008 elections for national forest related safety-net payments.
  - h. [For Possible Action](#) – Approval to surplus and gift a 1988 Ford F250, the Manhattan Brush Fire Truck, to Ely Nevada Division of Forestry.
  - i. [For Possible Action](#) – Approval of a no-cost extension through December 2012 to the FFY10 Emergency Preparedness Working Group (EPWG) Supplemental grant award for of the Beatty Ambulance Barn. This grant will be administered from Fund 10340 Grants and there is no match required.
  - j. [For Possible Action](#) – Approval of a no-cost extension through December 2012 to the FFY10 Emergency Preparedness Working Group (EPWG) Final Volume Funding grant for of the Beatty Ambulance Barn. This grant will be administered from Fund 10340 Grants and there is no match required.
  - k. [For Possible Action](#) – Approval of a no-cost extension through December 2012 to the FFY11 Emergency Preparedness Working Group (EPWG) Supplemental grant award for the construction of the Beatty Ambulance Barn and the Round Mountain Fire Station. This grant will be administered from Fund 10340 Grants and there is no match required.
  - l. [For Possible Action](#) – Approval to accept the State of Nevada, Division of Emergency Management (DEM), FFY12 Emergency Management Performance Grant (EMPG) grant award. This grant will be administered from Fund 10340 Grants and has a 50% required match and is budgeted from Fund 10101 General.
  - m. [For Possible Action](#) – Approval to accept the State of Nevada Emergency Response Commission’s (SERC) FY13 “United We Stand” Planning, Training & Equipment grant for equipment. This grant will be administered from Fund 10340 Grants and there is no match required.

## NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

August 21, 2012

- n. [For Possible Action](#) – Approval to accept the State of Nevada Division of Emergency Management (DEM) Emergency Preparedness Working Group (EPWG) Supplemental grant award. This grant will be administered from Fund 10340 Grants and there is no match required.
- o. [For Possible Action](#) – Adoption/Approval of: 1) Nye County Resolution No. 2012-33: a Resolution to create a fund entitled Amargosa Valley Landfill Closure and Post Closure Financial Assurance Fund and is budgeted from Fund 10511 Solid Waste - Open and Close; and 2) a Trust Agreement with Western National Trust Company, an affiliate of Nevada State Bank, the Trustee requiring an owner or operator of a solid waste landfill shall provide assurance that funds will be available when needed for closure and/or post-closure correction action care of the facility.
- p. [For Possible Action](#) – Adoption/approval of: 1) Nye County Resolution No. 2012-34: a Resolution to create a fund entitled Round Mountain Landfill Closure and Post Closure Financial Assurance Fund and is budgeted from Fund 10511 Solid Waste - Open and Close; and 2) a Trust Agreement with Western National Trust Company, an affiliate of Nevada State Bank, the Trustee requiring an owner or operator of a solid waste landfill shall provide assurance that funds will be available when needed for closure and/or post-closure correction action care of the facility.
- q. [For Possible Action](#) – Adoption/approval of: 1) Nye County Resolution No. 2012-35: a Resolution to create a fund entitled Tonopah Landfill Closure and Post Closure Financial Assurance Fund and is budgeted from Fund 10511 Solid Waste - Open and Close; and 2) a Trust Agreement with Western National Trust Company, an affiliate of Nevada State Bank, the Trustee requiring an owner or operator of a solid waste landfill shall provide assurance that funds will be available when needed for closure and/or post-closure correction action care of the facility.
- r. [For Possible Action](#) – Approval to accept the State of Nevada Emergency Response Commission (SERC), Mid-cycle Hazardous Materials Emergency Preparedness (HMEP) Federal Fiscal Year 2012 grant for the 2012 FireShowsReno Conference. This grant will be administered from Fund 10340 Grants and there is no match required.
- s. [For Possible Action](#) – Approval to remove and replace existing flooring in the kitchen of the Beatty Senior Center and can be funded from Fund 10401 Capital Projects.
- t. [For Possible Action](#) – Adoption of Nye County Resolution No. 2012-39: a joint Resolution by the Nye County Board of Commissioners with cities, counties and local government entities across Nevada in support of post secondary educational services provided by Great Basin College to Nevada citizens in rural Nevada.
- u. [For Possible Action](#) – Approval of amended contract with Pictometry to include aerial photograph surveying of sixteen additional sectors.
- v. [For Possible Action](#) – Approval of Memorandum of Understanding allowing Corvus Gold to use 30 sectors of Nye County aerial photograph survey data in exchange for the data acquisition cost of \$15,937.50.

# NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

August 21, 2012

## PUBLIC OFFICIALS

10 Assessor

11 Board of Commissioners

- a. 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.
- 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. For Possible Action – Discussion, deliberation, and possible decision on labor negotiations, issues and other personnel matters presented in closed meeting.
- d. [For Possible Action](#) – Discussion and deliberation to: 1) Accept the contents of the Engineering Evaluation completed by Farr West Engineering; and 2) direct staff to proceed with negotiations for the purchase of Pahrump Utility Company, Inc. (including the selection of an attorney to represent Nye County in the process).

12 Clerk

13 District Attorney

14 Recorder

15 Sheriff

16 Treasurer

17 Justice(s) of the Peace

18 District Court

19 Juvenile Probation

## GENERAL NYE COUNTY ADMINISTRATIVE STAFF

20 County Manager

- a. [Ongoing](#) Project Report
- b. [For Possible Action](#) – Discussion and deliberation concerning a Resolution providing for the transfer of the county’s 2012 Private Activity Bond Cap and other matters related thereto.
- c. [For Possible Action](#) – Discussion and deliberation regarding the remodel of the office space recently vacated by the County Health Nurse clinic and the offices of Nye County Health and Human Services. The requested budget is not to exceed \$90,000.00 and is not budgeted but can be funded from Fund 10254 Building Department.
- d. [For Possible Action](#) – Discussion and deliberation on the selection of a Bill Draft Request (BDR) Nye County submits for the 2013 Legislative Session.

21 Emergency Services

22 Facilities

## NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

August 21, 2012

### 23 Finance

- a. [Budget](#) to Actual by Fund Report

### 24 Health & Human Services

### 25 H/R and Risk Management

### 26 Information Technology

### 27 Nuclear Waste Repository Project Office/Natural Resources

- a. [For Possible Action](#) – Discussion and deliberation to: 1) approve a Memorandum of Understanding with the US Bureau of Land Management (BLM) making Nye County a cooperating agency to the Greater Sage-grouse National Planning Strategy and associated Environmental Impact Statement; and 2) designate a point of contact for the MOU.

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

### 29 Public Administrator

### 30 Public Works

- a. [For Possible Action](#) – Discussion and deliberation to: 1) accept or reject any or all quotes and provide direction to staff regarding the received quotes associated with the rehabilitation of the Manhattan municipal well; 2) authorize execution of a contract with Welsco to perform the rehabilitation work even though they did not provide the lowest quote and is budgeted from Project GT0803 Fund 10340 Grants.

### 31 Senior Services

## OTHER BUSINESS

### 32 Town Boards/Town Advisory Boards

### 33 Public Petitioners

- a. [For Possible Action](#) – Discussion and deliberation to authorize a sublease agreement for property located at 362 Airport Road, APN 012-751-01, Tonopah, NV between Pegasus Logistical Services, Ltd and Life Guard International, Inc.
- b. [For Possible Action](#) – Discussion and deliberation to send a letter of support to the Department of Taxation for the Nye County School District to continue to impose the Tax on New Residential Construction authorized by Nye County Resolution No. 2004-32 dated August 3, 2004.

### 34 GENERAL PUBLIC COMMENT (second)

### 35 ANNOUNCEMENTS (second)

### 36 ADJOURN

**NYE COUNTY BOARD OF COMMISSIONERS AGENDA**

**ITEM # SUBJECT**

**August 21, 2012**

**AGENDA**  
**NYE COUNTY BOARD OF ROAD COMMISSIONERS**

**Commissioners Chambers, Pahrump, NV 89048**  
**TUESDAY, August 21, 2012**

**10:15 A.M.**

**Dan Schinhofen, Chair**

**Lorinda Wichman, 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. 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.)

**NOTICE OF TIMED AGENDA ITEMS**

**10:15 a.m.** For Possible Action - Public Hearing, discussion, and deliberation to adopt, amend and adopt, or reject Nye County Road Commission Resolution No. 2012-214: a Resolution designating minor county roads within Nye County pursuant to NRS 403.170.

2. For Possible Action - Approval of Minutes for the Nye County Board of Road Commissioners' meeting for – N/A
3. For Possible Action - General road report by Public Works Director
4. For Possible Action – Discussion and deliberation to set a date, time, and location for a public hearing on Nye County Road Commission Resolutions establishing County public roads pursuant to Nevada Revised Statutes 405.191, 403.170 and R.S. 2477 Right-of-Way for the following:

Squaw Tip Road No. [968160](#)

Jackson Falls Road No. [968170](#)

Coyote Hole Spring Road No. [968180](#)

Monitor Hills Prospect Road No. [976510](#)

North Monitor Hills Road No. [976520](#)

San Antonio Jeep Road No. [976730](#)

Tonopah Connector Road No. [977920](#)

Rye Patch Desert Road No. [977940](#)

South Booker Mountain Road No. [977960](#)

North Rye Patch Road No. [977995](#)

North San Antonio Mountain Road No. [985500](#)

East San Antonio Road No. [985510](#)

San Antonio Mine Road No. [985520](#)

Bridge Well Road No. [997100](#)

Currant Creek Road No. [933900](#)

North Cazier Road No. [933910](#)

South Cazier Road No. [943800](#)

South White Pine Road No. [943810](#)

West Crystal Spring Road No. [943820](#)

5. Adjourn

**NYE COUNTY BOARD OF COMMISSIONERS AGENDA**

**ITEM # SUBJECT**

**August 21, 2012**

**AGENDA**  
**NYE COUNTY LICENSING AND LIQUOR BOARD**

**Commissioners Chambers, Pahrump, NV 89048**  
**TUESDAY, August 21, 2012**

**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**

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1. 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.)
2. For Possible Action - Approval of Minutes for the Nye County Licensing and Liquor Board meeting for – N/A
3. Consent Agenda Items
4. Brothel
5. Gaming
6. Liquor
  - a. For Possible Action – Discussion and deliberation of a Change of Location and Business Name for a Retail Liquor License for the Stateline Saloon. Margaret Henzig, Applicant.
7. Adjourn

# NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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**ITEM #    SUBJECT**

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**August 21, 2012**

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**Tuesday, August 21, 2012 beginning at 11:00 a.m.**

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## **PLANNING TIMED AGENDA ITEMS**

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

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### **11:00 AM**

1. Ex Parte Communications and Conflict of Interest Disclosure Statements
2. For Possible Action – Continued Public Hearing, discussion, and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2012-05: A Bill proposing to amend Nye County Code 15.16 “Building and Construction Codes Effective Within the Pahrump Regional Planning District” by amending Section 15.16.050 to allow the placement and use of portable restroom facilities in certain scenarios where permanent restroom facilities do not exist; providing for the severability, constitutionality and effective date hereof, and other matters properly relating thereto.