

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
Lorinda Wichman, Commissioner
Donna Cox, Commissioner
Leo Blundo, Commissioner
Debra Strickland, 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; Ronni Boskovich, Deputy District Attorney

1. Pledge of Allegiance

The Pledge was recited.

2. Approval of the Agenda for January 7, 2019 (Non-action item)

Tim Sutton said items 7, 11, 18 and 22-24 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).

Louis DeCanio congratulated Commissioners Blundo and Strickland. He felt their business backgrounds would be a much needed asset to help the future of Nye County. Mr. DeCanio also congratulated Lisa Chamlee noting it had been almost three years since Pahrump Justice Court Department A had a Pahrump resident as a full-time judge. Additionally, Mr. DeCanio congratulated Chris Arabia and said the last several Nye County District Attorneys did not set the bar too high when it came to knowledge of the law. He felt confident Mr. Arabia would change all that and hoped that 2019 would be the start to putting Pahrump and Nye County on the right track for a dignified and prosperous future.

Wade Hinden welcomed all newly elected officials. He said it was nice to have new people that were going to represent the rural lifestyle of Pahrump and asked them to work to maintain that rural lifestyle.

4. For Possible Action – Election of Chair of the Board of Commissioners.

Commissioner Wichman nominated Commissioner Koenig; seconded by Commissioner Cox; 4 yeas. Commissioner Koenig abstained.

5. For Possible Action – Election of Vice-Chair of the Board of Commissioners.

Commissioner Cox nominated Commissioner Strickland; seconded by Commissioner Wichman; 4 yeas. Commissioner Strickland abstained.

6. For Possible Action – Discussion and deliberation of the minutes of: 1) the joint meeting of the Nye County Board of Commissioners, Board of Highway Commissioners, Licensing and Liquor Board, Board of Health, the Governing Body of 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 December 4, 2018; 2) the meeting of the Nye County Board of County Commissioners teleconference on December 5, 2018; and 3) the joint meeting of the Nye County Board of County Commissioners, the Lincoln County Board of County Commissioners and the Clark County Board of County Commissioners on December 7, 2018.

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

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

7. For Possible Action - Emergency Items

This item was removed from the agenda.

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

Commissioner Koenig welcomed Commissioners Blundo and Strickland to the Board.

Commissioner Strickland said she was grateful for the opportunity. There were strong individuals on the Board and she knew everyone was going to do a fantastic job.

Commissioner Blundo thanked the citizens for the opportunity to sit here and do the County business. He reminded everyone the annual social services fair would be on January 16, 2019, at NyE Communities Coalition from 9:00 a.m. to 2:00 p.m.

Commissioner Cox said there would be a hearing in Judge Lane's court on January 8, 2019, at 10:30 a.m. in the Ed Goedhardt vs. Nye County matter regarding the appointment of the person to the Assembly District 36 seat.

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

Commissioner Wichman advised the deadline for filing protests with the BLM concerning the greater sage grouse final resource management plan amendment was tonight at midnight. Due to the government shutdowns and other confusing issues there had not been an opportunity to do the protest letter until Friday night. Commissioner Wichman said the Board could not vote on this because she was just letting them know, but she would bring it back at the next agenda to have it ratified.

TIMED ITEMS

9. 10:00 – Presentation of certificate and/or plaques to two (2) employees honored for their years of service.

Certificates and/or plaques were presented to the following employees for their years of service:

5 Years: Thomas Boni
20 Years: Christopher Puckett

10. 10:15 – Presentation by the Nevada Department of Transportation regarding the highway construction project on State Route 160 from the Clark/Nye county line, extending 28 miles east toward Las Vegas.

Don Christiansen, resident engineer for the construction project, explained this was a \$59 million project which was 27.5 miles in length and would last about two years. There were two parts of the project, the mountainous area past Mountain Springs and the roadbed modification area where the highways divide heading toward Pahrump and extending for 22 miles a little past the Nye County line. The mountainous area was a complete rebuild of the highway to improve safety, efficiency and access for residents and commuters. The roadbed modification area would start this month and go for eleven months with work done mainly on the eastbound pavement which was failing. Mr. Christiansen discussed the impacts the project would have such as lane restrictions, reduced speed limits, and road delays.

Commissioner Blundo asked whether this project or a future project would address the four lanes to two lanes back to three lanes issue.

Mr. Christiansen said that would be part of this project and it would be four lanes all the way through.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

13. For Possible Action – Election of Chair of the Board of Highway Commissioners.

Commissioner Strickland nominated Commissioner Blundo; seconded by Commissioner Koenig; 4 yeas. Commissioner Blundo abstained.

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

14. For Possible Action – Election of Vice-Chair of the Board of Highway Commissioners.

Commissioner Strickland nominated Commissioner Koenig; seconded by Commissioner Wichman; 4 yeas. Commissioner Koenig abstained.

15. General road report by Public Works Director.

Commissioner Strickland said at the last meeting she had mentioned to Public Works Director Tim Dahl the need for rumble strips at Bell Vista and the highway and she thanked Mr. Dahl for installing those so quickly.

Mr. Dahl said those were installed at the Bell Vista, Mesquite and Irene intersections.

Commissioner Koenig asked if Pahrump Valley Boulevard would be striped one of these days and the speed limit bumped back up again.

Mr. Dahl said yes. A final walk had been done and he would record the certificate of completion. He had already signed the requisitions for obtaining the striping and painting material so that would be done in the very near future and the speed limit would go back up to 35 mph.

Commissioner Wichman asked if he had heard anything from Hadley yet, to which Mr. Dahl responded no.

Commissioner Blundo shared the thanks and gratitude from the people in the Bell Vista area.

Mr. Dahl expressed his appreciation to NDOT for coming to Tonopah and providing the update on the project they were doing.

SITTING AS THE NYE COUNTY LICENSING AND LIQUOR BOARD

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

16. For Possible Action – Election of Chair of the Nye County Licensing and Liquor Board.

Commissioner Koenig nominated Commissioner Strickland; seconded by Commissioner Blundo; 5 years. Commissioner Strickland abstained.

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

17. For Possible Action – Election of Vice-Chair of the Nye County Licensing and Liquor Board.

Commissioner Strickland nominated Commissioner Koenig; seconded by Sheriff Wehrly; 5 years. Commissioner Koenig abstained.

LIQUOR

18. For Possible Action – Discussion and deliberation to approve a 90-day temporary Retail Liquor License for CourseCo., LLC, the sole member of Pahrump Golf, LLC for the Lakeview Golf Course in order to complete the background check process for three (3) of the partners/managers, and to work towards fire safety compliance.

This item was removed from the agenda.

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

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

19. For Possible Action – Discussion and deliberation regarding a request to waive Pahrump arena use fees for five (5) approved and ten (10) tentative days for the non-profit community club Nevada Western Heritage, contingent upon approval of the tentative dates by Pahrump Arena Advisory Committee (PAAC).

Commissioner Strickland made a motion to approve the waiver of the Pahrump arena use fees for these tentative dates; seconded by Commissioner Cox.

Lynn Shirky, the secretary/treasurer of Nevada Western Heritage, said they paid an arena fee for their activity last weekend and they would like to request that back. Also, the tentative dates were approved by the arena committee.

Commissioner Koenig said the refund would have to be a separate item on an upcoming meeting.

19. For Possible Action – Discussion and deliberation regarding a request to waive Pahrump arena use fees for five (5) approved and ten (10) tentative days for the non-profit community club Nevada Western Heritage, contingent upon approval of the tentative dates by Pahrump Arena Advisory Committee (PAAC)-Cont'd.

The motion to approve the waiver of the Pahrump arena use fees for these tentative dates passed with 5 yeas.

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.

20. For Possible Action – Approval to adopt Nye County Resolution No. 2019-01: A Resolution Directing the Levy of a Special Assessment on Each Water User Situated Within the Confines of the Duckwater Creek Groundwater Basin for Fiscal Year 2019-2020.

Commissioner Wichman made a motion to approve items 20-21; seconded by Commissioner Blundo; 5 yeas.

21. For Possible Action – Approval to adopt Nye County Resolution No. 2019-02: A Resolution Directing the Levy of a Special Assessment on Each Water User Situated Within the Confines of the Upper Reese River Valley Groundwater Basin for Fiscal Year 2019-2020.

Commissioner Wichman made a motion to approve items 20-21; seconded by Commissioner Blundo; 5 yeas.

BOARD OF COMMISSIONERS

22. 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.

23. 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.

24. 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.

25. For Possible Action – Discussion and deliberation to move the second January meeting of the Board of Commissioners from Tuesday, January 22, 2019 to Wednesday, January 23, 2019.

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

27. For Possible Action – Discussion and deliberation to designate MaryEllen Giampaoli as Commissioner Wichman's alternate on the Joint Land Use Study Policy Committee for the purpose of participating in meetings regarding encroachment issues affecting the Nellis Air Force Base and Nevada Test and Training Range.

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

Commissioner Cox asked if this was a paid position for Ms. Giampaoli.

Commissioner Wichman said she was on contract and this was part of that contract. She explained the only reason this was on the agenda was because she needed a Board appointment for JLUS.

The motion to approve passed with 5 yeas.

TIMED ITEMS

12. 10:45 – For Possible Action – Public Hearing, discussion and deliberation regarding a request to: 1) adopt, amend and adopt, or reject Nye County Bill No. 2018-24: A Bill proposing to amend Nye County Code Title 2 Administration and Personnel, by amending Chapter 2.60, Safety Committee; and providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.

Commissioner Koenig opened and closed the public hearing.

Commissioner Strickland asked if the dates were right under paragraph C.

Ronni Boskovich advised those were the correct dates and it was done that way so the terms would be staggered.

12. 10:45 – For Possible Action – Public Hearing, discussion and deliberation regarding a request to: 1) adopt, amend and adopt, or reject Nye County Bill No. 2018-24-Cont'd.

Commissioner Wichman made a motion to adopt with an effective date of January 28, 2019; seconded by Commissioner Blundo; 5 yeas.

BOARD OF COMMISSIONERS

26. For Possible Action – Discussion and deliberation for the Board of County Commissioners to appoint a qualified individual to fill the vacancy of the Nye County Treasurer pursuant to NRS 245.170 for a term to expire after the biennial election in 2020 due to the resignation of Pamela Webster.

Karen Williams urged the Board to appoint John Prudhont. She believed he would be a good appointment for the post and would bring the needed transparency and integrity to the job.

Joe Burdzinski said there had been problems in the Treasurer's Office in the past and he did not want those problems reoccurring. He felt the Board should pick someone who had experience, an understanding of the County principles, and leadership and motivational skills. In looking at the applications it was Mr. Burdzinski's opinion that person was John Prudhont.

Kay LaPointe asked the Board to strongly and thoughtfully consider John Prudhont for Treasurer because of his integrity and qualifications. She pointed out that in the primary he spent a lot of time visiting citizens all over Nye County and Ms. LaPointe felt he would be a great representative.

John Bosta recommended John Prudhont. He said one of the most important actions a Treasurer took was investing the County's money at the best percentage and Mr. Bosta thought Mr. Prudhont was the most qualified of those who had put in for the position.

Terry Svejda also spoke in support of John Prudhont and knew he would bring accountability and transparency to the office and would be approachable by the constituents as well.

Don Cox hoped the Board considered John Prudhont.

Beth Rupp stated her support of John Prudhont.

Eileen Prudhont said when her husband John talked about what he wanted for all of Nye County he said it with care and conviction. He wanted transparency in the Treasurer's Office, would answer questions from the Commissioners quickly, and would ensure the tasks of the office were done. Having managed businesses together with him as chief financial officer and treasurer, Mrs. Prudhont stated her husband was

26. For Possible Action – Discussion and deliberation for the Board of County Commissioners to appoint a qualified individual to fill the vacancy of the Nye County Treasurer pursuant to NRS 245.170 for a term to expire after the biennial election in 2020 due to the resignation of Pamela Webster-Cont'd.

honest, hardworking, a problem solver, brilliant and qualified, and she knew the Board would be proud to choose him as a Treasurer.

Applicant John Prudhont stated his resume showed he was the most qualified applicant. He was a lifelong Republican and came within a few votes behind a well known Commissioner in the primary election for this position. He pointed out the voters had spoken overwhelmingly they wanted a Republican in this office, but the sitting appointed Treasurer was a Democrat. Mr. Prudhont felt his work experience fit and greatly exceeded the responsibilities of this post and that no other candidate appeared to come close based on their application materials. He said the past appointees had let the Commissioners and the citizens down by not being qualified to compile a Treasurer's report in over a year. Mr. Prudhont said one of his first tasks would be to do the work required to build the Treasurer's report on a monthly basis and provide it to the Board to see how it balanced with the information from the Comptroller.

Applicant Breca Beighley said she had 25 years of bookkeeping experience and nine years of social working. She believed she would be a good candidate not only because of her background but because she was a person of integrity. She was trustworthy, honest, efficient, and reliable, and she would provide the reports on a monthly basis. Nye County was growing and she thought as a team with the Commissioners and all other officials the County could be made great again.

Applicant Raelyn Powers said the employees of the Treasurer's Office had met the challenges and performed the duties to the best of their ability. She believed her experience qualified her for the position. She said she carried herself with high integrity and believed in the laws and tax structure in place in the County.

Applicant Lance Schauss said there was a lot of work to be done in the Treasurer's Office and he was the man for the job. He also campaigned for the position and did well, but did not win. When he originally started he had an idea he would be able to help the department grow and prosper, simplify things, and just generally become more efficient. He had been involved in real estate and had purchased properties all over the country through tax sales so he knew a little bit about that. As far as qualifications, he felt most of the people in the meeting were qualified to do the job, but he had more than just an idea to get the job done and get the reports out.

Applicant Jennifer Perry said she had been with Nye County for 12 years, 10 of those in the Treasurer's Office, and she had been the interim Treasurer for three months. Mrs. Perry believed her experience in the County gave her the background knowledge and the office would be one step ahead if she was appointed. She had knowledge of the

26. For Possible Action – Discussion and deliberation for the Board of County Commissioners to appoint a qualified individual to fill the vacancy of the Nye County Treasurer pursuant to NRS 245.170 for a term to expire after the biennial election in 2020 due to the resignation of Pamela Webster-Cont'd.

County's complex fund structure, investment policy and the statutes. She had built relationships with other departments and with outside entities that continued to grow and those relationships insured smooth transactions and collaborative problem solving. Mrs. Perry said in the past year she had been an integral part in making the policies and procedures in the office to ensure timely deposits, correct receipting, and checks and balances. She was well versed in the NRS that dictated the day to day procedures in the Treasurer's Office, the tax sales, delinquency procedures, advertisements, letters, and property tax collections. Additionally, a new tax software system would be implemented this year and Mrs. Perry questioned how someone who was not familiar with the old system could come in and make decisions to implement the new system. She had plans to make the office more accessible, transparent and responsive, and she wanted to continue with cross training along with providing additional training and opportunities to help the team succeed and be better help to the public. Mrs. Perry believed she was the best candidate for the job.

Commissioner Strickland made a motion to appoint John Prudhont; seconded by Commissioner Cox.

Commissioner Blundo said he was humbled there were so many qualified people who stepped forward and he thanked all of the applicants.

Commissioner Strickland asked the Comptroller to give the Board some idea of what was being looked at for January 22, 2019.

Savannah Rucker explained Nye County was on fiscal watch until April, 2018, when the Committee on Local Government Finance (CLGF) released the County from that status. CLGF worked with the County to provide guidance to move forward with a successful financial plan. At this point CLGF and the Department of Taxation (DTAX) were struggling with the fact that the bank reconciliations and the Treasurer's report were not done as that was holding up the audit. The reason for the delay was the turmoil in the Treasurer's Office with the Treasurer before Pam Webster and the former chief deputy Treasurer who both retired at the same time. That created significant issues in the department. CLGF and DTAX would discuss with the County how to identify past issues, rectify them, and set policies for the office to move forward successfully and not have this happen again. Mrs. Rucker said the right person needed to be in the position to work with her office to present to the CLGF with the goal to not be placed back on fiscal watch.

Commissioner Strickland said her recommendation and nomination were because of the need for leadership and her nomination stood.

26. For Possible Action – Discussion and deliberation for the Board of County Commissioners to appoint a qualified individual to fill the vacancy of the Nye County Treasurer pursuant to NRS 245.170 for a term to expire after the biennial election in 2020 due to the resignation of Pamela Webster-Cont'd.

Commissioner Cox thanked everyone who had the tenacity to run for an office. She said there were a lot of good workers in the Treasurer's Office and this was not a matter of appointment but rather leadership. She knew Mr. Prudhont and thought he would work well with the Comptroller. He had the time, the experience, and had been around in a lot of different fields, especially real estate. He also had the support of the people and did well in the election. Commissioner Cox said she would support him in this as she felt he was the best qualified person and had the support of the people.

Commissioner Wichman agreed that there were some fantastic candidates. She said she lived through the previous administration in the Treasurer's Office and there was absolutely a big problem in that office. When Pam Webster agreed to step in, she and her chief deputy Mrs. Perry compiled procedure manuals and started cross training. Commissioner Wichman knew the office would not turn around overnight and that time was needed for the procedures and policies in place to mature. She wanted the other candidates to know she would have to put her support behind Mrs. Perry because she had been intimately involved with the CLGF as well as Pam Webster's efforts, but her vote was not a vote against anyone. Her vote was for someone tried and true in her mind who had worked with the individuals, knew the process, and knew what was trying to be put together to save that office from any further ridicule of the CLGF.

Commissioner Koenig believed Mrs. Perry was doing a good job. The problems in the office were because the previous administration did not let anyone know what they were doing and Mrs. Webster and Mrs. Perry had corrected that. He felt if they were left alone it would get done. He stated he expected to see a Treasurer's report as soon as possible. He also told Mr. Prudhont he would be in Carson City with staff so he should be prepared to explain what he was going to do.

The motion to appoint John Prudhont passed with 3 yeas. Commissioners Wichman and Koenig voted nay.

Commissioner Blundo said his vote was in no way reflective of a negative stance on Mrs. Perry. He was thinking long term and of the best interests of the County having new eyes and teaming up with her as chief deputy to make the best combination to pull the office out of disarray. He looked forward to both of their leadership.

CLERK

28. For Possible Action – Discussion and deliberation to appoint one member to the Regional Transportation Commission due to one expiring term.

Commissioner Wichman made a motion to appoint Tim Carlo; seconded by Commissioner Strickland; 3 years. Commissioners Blundo and Cox voted nay.

29. For Possible Action – Discussion and deliberation to appoint one member to the Round Mountain Town Board due to one expiring term.

Commissioner Wichman made a motion to appoint Robert Spivey, Jr.; seconded by Commissioner Blundo; 5 years.

30. For Possible Action – Discussion and deliberation to appoint one member to the Beatty Library District due to one vacancy.

Commissioner Wichman made a motion to appoint Charles Lix; seconded by Commissioner Blundo; 5 years.

DISTRICT ATTORNEY

31. For Possible Action – Discussion and deliberation to accept the removal of the reference to Exhibit C from the first page of the grant of road right-of-way easement that was accepted by the BoCC on December 18, 2018 for public use of the road known as the West Spring Meadows road that traverses through APN 019-381-26 owned by ABC Recycling Industries located in Amargosa, Nevada.

Commissioner Wichman made a motion to remove Exhibit C as requested by staff; seconded by Commissioner Strickland.

Commissioner Koenig said he was upset by the fact that after he signed this paperwork ABC found it in their interest to remove Exhibit C and now it was back to the Board to say okay.

The motion to remove Exhibit C as requested by staff passed with 5 years.

COUNTY MANAGER

32. For Possible Action – Discussion and deliberation to approve a Quitclaim Deed from Nevada Rural Housing Authority (NRHA) for Assessor's Parcel Number 008-261-57 in Tonopah, NV, reversing the 2016 deed and primary use requirements of the parcel.

Joni Eastley, a member of the Board of Directors for the Nevada Rural Housing Authority (NRHA), explained the parcel was deeded to NRHA a number of years ago.

32. For Possible Action – Discussion and deliberation to approve a Quitclaim Deed from Nevada Rural Housing Authority (NRHA) for Assessor's Parcel Number 008-261-57 in Tonopah, NV, reversing the 2016 deed and primary use requirements of the parcel-Cont'd.

NRHA had planned to construct through funding from HUD an independent living facility for the elderly in Tonopah as part of the NRHA strategy to create more housing in Tonopah. NRHA was able to obtain the funding to get the facility built, but there were a number of issues in the way to apply for that so it was now necessary to deed the property back to the County. Mrs. Eastley said she had not given up on the idea yet and continued to work with CPLC. Her plan was to continue to try to move forward with her goal of a three phased elderly facility.

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

Commissioner Blundo said he was disappointed this did not get going as he supported seeing rural housing in Tonopah. He would like to see this come back moving in the right direction.

The motion to approve passed with 5 yeas.

33. For Possible Action – Discussion and deliberation regarding approval of a Confidentiality and Data Sharing Agreement with the State of Nevada Department of Health and Human Services Division of Public and Behavioral Health (DPBH) for the purpose of allowing DPBH one year of data obtained as a result of NRS 450B and NAC 450B into the High Intensity Drug Trafficking Areas (HIDTA) program's ODMAP.

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

34. For Possible Action – Discussion and deliberation to: 1) adopt, amend and adopt or reject Nye County Resolution No. 2019-04: A Resolution Authorizing the Leasing With Option to Purchase of Approximately Five Acres of Real Property Located At 7401 E. Manse Road; Pahrump, NV, APN 047-041-02; and 2) approval of a Lease Agreement with Option to Purchase with Artesian Cellars, LLC. for approximately five acres of unimproved real property located at 7401 Manse Road, Pahrump, NV 89060 APN # 047-041-02 to be developed as a grape vineyard and production facility.

Commissioner Strickland thought the issue of who would pay the closing costs should be addressed further in the contract as it referenced customary closing costs and nothing in this business was customary.

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Commissioner Wichman had questions regarding the NRS as this was not a procedure she had seen before.

Tim Sutton advised staff worked closely with the District Attorney as they had the same concerns.

Commissioner Strickland said under 16.a. Nye County needed to be added as an additional insured.

John Bosta said he was bothered by the discussion of water reduction by the company. The appraiser's evaluation showed a great big bare piece of land with no indication that water or sewer was available to the property. He questioned the increase in the payments for water over the years and who the payments were going to be made to. He asked if they had to drill a well and pay for electricity to the property. He also wondered why they did not just buy the property now for \$75,000.00 instead of at the end of five years.

As to item 12, Mr. Sutton advised the lessee would have to be approached with those changes. Regarding the County being an additional insured, he pointed out the last sentence in section 16.b. where it said the County shall be a named insured on the policy.

Pam Tyler from Artesian Cellars advised the water fees would go to the Pahrump Utility Company and Valley Electric would provide the utilities. As to why the water cost went up each year, Ms. Tyler explained they were going to build out one acre at a time, so one acre the first year, then two acres, etc.

Commissioner Strickland said item 12 did not state the settlement charges and she would like them to pay the transfer tax and escrow fees, to which Ms. Tyler agreed.

Commissioner Strickland made a motion to approve the lease agreement with the changes as discussed; seconded by Commissioner Blundo.

Commissioner Cox asked if this was the same property that the Board approved putting the cloudseeding machine on, which Mr. Sutton confirmed.

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Ms. Tyler stated they would be happy to work around the cloudseeding and since the grapes were an agricultural product the potential rainwater would not harm their use.

Commissioner Strickland felt another clause was needed in the contract addressing that.

Commissioner Cox thought they needed to look into the effects of silver iodide on the plants before making a commitment.

Tim Burke, a certified bio-culturist, said he looked into the situation and understood DRI wanted to move that to a location closer to the mountains. He did some background research and found nothing stating that it would affect the grapevines in any way. The other positive was the prevailing winds. The machine was on the other end of the property and the prevailing winds blew up toward the mountains away from the grapevines.

Commissioner Strickland withdrew her motion since an addendum that addressed the prior leaseholder was needed and that leaseholder needed to be notified.

Commissioner Blundo withdrew his second.

Mr. Sutton suggested approving it contingent on any access issues being worked out between the parties.

Commissioner Strickland made a motion to adopt the resolution with the condition that DRI was willing to work in conjunction with this leaseholder in the future at 7401 E. Manse, and to approve the lease agreement with the option to purchase with Artesian Cellars with the changes to item 12 addressing payment of the transfer tax and escrow fees in conjunction with this lease; seconded by Commissioner Wichman; 4 years. Commissioner Cox voted nay.

FINANCE

35. For Possible Action – Presentation and discussion regarding the budget status through November 2018 for Nye County General Fund Fiscal 2019 budget projections.

Savannah Rucker advised she spoke with Dan McArthur this morning. Everything was still on track for the Commissioners to have the audit in their hands by the end of the month and it would be on an agenda for approval before February 19, 2019. The audit completion was dependent on the bank reconciliation, so the Board would see the bank reconciliation and Treasurer's report at that same time.

Mrs. Rucker then reviewed the budget to actual revenue report which showed total Nye County general fund revenue year to date of \$11,413,000.00, which was 30% of budget received at 42% through the fiscal year and short from what was received at this point in FY18. A large payment for personal property tax was posted in December so those revenues would catch up when she reported December's figures. Consolidated tax was also short from last year. On July 1, 2017, recreational marijuana went up for sale and the CTAX exceeded all projections for multiple months until it declined and plateaued. That was throwing off her projections for this fiscal year and causing the County to look short when it really was not.

Commissioner Cox wondered if there was any way to separate the marijuana revenue from the CTAX to see how much marijuana tax was received.

Mrs. Rucker said it was separated out on the last page of the back-up. She then reviewed the expenditure report by department and provided explanations for the redlined items. She had also identified internal control issues in the Sheriff's Office with the accounts payable as the office was behind on inputting invoices. Mrs. Rucker had a meeting scheduled with the Sheriff to go through those issues and try to rectify those situations so they were not blindsided at the end of the fiscal year. Lastly, Mrs. Rucker discussed the last page of the back-up showing a project accounting funding source status update, which was marijuana revenue by location and type. This report had been added to the monthly report at the request of a constituent and some Board members.

Commissioner Strickland pointed out the America Build Bonds, the payment bond on the jail, was up to 6% unlike the other bonds which did not exceed 4%. Now that there was a new grant writer she asked about researching to get a reduction.

John Bosta said the last page was simply the amount of money collected in the first quarter and one cent was added on two different items so the report was two cents more than the first quarter report. The second quarter had amended as of the end of December and there was no report on the second quarter.

Commissioner Koenig explained that was because there were no reports through December yet.

36. For Possible Action – Discussion and deliberation to approve funding the Information Technology Department’s purchase of Virtual Private Network (VPN) software from NetMotion in the amount of \$22,582.02 to be funded from contingency.

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

37. For Possible Action – Discussion and deliberation regarding RFQ # 2018-12 – County Surveyor to: 1) accept the amended fee schedule submitted by Farr West Engineering to include a flat per map per page amount; 2) enter into the amended final contract with Farr West Engineering, 3) adopt, amend and adopt or reject Nye County Resolution No. 2019-03: A Resolution to Repeal and Replace Nye County Resolution No. 2018-38 Clarifying Fees for the Provision of County Surveyor Services; and 4) Fund from 10101, General fund, which is a budgeted expenditure.

Commissioner Wichman made a motion to accept the fee schedule submitted by Farr West Engineering, enter into the amended final contract, adopt Resolution 2018-38 clarifying the fees for provision of County surveyor services, and fund from 10101, General Fund; seconded by Commissioner Blundo; 5 yeas.

38. For Possible Action – Discussion and deliberation regarding RFQ # 2018-17 – Engineering Services for Gabbs Sewer Line Replacement: 1) Accept the response from Farr West Engineering; and 2) provide direction to staff to enter into fee negotiations.

Commissioner Wichman made a motion to accept the response from Farr West Engineering and direct staff to enter into fee negotiations; seconded by Commissioner Blundo; 5 yeas.

39. For Possible Action – Discussion and deliberation to accept a donation of a hand-held metal detector from the Department of Justice. The hand-held metal detector has been valued at \$500.00 by the Department of Justice and has been retired by their agency to be used by the Nye County Sheriff’s Department.

Commissioner Blundo made a motion to accept the donation; seconded by Commissioner Wichman; 5 yeas.

40. For Possible Action – Discussion and deliberation to: 1) Approve the services agreement with G and T, LLC to manage and operate the solid waste landfill in Northern Nye County at the Smoky Valley Landfill; 2) Execute the contract in the amount of \$114,165.00 for the first year, with a 2% increase per year for the rest of the term of the contract; and 3) Fund from 10510 Solid Waste Fund.

Commissioner Wichman made a motion to approve the services agreement with G and T, to execute the contract in the amount listed, and fund from 10510, Solid Waste Fund; seconded by Commissioner Blundo.

Commissioner Blundo asked if the volume was increasing.

Gary Svoboda said he did not know if it had increased substantially, but it had increased due to the expansion of the mine and the increased population with contractors.

The motion to approve the services agreement with G and T, to execute the contract in the amount listed, and fund from 10510, Solid Waste Fund, passed with 5 yeas.

PUBLIC PETITIONER

41. For Possible Action – Discussion and deliberation regarding a request to support the closure of State Highway 318 on May 19, 2019 and September 15, 2019 for the road events held by Silver State Classic Challenge.

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

42. For Possible Action – Discussion and deliberation regarding Nye County Proclamation No. P2019-01: A Proclamation Declaring January 20-26, 2019 as Nye County School Choice Week.

Commissioner Blundo made a motion to approve Nye County Proclamation P2019-01; seconded by Commissioner Strickland; 5 yeas.

43. GENERAL PUBLIC COMMENT (second)

John Bosta asked when the new County Treasurer would take his oath of office. When Commissioner Koenig advised Mr. Bosta he already had, Mr. Bosta questioned why it was not done in public, to which Commissioner Koenig responded because he wanted to get it done right away.

Tim Carlo thanked the Board for appointing him to the RTC.

44. ADJOURN

Commissioner Koenig adjourned the meeting.

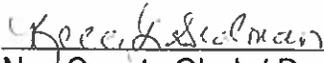
APPROVED this 5th day

ATTEST:

Of February, 2019.



Chair



Nye County Clerk / Deputy