Pursuant to NRS a joint meeting of the Nye County Board of Commissioners, Nye County Board of Highway Commissioners, Nye County Licensing and Liquor Board, the Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District, was held at 10:00 a.m. in the Commissioner Chambers, 2100 E. Walt Williams Drive, Pahrump, Nevada 89048.

John Koenig, Chair
Debra Strickland, Vice-Chair
Lorinda Wichman, Commissioner
Donna Cox, Commissioner
Leo Blundo, Commissioner
Sandra L. Merlino, Ex-Officio Clerk of the Board
Chris Arabia, District Attorney
Sharon Wehrly, Sheriff
Tim Sutton, County Manager

Also present: Lorina Dellinger, Assistant County Manager; Rachel Aldana, Chief Deputy Clerk; Kelly Sidman, Deputy Clerk; Savannah Rucker, Comptroller; Samantha Tackett, Administrative Manager; Marla Zlotek, Chief Deputy District Attorney; Bradley Richardson, Deputy District Attorney;

Not Present: Lorinda Wichman, Commissioner; Sandra L. Merlino, Ex-Officio Clerk of the Board

1. Pledge of Allegiance

The Pledge was recited.

TIMED ITEMS

7. 10:00 – Performance by the Pahrump Valley High School Band and presentation regarding their trip to Hawaii for a Pearl Harbor event.

The Pahrump Valley High School band performed The Washington Post for the Board and several students spoke of their visit to Pearl Harbor.

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).

James Petell said he would support the Commissioners 100% as they provide and protect the citizens’ tax dollars to then better the life, safety and welfare of the citizens and have all departments not go over budget.
3. GENERAL PUBLIC COMMENT (Three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (first)-Cont’d.

Bob Hammond, a U.S. Army Ranger who had served in Vietnam, said he volunteered with the Chapter 15 Disabled American Veterans (DAV) as a chapter service officer and assisted veterans with the paperwork to apply for service connected compensation. During the past three years DAV had trained and certified three additional service officers and now were at Desert View Hospital three additional mornings as well as all day Wednesday. They had been provided office space at the hospital, but other than the office space they took care of their operations by donation. Mr. Hammond said last year the County provided $3,600.00. The DAV had almost 1,200 veteran visits last year and processed 353 claims for compensation, which averaged out to $3.5 million the DAV brought to Nye County for assistance for veterans. Mr. Hammond expressed the DAV’s appreciation of the County’s support.

Diane Southworth announced upcoming events included a chili cook-off March 16-17, 2019, at Petrack Park; an open house on March 2, 2019, for the transportation department’s one year anniversary; the Holiday Task Force Easter event on April 20, 2019, at Petrack park; a wrap around event on March 16, 2019, to help the homeless community; an ice cream social on the third Saturday of every month at Inspirations for veterans; donkey basketball on March 1, 2019, at 6:00 p.m. at the high school; Stand for Children on April 27, 2019; a bingo bash on March 13, 2019, at the senior center; and a USO show on February 23, 2019, at Saddle West.

Sable Marandi appearing on behalf of the Pahrump Valley Public Transportation said on March 2, 2019, from 1:00 p.m. to 4:00 p.m. it would be celebrating its first birthday.

Andrew Norton from the Pahrump Valley High School robotics program reviewed the program that was in its first year and had managed to achieve a state championship without school sponsorship. He said he was hoping to gain a little recognition for the team as well as an introduction to get to know the Commissioners better in the future.

In light of the animal shelter issues and current criminal charges pending Bob Wannberg asked the Commissioners to put the matter on a future agenda to be addressed. He did not feel it could wait a year for the case to be adjudicated in the criminal system.

Susan Gresham asked to have an agenda item put on so she could provide an update on the skateboard park.

2. Approval of the Agenda for February 19, 2019 (Non-action item)

Tim Sutton said items 5, 10, 21-23 and 35 could be removed from the agenda.
4. For Possible Action – Discussion and deliberation of the minutes of the joint meeting of the Nye County Board of Commissioners, Board of Highway Commissioners, Nye County Licensing and Liquor Board, Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District regular meeting on January 23, 2019.

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

Commissioner Koenig asked the Clerk to check the recording because he believed Station 51 referred to by John Bosta was in Pahrump. Also, on page 3 there was an extra one before the one-tenth of an acre lots referenced by Dwight Lilly.

Commissioner Blundo amended his motion to approve with changes; Commissioner Cox amended her second; 4 yeas.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

5. For Possible Action - Emergency Items

This item was removed from the agenda.

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

There were none.

TIMED ITEMS

8. 10:00 – For Possible Action – Discussion and deliberation on appeal (pursuant to Nye County Code Title 6, Animals, Section 6.40.010) of the Nye County Sheriff’s Office’s amended denial of a Special Conditions Animal Permit application (as required by Nye County Code Title 6, Animals, Section 6.30.030) to allow the possession of ten (10) special conditions animals (tigers) located at 6061 N. Woodchips Road, Pahrump, Nevada 89060, Assessor’s Parcel Number 027-241-26. Karl Mitchell/Kayla Mitchell/Big Cat Encounters – Appellants. Arlette Newvine, Esq. – Attorney for Appellants. Raymond Mielzynski – Property Owner.

Commissioner Koenig reviewed the procedures for this appeal. He then asked for a motion to accept the back-up documents.

Commissioner Cox made a motion to accept back-up documents into the record; seconded by Commissioner Blundo; 4 yeas.
Arlette Newvine, attorney for appellant, and Karl Mitchell, appellant, identified themselves.

Addressing appellant’s counsel, Commissioner Koenig stated this appeal involved Nye County Animal Control’s special conditions animal permit amended denial dated July 27, 2018, and asked her to present her appeal to the Board.

As a procedural issue, Ms. Newvine first asked the District Attorney if there was information known by the County as to Lieutenant Harry Williams’ previous actions deeming him a Brady Cop.

Marla Zlotek said that witness was offered as a rebuttal witness for the dates in question. The credibility would be judged in a semi non-judicial administrative hearing.

Ms. Newvine felt Mr. Williams’ credibility was absolutely relevant as everything brought against her client had to do with statements made by Mr. Williams. She had submitted a potential public records request to Human Resources, but was not sure if that was a public record. She asked Human Resources Manager Danelle Shamrell if she had time to look into it.

Mrs. Shamrell said she did not and she would consult with the District Attorney and County Manager also.

Ms. Zlotek said they had five days to respond to public records requests and they would take those five days to respond. She had no determination on whether it was a public record.

Ms. Newvine knew Mr. Williams was fired in 2014 by Sheriff DeMeo and that had to do with his credibility as a witness and she wanted to preserve that. Ms. Newvine explained that during the renewal process for Kayla Mitchell’s permit the Sheriff’s Office absorbed Animal Control and took over the issuing of permits. During that transition Mrs. Mitchell was not getting the typical responses so Mr. Mitchell applied for a brand new permit. He got the Title 17 permit, passed inspection for the Title 6 permit, and then waited for the bill to pay his fee and get his permit. That bill never came, which was when he consulted Ms. Newvine. She learned Mr. Williams was the permit person and he directed her to Janice Maurizio because she would be taking over the new applications. Ms. Newvine was working with Ms. Maurizio on the application when she received an e-mail from Mr. Williams stating Mr. Mitchell had been denied. Ms. Newvine then had meetings with the Sheriff, District Attorney Angela Bello, and Commissioner Cox, and each time she met with them either new reasons were added for a denial or reasons were omitted for the denial. Now this was a second amended
8. 10:00 – For Possible Action – Discussion and deliberation on appeal (pursuant to Nye County Code Title 6, Animals, Section 6.40.010) of the Nye County Sheriff’s Office’s amended denial of a Special Conditions Animal Permit application- Cont’d.

denial with 100 pages, but there was nothing in the back-up that showed her client was violating his conditional use permit issued in 2018.

Ms. Newvine advised the USDA defined exhibiting and there was case law behind it. There were four elements of exhibiting and every single one of those elements had to be met. In order to properly defend her client against the allegations in the report they would have to turn every single page and check off all four of those elements. Her client had never purchased a tiger so that one would never be met. Another one was the fact that her client was a private person who had extensive history in dealing with exotic animals. Her client was more than qualified to handle them, yet the focus was on Facebook posts of his wife in 2010 when the issue involved today was a CUP issued to him last year, which was land specific, and now a Title 6 permit being dealt with today which was directly relevant to his Title 17 CUP.

Ms. Zlotek said it appeared that Ms. Newvine had made an opening statement. This was her appeal so if she would like to present her issues on appeal that was her prerogative.

Ms. Newvine said part of the reason she thought they were here today on appeal was that no charges had been brought against her client even though a violation of the Code was a misdemeanor. She had e-mails from Mr. Williams that they were investigating her client for the Goldrake interview. She received the incident report, but her client had yet to be charged with any criminal complaint. Mr. Mitchell did take his tiger off his land into Clark County and the Sheriff’s Office should have contacted Clark County to coordinate. Mr. Mitchell had not been charged or served with any complaint from Clark County. Mr. Williams did put the USDA on notice of the Goldrake incident and everything else in the back-up. Her client had not been charged or served with any kind of complaint under the Animal Welfare Act, which Ms. Newvine thought was unfortunate because if he had been charged he would have had due process in a court of law. Ms. Newvine noted various discrepancies in Mr. Williams’ reports and figured the opinion of the District Attorney upon reading those reports was he did nothing wrong. Mr. Mitchell did not exhibit because the State had failed to present evidence of all four elements of exhibiting and instead just supplied 100 pages and hoped the Commissioners did not read through all of it.

Sheriff Wehrly and Lieutenant Harry Williams identified themselves. Sheriff Wehrly first stated Mr. Williams was not a Brady Cop. She explained when this case went to then County Manager Pam Webster for appeal she was given a short period of time to give her opinion on the case. Sheriff Wehrly did not see where he had lied in the document, so she went back to Mrs. Webster and said she did not believe he lied and wondered
8. 10:00 – For Possible Action – Discussion and deliberation on appeal (pursuant to Nye County Code Title 6, Animals, Section 6.40.010) of the Nye County Sheriff's Office's amended denial of a Special Conditions Animal Permit application- Cont'd.

what Mrs. Webster intended to do. Mrs. Webster agreed with the Sheriff and did not think Mr. Williams lied either.

Mr. Williams stated this investigation started in June, 2018, due to receipt of several photographs depicting exhibition of tigers during the application process. One of the people contacted was David Goldrake at the Tropicana, who stated on September 22, 2017, Mr. and Mrs. Mitchell brought their tiger cub Abraham to the Tropicana and exhibited or showed people present at the time and he paid Mr. Mitchell $750.00 in cash. Mr. Mitchell had been exhibiting for several years and there were multiple photographs which went back ten years to show he had continued to exhibit his tigers. Mr. Williams said he contacted Las Vegas and the USDA to let them know what was going on. The USDA had refused to give Mr. Mitchell a license for years. Also, a judgment by district court Judge Wanker about his CUP in 2014 stated if the CUP ever ceased for special condition animals on the property known as 6061 N. Woodchips then effective immediately the defendant and each of them shall immediately remove all animals designated as special conditions animals located there. Mr. Williams said if the Sheriff's Office had known about that order sooner they would not be talking about exhibiting now.

Commissioner Strickland noted the attorney for the appellant said the best way to resolve this was to get it heard by a court and suggested going back to the contempt of court case dated November 10, 2015, where the appellant was found to not be in compliance by court order and remand this back to the court to be heard.

Commissioner Blundo asked if the Title 6 permit had ever been issued since Mr. Mitchell received the CUP, to which Mr. Williams replied no.

Commissioner Blundo asked what the timeline was between the CUP being issued and this denial.

Mr. Williams advised the CUP was with Kayla Mitchell and that was about a year and a half or two years ago.

Commissioner Blundo asked when the initial denial was sent and what the reasons for denial were.

Mr. Williams said the denial letter went out on July 3, 2018, for exhibiting his tigers along with a few other things Mr. Williams could not recall as he did not have the denial letter in front of him.

Ms. Newvine asked Mr. Williams what his definition of exhibiting was.
Mr. Williams stated it was showing tigers to people for a price based on the USDA.

Ms. Newvine argued USDA case law stated it must be exhibiting one animal to the public for a fee and the animal must be purchased and intended for the distribution of commerce. While Mr. Williams was saying Mr. Mitchell exhibited for a fee, he was not saying Mr. Mitchell was in the public, that he purchased an animal, or that it actually was exhibiting. If the USDA had filed a complaint then yes, he would be exhibiting, but that complaint had not been filed.

Ms. Zlotek said the definition was on page 27 of the back-up and contained in the affidavit of Bernadette Juarez. The Animal Welfare Act defines exhibitor as any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation as determined by the Secretary.

Ms. Newvine and Mr. Williams debated whether a dressing room was considered a public or private setting.

Sheriff Wehrly said she would concede it was a private setting, but she wondered how the tiger got there. Obviously it went through the corridors and open areas for the public as it was being transported from one place to another so there were probably multiple people in a public setting that could have been affected.

Commissioner Blundo asked Ms. Zlotek if Mr. Mitchell had been charged with anything by the District Attorney’s Office regarding this issue.

Ms. Zlotek did not know if the USDA, Clark County or Nye County had charged him.

Commissioner Strickland asked if there was a permitting process for transporting these types of animals across County lines.

Mr. Williams advised a USDA license was required and they could bring another witness forward who could explain that.

Ms. Newvine pointed out the USDA license did not qualify someone to tell the Board the procedures for transporting an animal. She said the cusp of this should be land use on the parcel her client had a license for. She did not feel the Board had the grounds to make a decision on something that happened off his land.

Commissioner Strickland reminded Ms. Newvine that her client was in contempt of court on the district court case mentioned earlier as the CUP expired.
8. 10:00 – For Possible Action – Discussion and deliberation on appeal (pursuant to Nye County Code Title 6, Animals, Section 6.40.010) of the Nye County Sheriff’s Office’s amended denial of a Special Conditions Animal Permit application. Cont’d.

Ms. Newvine explained the Code stated when someone was in the process of renewing the status quo remained.

Commissioner Cox stated Mr. Mitchell could not exhibit in Nye County and the Commissioners did not have the right to tell him he could not exhibit anywhere else in the country. As far as she knew he had not been charged with or told he could not exhibit in Clark County. She felt there was a bunch of hearsay here and a bunch of personal vendettas.

Sheriff Wehrly advised her office got involved in outside incidents because Title 6 said that if he broke a law anywhere else other than Nye County that had to be taken into consideration. Title 6 required him to be in compliance with all federal, state, and local laws.

Ms. Newvine disagreed with the Sheriff’s statement that her client had broken the law as that statement was based on an investigation that had not been pursued by the District Attorney. Ms. Newvine then asked Mr. Williams when the Sheriff’s Office took over Animal Control and if notice of the changes in the process was given to the current permit holders.

Sheriff Wehrly thought the change occurred late 2016/early 2017, and Mr. Williams advised he sent some e-mails if the applicants had e-mails on file that the Sheriff’s Office was in charge of Animal Control.

Ms. Newvine stated her client did not know about the change until November, 2017, and her client should not be the person who suffered because there might have been some cracks in the transition.

Mr. Williams said her client did not suffer. He was told an inspection would be done.

The Board took a brief recess.

Mr. Williams introduced Scott Shoemaker, a current USDA license holder.

Mr. Shoemaker said he and his wife had a USDA license, a Nevada Department of Wildlife license and a Nye County permit. He explained the rule for exhibiting had always been on the property. He did not know where the fourth element that the animal had to be bought came from as exhibiting was the activity of showing or displaying animals to the public with or without payment. USDA regulations also stipulated if a person was transporting an animal for exhibition they must be USDA licensed.
Ms. Newvine did not feel that Mr. Shoemaker or his wife was qualified to make a determination just because they held a USDA license. There needed to be solid evidence that he was exhibiting to take away his privilege to a permit and his right to due process in the permit process. The District Attorney made the decision to not prosecute within the statute of limitations as they did not think Mr. Mitchell was dangerous to the public. She asked the Board to also see there was not enough evidence to pursue the investigations. She thought all the evidence today strongly pointed at overturning the denial by the Sheriff’s Office and allowing Mr. Mitchell to operate with a Title 6 permit.

John Bosta said the last time Mr. Mitchell had a hearing Mr. Bosta commented about a conversation he had with Mr. Mitchell who told him he was a veteran who had a federal permit to have the animals for his emotional well being. Mr. Bosta asked the Board to respect the reasons Mr. Mitchell had the animals.

Samuel Jones said he lived two or three miles from Mr. Mitchell and had never heard or saw a problem. He asked the Board to issue a permit to Mr. Mitchell and not deny him his constitutional rights to life, liberty and happiness.

James Petell felt Mr. Mitchell was being harassed.

Diane Holguin-Brooks said she had been going through this with the Mitchells and their tigers for the last five years. Mr. Mitchell was not taking these animals into stores with him even though by federal law he would be allowed to. She mentioned the permit the Shoemakers had and how their information went to a P.O. Box in Henderson, not to the property itself, and as of right now they did not have a CUP either.

Dwight Lilly pointed out that Mr. Mitchell was a veteran who was obviously qualified to maintain the tigers. There had been no law enforcement reports of a tiger getting loose and endangering the public and no evidence presented here that something happened in Las Vegas. Mr. Lilly hoped the Commissioners would come to the conclusion that the system Mr. Mitchell was working within was broken, that the Commissioners were not really sure what was going on, and that this needed to go back through the permitting process to come up with a simpler process law enforcement and the public could handle and the Board could adjudicate.

Dean Brooks saw the freedom to do things in this country being thwarted here. He told the Commissioners to think about the phrase, “The law killeth, the spirit of the law giveth life.”
Scott Shoemaker asked if the Mitchells were not exhibiting then why were there pages and Web sites stating they were a Nevada private humane society. They did not have a 501(c)3 or a Nevada corporation. As to whether they needed a CUP, Mr. Shoemaker explained they were a legal conforming use, not grandfathered, and it was clearly stated in Title 17 that those who had animals when the ordinance was passed shall not be required to get a CUP as long as they followed state, federal and local laws regarding the animals. Mr. Shoemaker asked if the Commission decided not to enforce certain laws how would those who were trying to follow them know which ones were being enforced. Further, Mr. Shoemaker stated the back-up reflected Mr. Mitchell got the animals from Oklahoma and no one knew where the animals were, including tigers and lemurs. Additionally, there was a health certificate in the back-up which had the purpose of the movement marked for exhibition.

Mr. Shoemaker’s wife Zuzana Kukol said in order to follow USDA laws she needed to know them, so while she was not an expert she thought she knew more than Mr. Mitchell. She noted County Code 6.30.050.E. and 6.30.050.F. clearly stated people needed to have an emergency procedure for moving animals. Ms. Kukol wondered if they could not move the animals how they could fill out an application requiring an emergency plan. She wanted to know what kind of emergency procedures the Mitchells had as part of the existing application requirement in Title 6 and asked the Board to enforce the laws.

Commissioner Cox made a motion to overturn the amended denial of the Sheriff’s Department; seconded by Commissioner Blundo.

Commissioner Blundo asked if Mr. Mitchell would be issued a license based on that motion.

Ms. Zlotek advised the Code did not address what would happen, but if it was denied and the Board overturned the denial then there would not be a denial. She did not know if there would be an automatic approval or if it would have to be reconsidered.

Commissioner Blundo said the back-up reflected that on or about June 17, 2018, a citizen brought this issue forward to the Sheriff’s Office. He asked if Mr. Mitchell and his attorney had a right to face their accuser.

Ms. Zlotek said always.

Ms. Newvine advised she asked Mr. Williams who that was and had not gotten a response.
The motion to overturn the amended denial of the Sheriff's Department failed with 2 yea. Commissioners Koenig and Strickland voted nay.

Commissioner Strickland made a motion to uphold the denial of the special condition animal permit application for 6061 N. Woodchips Road; seconded by Commissioner Koenig.

Commissioner Strickland was not satisfied about the transport problem. She understood the Commissioners were not the governing body for the USDA, but the Board did protect the public and could not have animals transported anywhere in the County without proper permitting. It was very evident the animal was taken to Las Vegas. Commissioner Strickland asked the Board to consider that this particular permit holder had gone outside the law and it was the Commissioners' job to keep that from happening.

Commissioner Koenig said he had a discussion a long time ago after one of these hearings and told Mr. Mitchell he had no problem with him sitting on his property and enjoying his animals, but Commissioner Koenig was tired of seeing pictures of his animals in places other than the property and hearing about them being transported.

Commissioner Blundo did not believe the Sheriff's Office went through a proper investigation in this matter or that Mr. Mitchell had a fair chance to get his license through the Sheriff's Office. He told Mr. Mitchell if he was to get a license to not come before this Board again.

The motion to uphold the denial of the special condition animal permit application for 6061 N. Woodchips Road failed with 2 yea. Commissioners Cox and Blundo voted nay.

Commissioner Blundo made a motion to overturn the denial and issue the license including language that the animals were not to be explicitly exhibited, they were for his emotional support, and most importantly that any transportation would be for the veterinarian or health related issues; seconded by Commissioner Cox.

Commissioner Koenig asked for a friendly amendment that any transport be approved in advance by Animal Control.

Ms. Ziotek noted the motion was to overturn and issue the license and that the animals not be exhibited. The emotional support statement was a legal conclusion and she recommended not putting that in the motion.
8. 10:00 – For Possible Action – Discussion and deliberation on appeal (pursuant to Nye County Code Title 6, Animals, Section 6.40.010) of the Nye County Sheriff’s Office’s amended denial of a Special Conditions Animal Permit application. Cont’d.

Commissioner Blundo amended his motion to overturn the denial and issue the license including language that the animals were not to be explicitly exhibited, any transportation would be for the veterinarian or health-related issues, and Animal Control was to be notified 24 hours prior to the transfer unless an emergency occurred; Commissioner Cox amended her second; 3 yeas. Commissioner Koenig voted nay.

H/R AND RISK MANAGEMENT

33. For Possible Action – Discussion and deliberation to authorize the filling of the vacant Deputy Justice Court Administrator Position, #15004-002 in the Pahrump Justice Court prior to realizing the accrual payouts.

Commissioner Blundo made a motion to authorize the filling of the vacant Deputy Justice Court Administrator position; seconded by Commissioner Strickland.

James Petell stated his support of this item.

The motion to authorize the filling of the vacant Deputy Justice Court Administrator position passed with 4 yeas.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

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

16. For Possible Action – Discussion and deliberation regarding approval of placing a memorial rock at Simkins Park to honor the life of Cassandra Selbach.

Commissioner Koenig made a motion to approve placing a memorial rock at Simkins Park in honor of Cassandra Selbach; seconded by Commissioner Blundo.

James Petell felt Mrs. Selbach deserved this.

Deanna O’Donnell said they wanted to make sure Mrs. Selbach was honored for all the things she did. A rock was donated by Ron Murphy and prices were obtained from Awards Plus. Ms. O’Donnell said they were going to get donations from the public, but Commissioner Koenig said possibly the County would put some funds in. They were still waiting for a price and hoped to make the dedication on Easter morning when they had the Easter egg hunt.

The motion to approve placing a memorial rock at Simkins Park in honor of Cassandra Selbach passed with 4 yeas.
Commissioner Koenig assumed the Chair of the Board of County Commissioners.

The Board was in recess until 2:15 p.m.

TIMED ITEMS

9. 10:45 – For Possible Action – Discussion and deliberation to revoke, pursuant to Nye County Code Chapter 5.32, Marijuana and Medical Marijuana Licensing: 1) Medical Marijuana License MM-2018-000060; and 2) Recreational Marijuana License RM-2018-000022 located at 5101 S. Oakridge Ave, Pahrump, NV. Assessor Parcel Number 044-521-41, pursuant to Nye County Code 5.32.100(B) for failure to comply with Nye County Code 5.32.110, Transferability. Oakridge Enterprises, LLC – Property Owner. Peter Gnecco, Green Cross of America, Inc. – Licensee.

Commissioner Blundo made a motion to accept additional back-up; seconded by Commissioner Strickland; 4 yeas.

The Board took a brief recess to review the back-up.

Peter Gnecco explained he did not intend to transfer the license or go through the sale until he came to the Board, but the State took seven months to do the approval and he did not anticipate it taking that long. He said the State admitted it was done in error and Mr. Gnecco was supposed to get the license back before the end of the month.

Commissioner Blundo asked Mr. Gnecco if he was selling the company.

Mr. Gnecco said yes, but the sale would not be done until the escrow was completed. Although the State gave them the license, no money had been exchanged at this time.

Commissioner Blundo asked Mr. Gnecco to address the issue of being late on the 2% to the County.

Mr. Gnecco admitted he was late, but he paid it this morning and had proof if needed.

Commissioner Blundo made a motion to accept additional back-up; seconded by Commissioner Strickland.

Code Compliance Officer Amanda Van Houten confirmed the payment was submitted, however, the State forms were not included with the County paperwork.

Commissioner Blundo withdrew his motion; Commissioner Strickland withdrew her second.

Rick Cronkhite said he was the project manager for Exhale Brands Nevada and handled their regulatory compliance and business licensing. He confirmed that what Mr. Gnecco
9. 10:45 – For Possible Action – Discussion and deliberation to revoke, pursuant to Nye County Code Chapter 5.32, Marijuana and Medical Marijuana Licensing: 1) Medical Marijuana License MM-2018-000060; and 2) Recreational Marijuana License RM-2018-000022-Cont'd.

said was mostly correct. The instructions on the State's transfer of ownership form clearly stated approval from the State was required prior to executing any type of contract. The State transferred ownership of the name prior to completion of the sale so that was an error on the State's part. Mr. Cronkhite said meanwhile they were continuing their conversations with the landlord as well as Green Cross of America, Inc., to conclude both sales to perfect the license transfer. They had also been preparing all documents for local permitting.

When Commissioner Blundo said the license was going back into Mr. Gnecco's name, Mr. Cronkhite said that was the first he had heard of that. He had been in contact with the State Department of Taxation Marijuana Division who knew they had jumped the gun and there was no issue on their side with the corrections being made as long as Mr. Cronkhite's company moved forward with getting the Nye County permits in order, which would be upon the closing of the sale.

Mr. Gnecco added the problem was that the marijuana plants technically belonged to Exhale Brands Nevada, but they did not renew the license for recreational so now Mr. Gnecco was in violation while he had those plants. He also had no access to the State reporting system for that because the license had run out. He explained the reason for transfer back to him was so that he could legally hold the plants until the sale was over with.

Ms. Van Houten stated this was the first she had heard of them attempting an SUP, but with the County licensing being revoked the SUP went with it.

Commissioner Blundo made a motion to extend this item to the March 19, 2019, meeting and to have it come back to the Board then for review; seconded by Commissioner Cox.

John Bosta asked that his written document be included in the minutes (see Attachment 1). He said he supported the Board fining, imprisoning and revoking pursuant to Nye County Code 532.100 and 532.110 and not putting this off 30 days. Mr. Bosta said this gentleman's permit expired because he was not in cultivation and the Board had continued to give him a license on an expired permit. He wondered if the Board would uphold the Code and protect the residents of the County.

The motion to extend this item to the March 19, 2019, meeting and have it come back to the Board then for review passed with 3 yeas. Commissioner Koenig voted nay.
10. 11:00 – For Possible Action – Public Hearing, discussion and deliberation to:

1) adopt, amend and adopt, or reject Nye County Bill No. 2019-02: A Bill
   proposing to amend Nye County Code Title 9 Public Peace, Morals, and Welfare
   by adding Chapter 9.30 Noise Control, to conserve and promote the public health,
   safety, morals and general welfare of the present and future inhabitants of Nye
   County providing for the severability, constitutionality and effective date thereof;
   and other matters properly relating thereto; and

Commissioner Koenig opened and closed the public hearing.

Commissioner Strickland made a motion to reject; seconded by Commissioner Blundo; 4 yea.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

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

11. General road report by Public Works Director.

Public Works Director Tim Dahl said nothing flooded and created any damage in the
last weather event. They did identify several areas in town due to the last rain that
needed to be taken care of, like Highway 372 and Blagg. Other areas they had
managed in the past performed very well, such as the pie-shaped piece of land between
the church and another establishment on the north side of the roundabout on Pahrump
Valley Boulevard.

Regarding the durapatcher, Mr. Dahl said there were still winter weather conditions up
north so instead of bringing that 10-wheeler down he would send a 10-wheeler up to get
modified so the durapatcher could be brought down without jeopardizing a plow truck up
north. As to activities taking place at Petrack Park this weekend, Mr. Dahl advised the
public of some closures on Basin Road on Friday and Saturday.

Commissioner Cox commented all potholes got washed out on several streets.

Mr. Dahl said hopefully the durapatcher would put an end to that.

Commissioner Strickland said the curve on Leslie had gotten bad.

Mr. Dahl explained it had narrowed over the years and they had tried to put some cold
mix out there as well. It was on the list of future roads to prioritize.

Commissioner Koenig said he sent an e-mail about the flooding problem on Warren. A
lady lived close to the end of the river so she got more water than the rest of the people.
She called him and complained the property was flooded again. She said Public Works
used to pump it and he wondered if a culvert could be done.
11. General road report by Public Works Director-Cont’d.

Mr. Dahl said he would look into it and get back to Commissioner Koenig.

SITTING AS THE NYE COUNTY LICENSING AND LIQUOR BOARD

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

BROTHEL

12. For Possible Action – Discussion and deliberation regarding adding Harry V. Mahoney and Kimberly A. Penny to the Western Best Inc., dba Chicken Ranch Brothel license as key personnel. Brothel License number BR10-000129 located at 10511 Homestead Road, Pahrump, NV. Kenneth Green – Applicant.

Samantha Tackett explained the goal of this item was to add two key personnel to the license. She believed Mr. Green had formally requested them to be on the license as owners of the business in the event he was no longer able to perform as the main licensee, however, the way the business was set up did not allow that. The alternative was to put them on as key personnel who could work with the County on all of the license needs, but Mr. Green would be the primary licensee as the sole business owner.

Sheriff Wehrly said the way Mr. Green wanted to set this up was perfectly legal. She was fine with it as long as Mr. Green understood if something were to happen to him it would go into his trust and they would have to apply and get their backgrounds done so there may be a break in service for a little bit.

Commissioner Koenig made a motion to add Harry V. Mahoney and Kimberly A. Penny to the Western Best, Inc. dba Chicken Ranch brothel license as key personnel; seconded by Commissioner Cox.

Commissioner Blundo asked if Mr. Green had any intentions of selling his brothel as he thought he had seen advertising in the past.

Trudy Kevoran, General Manager, advised if someone came to Mr. Green with an offer he would consider it, but he was not in the process of selling it at this time.

The motion to add Harry V. Mahoney and Kimberly A. Penny to the Western Best, Inc. dba Chicken Ranch brothel license as key personnel passed with 5 yeas.
LIQUOR

13. For Possible Action – Discussion and deliberation to approve two 90-day temporary Retail and Package Liquor Licenses for Nevada Desert Lounge, located at 1481 E. Nevada Highway 372, Units B and C, Pahrump, NV. Nicholay Panchev – Manager/Applicant and Peter Panchev – Owner/Applicant.

Commissioner Koenig made a motion to approve two 90-day temporary retail and package liquor licenses for Nevada Desert Lounge located at 1481 E. Nevada Highway 372, Units B and C; seconded by Commissioner Cox.

Samantha Tackett confirmed all fingerprints were in and the cursory investigation was completed and cleared. The next step was to send it off to State which was why they were asking for a temporary.

The motion to approve two 90-day temporary retail and package liquor licenses for Nevada Desert Lounge located at 1481 E. Nevada Highway 372, Units B and C passed with 5 yeas.

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

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

14. Committee Reports

There were none.

15. For Possible Action – Discussion and deliberation regarding a request to waive the Pahrump arena use fees for the events to be held on March 30, 2019, April 27, 2019, September 7, 2019, and October 5, 2019 for the non-profit community club Pahrump Open Schooling Show.

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

Bob Young explained they requested the fees be waived for events held by the Pahrump Open Schooling Show. As a former member and officer of community clubs of this nature he knew the expense and hard work each member put in to produce events of this kind. It helped the young people develop a good work ethic while serving the community. The community also benefited by participants in the events spending money.

The motion to approve passed with 4 yeas.
17. For Possible Action – Discussion and deliberation regarding approval of a Settlement Agreement between the Town of Pahrump and Michael Sullivan concerning longevity pay accrued during employment and contributions into the Nevada Public Employees Retirement System (PERS).

Commissioner Strickland made a motion to approve the settlement agreement; seconded by Commissioner Blundo.

Commissioner Blundo noted this was reflected in Mr. Sullivan's contract and was money he was owed.

The motion to approve the settlement agreement passed with 4 yeas.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWNS OF BEATTY, BELMONT, GABBS, MANHATTAN, AND RAILROAD VALLEY

BEATTY

18. For Possible Action – Discussion and deliberation to approve funding for the purchase of three radar speed signs in an amount not to exceed $20,000.00 from Fund 24402 Beatty Special Capital Projects.

Commissioner Cox made a motion to approve; seconded by Commissioner Blundo; 4 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.

19. For Possible Action – Approval of Elected Official Collection Report.

Commissioner Blundo made a motion to approve items 19-20; seconded by Commissioner Strickland; 4 yeas.

20. For Possible Action – Approval to set the date and location for the second May meeting of the Board of Commissioners for Tuesday, May 21, 2019 in Pahrump, Nevada.

Commissioner Blundo made a motion to approve items 19-20; seconded by Commissioner Strickland; 4 yeas.
BOARD OF COMMISSIONERS

21. 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.

22. 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.

23. 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.

24. For Possible Action – Discussion and deliberation to adopt, amend and adopt or reject Nye County Resolution No. 2019-08: A Resolution Supporting Senate Bill 48 Authorizing Certain Local Governments to Increase Diesel Taxes Under Certain Circumstances.

Commissioner Blundo made a motion to adopt Resolution No. 2019-08, a resolution supporting Senate Bill 48 authorizing certain local governments to increase diesel taxes under certain circumstances; seconded by Commissioner Strickland.

Commissioner Cox stated SB48 and SB61 increased the taxes on diesel fuel in all counties except Clark and Washoe. In 2016 all voters voted overwhelmingly in opposition to raising the diesel taxes. Commissioner Cox said in light of the fact the public had already spoken on this she would be voting against it.

Commissioner Blundo felt there had been a lot of irresponsibility in past County Commissions. It would be cheaper to maintain the roads rather than re-build them. Furthermore, the County had nothing that taxed diesel and he would like to know how the community felt paying a tax that the County got nothing out of.

Dwight Lilly said he was generally not in favor of any type of taxation, but in a limited government there were certain items that were agreed upon, one being the roads because they were part of the commerce system. He approved of this.

Sam Jones objected to more taxes.

Tim Dahl stated his understanding that this was not an additional tax. It was just a way to recover some of the tax already paid to the State and federal government.
24. For Possible Action – Discussion and deliberation to adopt, amend and adopt or reject Nye County Resolution No. 2019-08: A Resolution Supporting Senate Bill 48 Authorizing Certain Local Governments to Increase Diesel Taxes Under Certain Circumstances—Cont'd.

Commissioner Koenig understood this was an additional tax and that this bill would allow the County to vote to add the five cent tax or put it back on the ballot. If it was approved by the Legislature than he would put it back on the ballot. He was not voting for a tax, but he was willing to vote to bring it back to let the citizens decide if they want to be taxed.

Commissioner Blundo pointed out it was not just the additional tax component. People who drove diesel vehicles paid taxes and the County did not get that money. It went to the State and this resolution not only allowed the County to capture the money being paid in taxes but also allowed the County to spend it on its roads.

The motion to adopt Resolution No. 2019-08, a resolution supporting Senate Bill 48 authorizing certain local governments to increase diesel taxes under certain circumstances passed with 4 yeas. Commissioner Cox voted nay.

CLERK

25. For Possible Action – Discussion and deliberation to appoint one member to the Pahrump Regional Planning Commission due to one resignation.

Commissioner Cox made a motion to approve Harley Kulkin.

Commissioner Cox explained she approved Mr. Kulkin because he had put in for it many times and it was probably his turn. He also had qualifications.

The motion to approve Harley Kulkin failed for lack of a second.

Commissioner Strickland made a motion to appoint Robert E. Thomas, III; seconded by Commissioner Cox; 4 yeas.

DISTRICT ATTORNEY

26. For Possible Action – Discussion and deliberation to adopt, amend and adopt or reject Nye County Resolution No. 2019-07: A Resolution Requesting the Assistance of the Attorney General Regarding Fifth Judicial District Court Case No. CR7837, State v. Carmelo Motta; to review pursuant to NRS 228.130 to review and if determined appropriate, to handle the prosecution of said case.

Commissioner Blundo made a motion to adopt Nye County Resolution No. 2019-07; seconded by Commissioner Cox; 4 yeas.
27. For Possible Action – Discussion and deliberation regarding: 1) retaining counsel to be selected by the District Attorney as counsel for handling of civil litigation in case Nye County Management Employees Association v Nye County, Case 2018-012, State of Nevada, Local Government Employee-Management Relations Board; 2) authorize District Attorney to execute contract for counsel legal services; and 3) fund from Contingency.

Chris Arabia advised that despite the fact the new firm coming in was one of the top firms in the State he and Bradley Richardson were able to negotiate a rate 40% less than previous counsel and he thought the Board should know that.

Commissioner Blundo made a motion to 1) approve retaining counsel to be selected by the District Attorney as counsel for handling the civil litigation in the case of Nye County Management Employees Association vs. Nye County, Case 2018-012, State of Nevada, Local Government Employee-Management Relations Board, 2) to authorize the District Attorney to execute that contract for counsel legal services, and 3) to fund from Contingency; seconded by Commissioner Strickland; 4 yeas.

COUNTY MANAGER

28. For Possible Action – Discussion and deliberation on approval of the Public Defender Reporting Tool to be used by all contracted Public Defenders to carry out reporting provisions.

Commissioner Blundo made a motion to approve; seconded by Commissioner Strickland; 4 yeas.

29. For Possible Action – Discussion and deliberation to approve providing grant match funding in an amount not to exceed $11,500.00 to the NyE Communities Coalition (NCC) for the United States Department of Agriculture (USDA) grant to support community facility technical assistance across Nye County and fund from Fund 10291 County Owned Buildings.

Commissioner Blundo made a motion to approve providing grant match funding in the amount not to exceed $11,500.00 to NyE Communities Coalition for the USDA grant to support community facility technical assistance across Nye County and to fund from 10291, County Owned Buildings; seconded by Commissioner Strickland; 4 yeas.
FINANCE

30. For Possible Action – Discussion and deliberation regarding RFP #2018-13 – Property Abatement 2650 S. River Plate Dr.; 1) Award Bid #2018-13 – Property Abatement of Unhealthful Conditions to Morales Construction dba American Asbestos Remediation Specialists in the amount of $58,886.00; 2) Execute the contract; and 3) Fund from 10101 Miscellaneous Overhead OR; 1) Reject the bid received; and 2) Direct Staff how to proceed with the Abatement Process.

Commissioner Blundo made a motion to reject the bid received; seconded by Commissioner Strickland.

Commissioner Blundo advised "Harold" passed away and he was hard pressed to put this cost burden on the backs of the taxpayers when "Harold" was not the technical owner of the home. It would be foreclosed on and it was the lender’s responsibility to remedy and abate. That was how Commissioner Blundo would direct staff – seal it, board it up, and let the lender handle it.

Planning Director Brett Waggoner reminded the Board that the nuisance the neighbors brought forward still existed. He was in agreement with Commissioner Blundo as far as anything inside of the home, but he felt there was still an obligation on the Board, specifically regarding the garbage in the yard, pool and patios.

Commissioner Koenig suggested a stipulation could be to clean the outside of the property where it was accessible to the public and leave the inside up to the bank.

Commissioner Cox said everything outside belonged to the estate now. There was also a van, a trailer and jet skis. She asked if the County would take those away or if the daughter would have the opportunity to pick them up.

Mr. Waggoner said he was only referring to the garbage, not the personal belongings. The property also needed to be secured by boarding the windows to keep people out of it.

Bradley Richardson recommended bringing a modified resolution back to declare the nuisance and reduce the scope of the remediation.

Commissioner Koenig suggested that direction to staff should be to contact the lender to see what they were willing to do to help, board the windows and doors up, and have the District Attorney bring back another agenda item to further define the scope of what remained.

Mr. Waggoner said he had already tried to make contact and was unsuccessful. The only other point he wanted to make was that this matter had been discussed since October and there was nothing different today except it was worse.
30. For Possible Action – Discussion and deliberation regarding RFP #2018-13 –
Property Abatement 2650 S. River Plate Dr.-Cont’d

Commissioner Blundo amended his motion to reject the bid received; direct staff to
contact the lender, board the windows and doors up, and clean up the garbage
accessible to the public on the outside including the pool; and have the District Attorney
bring back another agenda item to further define the scope of what remained;
Commissioner Strickland amended her second.

Bob Young was concerned with what environmental impact the abatement process
would have on the health and welfare of the surrounding property owners.

Dwight Lilly said if Mr. Waggoner and the County determined this property was a danger
to the community then there was potential liability for the County and time was of the
essence.

The motion to reject the bid received; direct staff to contact the lender, board the
windows and doors up, and clean up the garbage accessible to the public on the
outside including the pool; and have the District Attorney bring back another agenda
item to further define the scope of what remained, passed with 4 yeas.

31. For Possible Action – Discussion and deliberation to: 1) Award Bid #2018-15
Bound and Mechanical Book and Newspaper Scanning to US Imaging, Inc in the
amount of $228,705.40, 2) Execute the contract; and 3) Fund from 10320 Recorder
Tech.

Commissioner Blundo made a motion to award Bid 2018-15 to U.S. Imaging, Inc., in the
amount of $228,705.40, 2) execute the contract and 3) fund from 10320, Recorder Tech
Fund; seconded by Commissioner Strickland.

Commissioner Koenig asked who would do the scanning.

Danielle McKee, Purchasing and Contracts Administrator, said U.S. Imaging would go
to the facility in Tonopah and do the scanning.

Commissioner Koenig questioned why the County would not use its own employees as
there was a lot of scanning that needed to be done in the County. He wondered if while
U.S. Imaging was here if employees could be trained to do the scanning.

Recorder Deborah Beatty advised U.S. Imaging did all of their imaging in the past. She
also pointed out this was not just digitizing. It was also microfilm as required by law and
would be a full-time job for an employee.

Commissioner Koenig asked if there was any urgency to this.

Ms. Beatty said no, but the books were falling apart so it was necessary.
31. For Possible Action – Discussion and deliberation to: 1) Award Bid #2018-15 Bound and Mechanical Book and Newspaper Scanning to US Imaging, Inc in the amount of $228,705.40; 2) Execute the contract; and 3) Fund from 10320 Recorder Tech-Cont’d.

Commissioner Koenig said he would like to see what it would cost to buy the equipment to do this and maybe scale it back to so they would come up and do half while a County employee was with them learning how to do it and then have that employee do the rest of it. If that number was less than $228,000.00 he would be happy because everyone else’s could be done instead of just the Recorder’s.

Chief Deputy Recorder Dawn Gudmunson emphasized these were historical records and in some cases the only copy. Due to that historical value they were asking for this to move forward as quickly as possible because if something happened to them the records would be lost. She said she had been with the County 15 years and believed staff would never get the quality of image that this company could get.

Savannah Rucker confirmed the money was in the Recorder’s Tech Fund.

Mrs. McKee suggested tabling this item until the first meeting in March to allow research on the numbers.

Commissioner Blundo withdrew his motion; Commissioner Strickland withdrew her second.

Commissioner Blundo made a motion to continue this item to the March 11, 2019, meeting and directed staff to bring back alternatives based on comments made by the Commissioners; seconded by Commissioner Strickland; 4 yea.s.

HEALTH AND HUMAN SERVICES

32. For Possible Action – Discussion and deliberation regarding a Contract for Services with Consolidated Agencies of Human Services to transport USDA commodities to remote areas of Nye County including the Yomba Indian Reservation, Lone and Gabbs.

Commissioner Blundo made a motion to approve entering into the contract for services with Consolidated Agencies of Human Services to transport USDA commodities to remote areas of Nye County, including the Yomba Indian Reservation, Lone and Gabbs; seconded by Commissioner Strickland.

Lorina Dellinger advised the County’s monthly payment was reduced to $274.45.

The motion to approve entering into the contract for services with Consolidated Agencies of Human Services to transport USDA commodities to remote areas of Nye County, including the Yomba Indian Reservation, Lone and Gabbs passed with 4 yea.s.
H/R AND RISK MANAGEMENT

34. For Possible Action – Discussion and deliberation to authorize the advertising and filling of a Deputy Clerk I Position, #08023-002 in the Tonopah Clerk’s Office. This position is not budgeted and will increase headcount if approved.

Commissioner Blundo asked if the position was only to work on registrations or if it would be a general position working on a multitude of items.

Rachel Aldana said her understanding was that the main part was for the voter registrations because current staff could not keep up with it, but they would probably do other stuff.

Human Resources Manager Danelle Shamrell understood from Sam Merlino that mandates would go into effect July 1, 2019, that would cause an undue hardship. She said Mrs. Merlino provided significant back-up, and research with other counties was done to see what they were doing as well.

Savannah Rucker advised she would bring back an item to augment if approved based on the filled date.

Commissioner Strickland made a motion to authorize the advertising and filling of the position of Deputy Clerk I in the Tonopah Clerk’s Office; seconded by Commissioner Blundo with the addition of sending a letter to the State to let them know how the County felt about unfunded mandates; 4 yeas.

35. For Possible Action – Discussion and deliberation to grant approval to the District Attorney to hire and appoint an Executive Legal Secretary III as required for the execution of duties and operation of the office, pursuant to NRS 252.070. There is no adverse financial impact.

This item was removed from the agenda.

PLANNING/BUILDING/CODE COMPLIANCE

36. For Possible Action – Discussion and deliberation regarding a request to accept an offer of dedication of road right-of-way for the east thirty (30) feet of Assessor’s Parcel Number 045-091-09, Squaw Valley Road, Pahrump, NV, for public street/road purposes and to designate as a General County Road. Phillip L. Boggs – Property Owner/Applicant.

Commissioner Blundo made a motion to accept the offer of dedication of the road right-of-way off of parcel 045-091-09 and designate that as a general County road; seconded by Commissioner Strickland; 4 yeas.
37. For Possible Action – Discussion and deliberation on DA-2018-000008 to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2019-03: A Bill proposing to adopt a Development Agreement between the County of Nye and Canyon Mesa Solar, LLC, as the Developer of an 18 MW photovoltaic (PV) solar power generation plant with integrated battery storage systems including the installation of up to 80,000 PV panels on private land generally located at the Nye-Clark County line on the southern tip of the Pahrump Regional Planning District on properties addressed as: 7750 E. Weepah Avenue, 8251 E. Klondike Avenue and 14250 S. Countyline Road, all located within T22S, R54E, and Sections 25 and 26, situated off of Hidden Hills Road, west of Tecopa Road located within Nye County on the following Assessor Parcel Numbers: 047-121-06, 047-121-09, 047-121-12; providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Read the title of the Bill into the record.

Commissioner Blundo made a motion to set the date, time and location as March 19, 2019, at 10:00 a.m. in Pahrump; seconded by Commissioner Strickland; 4 yeas.

Commissioner Blundo Leo the title of the bill into the record.

Commissioner Strickland Leo asked the Planning Department to spell out township and range and that the 121 twice could have been eliminated.

PUBLIC WORKS

38. For Possible Action – Discussion and deliberation concerning a request to approve a Letter of Agreement between Nye County and Dyer Engineering Consultants, Inc. for the purpose of authorizing use of Nye County GIS data as it relates to the Pahrump Fairgrounds Drainage Study Flood Control Design for the Community Development Block Grant (CCBG) Application; and approval to waive fees.

Commissioner Blundo made a motion to approve; seconded by Commissioner Strickland; 4 yeas.

39. GENERAL PUBLIC COMMENT (second)

Referring back to item 34, Danelle Shamrell said Sam Merlino advised that was based on voter action, not mandated by the State.

Ski Censke said he was concluding the excess vehicle and equipment auction, which had some incredible challenges such as various geographical locations. The cooperation among everyone in the County was phenomenal and he thanked the Public Works staff for their assistance. He said the total sales due to the County was over $200,000.00.
39. GENERAL PUBLIC COMMENT (second)-Cont’d.

Dwight Lilly thanked the Chairman for looking out for the pocketbook on various agenda items. He then brought up the $68 million obligation with the health care retirement plan for retirees and urged the Commissioners to put together a plan to start funding that in the upcoming budget. He also felt the Commissioners were not aware of the back-up material and legislation they were voting on. Mr. Lilly said if someone was an elected official charged with legislating for the County it was their obligation to know the information on what they were voting on.

Pat Minshall stated Amargosa Valley was not part of the auction since Ski Censke was told that it was not part of Nye County. Ms. Minshall wanted to put on the record that Amargosa Valley was part of Nye County and they were not included in this auction.

Commissioner Blundo commented he was at the auction and recalled seeing several items in Amargosa Valley listed for sale.

40. ADJOURN

Commissioner Koenig adjourned the meeting.

APPROVED this 19th day
Of March_____________, 2019.

______________________________
Chair

______________________________
Nye County Clerk / Deputy
I request that my comments are reflected in the minutes and I submit a copy of my prepared written remarks for inclusion in the minutes also

I support the BoCC to fine, imprisonment and revoke, pursuant to Nye County Code Chapter 5.32.100(B) and Chapter 5.32.110, Marijuana and Medical Marijuana Licensing Ord. 519, 2017 for: 1) Medical Marijuana License MM-000060 and 2) Recreational Marijuana License RM-2018-000022 located at 5101 S. Oakridge Ave. Pahrump, NV, APN 044-521-41.

However, Chapter 5.32.100(A) should also be considered in this action.

The Commissions needs to determine if a fine of not less than $500 or more than $1,000 or imprisonment in the county jail for not more than six (6) months or both such fine and imprisonment.

5.32.100: PENALTY FOR VIOLATION:
A. Persons found guilty of violating any of the provisions of this chapter are guilty of a misdemeanor and subject to a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. Nothing herein contained shall be construed as limiting any prosecution for acts related to a violation of the uniform controlled substances act as set forth in chapter 453 of the Nevada Revised Statutes.

B. In addition to any criminal punishment as may be imposed, any violation of this chapter may result in the revocation of any license issued pursuant to this chapter and result in the forfeiture of any and all property as described in Nevada Revised Statutes 453.301. The civil penalties provided for hereunder are intended to be cumulative and in addition to any criminal fines or punishments imposed. (Ord. 502, 2016)

5.32.110: TRANSFERABILITY: Medical marijuana licenses licenses shall not be in any manner transferable or assignable, nor shall any person other than as named in the license be authorized to conduct the business, unless such transfer is approved by the State of Nevada and Nye County Board of Commissioners. (Ord. 502, 2016)

I have included the following documents that were not in the backup:
Item 13 May 6, 2016 Agenda and Minutes.
Item 10 May 2, 2017 Agenda and Minutes.
Item 9 Jan. 16, 2018 Agenda and Minutes.
Item 39, July 17, 2018 Agenda and Minutes.
Item 43 Feb. 20, 2018 Agenda and Minutes. And
My Comments Item 43 Feb. 20, 2018.

Respectfully Submitted,

John F. Bosta

ATTACHMENT 1
**NYE COUNTY AGENDA INFORMATION FORM**

- **Action**: Yes
- **Presentation**: No
- **Presentation & Action**: No

**Department**: Planning

**Category**: Timed Agenda Item – 11:00 a.m.

**Agenda Date**: May 3, 2016

**Contact**: Darrell Lacy

**Phone**: 775-751-4249

**Return to**: Darrell Lacy

**Location**: Tonopah Planning

**Phone**: 775-751-4249

**Action requested**: (Include what, with whom, when, where, why, how much ($) and terms)

For Possible Action – Extension of Time Application ET-2016-000008: Public Hearing, discussion and deliberation regarding a request for an Extension of Time of a Special Use Permit to allow a medical marijuana establishment (cultivation) at 5101 S. Oakridge Avenue, Pahrump. Green Cross of America, Inc. / Philip Restifo – Applicant.

**Complete description of requested action**: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)

Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager.

**Expenditure Impact by FY(s)**: (Provide detail on Financial Form)

- **No financial impact**

**Routing & Approval** (Sign & Date)

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**Board of County Commissioners Action**

- **Approved**: Yes
- **Disapproved**: No
- **Amended as follows**: 

**Clerk of the Board**: 

**Date**: 

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**ITEM #: 3**
NYE COUNTY BOARD OF COUNTY COMMISSIONERS
PLANNING DEPARTMENT STAFF REPORT

Meeting Date: May 3, 2016

AGENDA ITEMS

For Possible Action – Extension of Time Application ET-2016-000008: Public Hearing, discussion and deliberation regarding a request for an Extension of Time of a Special Use Permit to allow a medical marijuana establishment (cultivation) at 5101 S. Oakridge Avenue, Pahrump. Green Cross of America, Inc. / Philip Restifo – Applicant.

GENERAL INFORMATION SUMMARY

The Nye County BOCC approved a special use permit for cultivation for the subject property, at 5101 S. Oakridge Avenue, Pahrump.

The applicant obtained provisional approval (provisional certificate) on November 3, 2014 for production from the State of Nevada Division of Public and Behavioral Health.

The special use permit will expire on May 3, 2016 (18 months following the State issuance of a provisional certificate), unless the facility is operational by that date, or unless an extension is granted. Applicant is requesting approval from the BOCC of an extension of time.

RECOMMENDATION

Recommended BOCC Motion: “I motion to approve an extension of time to allow an additional ________ (90 days, etc.) to become operational.”
GREEN CROSS OF AMERICA, INC.

DATE: APRIL 6 2016

SUBJECT: EXTENSION OF TIME ON USE PERMIT

TO WHOM IT MAY CONCERN.

GREEN CROSS OF AMERICA, INC. IS REQUESTING AN EXTENSION OF TIME ON OUR USE PERMIT AT 5701 S. OAK RIDGE AVE. Pahrump, NV. 89048. (FOR 10 MONTHS)

IF THERE IS A NEED OF COMMUNICATION (FURTHER) PLEASE FEEL FREE TO CONTACT ME AT 775-727-1300 PHIL RESTIFO.

RESPECTFULLY YOURS,

[Signature]

APR 6 2016
11. 11:00 - For Possible Action – Extension of Time Application ET-2016-000005-
Cont'd.

Angela Bello did not think the bankruptcy played into this. She was trying to find out if
there was any legal reason or justification for the request to put the agenda item off and
she had not heard.

Commissioner Carbone closed the public hearing.

Commissioner Schinhofen made a motion to approve the extension of item for ET-2016-
000005 with the amendment that within 90 days all fees must be paid, all paperwork
including building plans and the sheriff's security plan must be turned in within 90 days,
and it must be built out within one year; seconded by Commissioner Wichman; 5 yeas.

12. 11:00 - For Possible Action – Extension of Time Application ET-2016-000006;
Public Hearing, discussion and deliberation regarding a request for an Extension
of Time of a Special Use Permit to allow a medical marihuana establishment
(production) at 301 S. Oxbow Avenue, Unit #13, Pahrump, CW Nevada / Amanda
Connor, Esq. – Applicant.

Commissioner Carbone opened and closed the public hearing.

Commissioner Schinhofen made a motion to approve the extension of time including
within 90 days all fees must be paid, all paperwork turned into Planning, including the
security plan, and it must be fully operational in a year; seconded by Commissioner
Wichman.

Amanda Connor, representing the applicant, asked if the full tenant improvements had
to be completed within 90 days.

Commissioner Schinhofen said no. Full tenant improvements had to be done within one
year of the approval of the extension.

The motion to approve the extension of time including within 90 days all fees must be
paid, all paperwork turned into Planning, including the security plan, and it must be fully
operational in a year passed with 5 yeas.

13. 11:00 - For Possible Action – Extension of Time Application ET-2016-000008;
Public Hearing, discussion and deliberation regarding a request for an Extension
of Time of a Special Use Permit to allow a medical marijuana establishment
(cultivation) at 5101 S. Oakridge Avenue, Pahrump, Green Cross of America, Inc.
/ Philip Restifo – Applicant.

Commissioner Carbone opened and closed the public hearing.
13. 11:00 - For Possible Action – Extension of Time Application ET-2016-000008-Cont’d.

Commissioner Schinhofen made a motion to approve and within 90 days all documents, all fees paid, and in one year operational; seconded by Commissioner Wichman; 5 yeas.

14. 11:00 - For Possible Action – Extension of Time Application ET-2016-000009: Public Hearing, discussion and deliberation regarding a request for an Extension of Time of a Special Use Permit to allow a medical marijuana establishment (cultivation) at 6041 S. Hafen Ranch Road, Pahrump, Nevada Natural Medicines / Scott Sibley – Applicant.

15. 11:00 - For Possible Action – Extension of Time Application ET-2016-000010: Public Hearing, discussion and deliberation regarding a request for an Extension of Time of a Special Use Permit to allow a medical marijuana establishment (production) at 6041 S. Hafen Ranch Road, Pahrump. Nevada Natural Medicines / Scott Sibley – Applicant.

Commissioner Carbone opened and closed the public hearing.

Commissioner Schinhofen made a motion to approve the extension of time and in 90 days all fees must be paid, all documents turned into Planning, and within one year be operational; seconded by Commissioner Wichman.

Commissioner Carbone said he hoped that everybody was not sitting on their haunches on these items waiting for a positive vote in November on other issues.

The motion to approve the extension of time and in 90 days all fees must be paid, all documents turned into Planning, and within one year be operational passed with 4 yeas. Commissioner Borasky voted no because the local residents were against it.

16. 11:00 - For Possible Action – Extension of Time Application ET-2016-000011: Public Hearing, discussion and deliberation regarding a request for an Extension of Time of a Special Use Permit to allow a medical marijuana establishment (cultivation) at 801 S. Panorama Road, Pahrump. Wellness Orchards of Nevada, LLC / Amanda Connor, Esq. – Applicant.

Commissioner Carbone opened and closed the public hearing.

Commissioner Schinhofen made a motion to approve and within 90 days all fees must be paid, all plans, and one year to be operational; seconded by Commissioner Wichman; 5 yeas.
**NYE COUNTY AGENDA INFORMATION FORM**

- **Action**: Timed Agenda Item – 11:00 a.m.  
- **Category**: Timed Agenda Item
- **Contact**: Darrell Lacy  
  - **Phone**: 775-751-4249
- **Location**: Planning  
  - **Phone**: 775-751-4249
- **Agenda Date**: May 2, 2017

**Action requested:**

Discussion and deliberation to accept a Business Impact Statement prepared pursuant to NRS 237.090 to address the business impact of Nye County Bill No. 2017-12 pertaining to the Licensing of Marijuana and Medical Marijuana Establishments.

**Complete description of requested action:**

(Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)

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**Expenditure Impact by FY(s):**

(Provide detail on Financial Form)

- No financial impact

**Routing & Approval**

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**Board of County Commissioners Action**

- **Approved**: [ ]  
- **Disapproved**: [ ]  
- **Amended as follows**: [ ]

**Clerk of the Board Date**

---

**ITEM #**: 10
NYE COUNTY BOARD OF COUNTY COMMISSIONERS
PLANNING DEPARTMENT STAFF REPORT

Meeting Date: May 2, 2017

AGENDA ITEMS

For Possible Action – Discussion and deliberation to accept a Business Impact Statement prepared pursuant to NRS 237.090 to address the business impact of Nye County Bill No. 2017-12 pertaining to the Licensing of Marijuana and Medical Marijuana Establishments.

GENERAL INFORMATION SUMMARY

NRS 237.090 requires the Board to consider a Business Impact Statement addressing the economic impacts of a proposed rule (regulation) on businesses.

Nye County Bill No. 2017-12 pertaining to the Licensing of Marijuana and Medical Marijuana Establishments is scheduled to be heard by the Board on May 16, 2017 at 11:00 AM.

Staff recommends the Board find that the proposed rule is not likely to (a) impose a direct and significant economic burden upon a business or (b) directly restrict the formation, operation or expansion of a business.

Attached is the Business Impact Statement for consideration by the Board.

Also attached is the proposed Bill.

RECOMMENDATION

Recommended BOCC Motion: "I move accept the Business Impact Statement; and make a finding that the proposed rule is not likely to (a) impose a direct and significant economic burden upon a business or (b) directly restrict the formation, operation or expansion of a business."
The following business impact statement was prepared pursuant to NRS 237.080 to address the impact of Nye County Bill No. 2017-12, pertaining to Licensing of Marijuana and Medical Marijuana Establishments in Nye County.

1. The following constitutes a description of the number and manner in which comment was solicited from affected businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary. (List all trade association or owners and officers of businesses likely to be affected by the proposed rule that have been consulted).

A. Notice:

Nye County e-mailed a draft of the proposed Rule, Bill No. 2017-12, and requested comments from all known owners/managers of currently operational and proposed medical marijuana establishments in Nye County, and also e-mailed the draft and requested comments from the Nye County Consultants Association (NCCA), a trade association representing numerous local medical marijuana establishments.

B. Summary of Comments:

We received one (1) written response from Sandra Tiffany, owner of GWGA, which is a medical marijuana cultivation establishment under construction in Pahrump. Ms. Tiffany stated that the proposed rule will directly restrict the formation, operation or expansion of business, and was concerned that the Department of Taxation has not yet finalized their regulations regarding marijuana establishments; and that several issues remain unresolved at this time; and in particular is concerned with Chapter 5.32 where it states "any applicant who submits an application and applicable fees to the Nye County Planning Department for an initial Nye County marijuana (recreation) license between May 25, 2017 and May 31, 2017..." Ms. Tiffany suggested the county may want to amend the language to say "within 5 days of the Department of Taxation’s application date."

C. How to Obtain Copies:

A copy of the proposed Rule (Bill 2017-12) and this Business Impact Statement may be obtained by contacting the Nye County Planning Department, Pahrump Office, 250 N. Hwy 160, #1, Pahrump, NV 89060, or phone (775) 751-4249, or email Planning@co.nye.nv.us

2. The estimated economic effect of the proposed rule on the businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects: The adverse effect of the proposed rules would be additional fees and taxes on marijuana businesses.
**Beneficial effects:** The proposed licensing regulations will provide a framework for the operation of marijuana establishment in Nye County, as authorized under NRS 453D. The proposed rules will set forth the procedures for business owners to obtain licensing to legally operate marijuana establishments in Nye County.

**Direct effects:** The passage of this Bill as written will directly increase the fees paid by business owners to operate marijuana businesses. This Bill would potentially make it more difficult to create new businesses or to expand existing businesses; however, the proposed rules do not directly prohibit the creation or expansion of marijuana businesses, they simply add reasonable fees and requirements for these businesses, which would typically be expected to be enacted by a governing body for these types of businesses, as is similarly done for other businesses requiring special privilege-type licensing such as liquor, gaming and brothel licenses. The following fees and taxes are proposed:

1. Fifteen thousand dollars ($15,000.00) for initial issuance and a seven thousand five hundred dollar ($7,500.00) annual renewal fee for a retail marijuana store, with five thousand dollars ($5,000.00) nonrefundable for the initial application and two thousand five hundred dollars ($2,500.00) nonrefundable each year thereafter.

2. Five thousand dollars ($5,000.00) for initial issuance and a two thousand five hundred dollar ($2,500.00) annual renewal fee for a marijuana cultivation facility, with two thousand dollars ($2,000.00) nonrefundable for the initial application and one thousand dollars ($1,000.00) nonrefundable each year thereafter.

3. Five thousand dollars ($5,000.00) for initial issuance and a two thousand five hundred dollar ($2,500.00) annual renewal fee for a marijuana product manufacturing facility, with two thousand dollars ($2,000.00) nonrefundable for the initial application and one thousand dollars ($1,000.00) nonrefundable each year thereafter.

4. Two thousand five hundred dollars ($2,500.00) for initial issuance and a one thousand two hundred fifty dollar ($1,250.00) annual renewal fee for a marijuana testing laboratory, with one thousand two hundred fifty dollars ($1,250.00) nonrefundable for the initial application and seven hundred fifty dollars ($750.00) nonrefundable each year thereafter.

5. Two thousand five hundred dollars ($2,500.00) for initial issuance and a one thousand two hundred fifty dollar ($1,250.00) annual renewal fee for a marijuana distributor, with one thousand two hundred fifty dollars ($1,250.00) nonrefundable for the initial application and seven hundred fifty dollars ($750.00) nonrefundable each year thereafter. This fee is waived if the applicant for the marijuana distributor license possesses a valid Nye County license for a Marijuana or Medical Marijuana Establishment or a Nye County wholesale delivery liquor license.

In addition, every marijuana establishment, as a condition of the granting of a marijuana establishment license or renewal, shall pay no later than ten (10) working days following the first day of each month, a monthly business license fee to Nye County, equivalent to two percent (2%) of the total value of all marijuana or marijuana products that were produced, manufactured, sold or distributed by the marijuana establishment for the previous month.

**Indirect effects:** The passing of this measure may have indirect effects, however at this time, those effects are difficult to quantify.

The following constitutes a description of the methods that the governing body of the local government considered to reduce the impact of the proposed rule on businesses and a...
statement regarding whether any, and if so which, of these methods were used: (Include whether the following was considered: simplifying the proposed rule; establishing different standards of compliance for a business; and if applicable, modifying a fee or fine set forth in the rule so that a business could pay a lower fee or fine).

The Board of County Commissioners could choose to simplify the Bill, by reducing or eliminating the proposed licensing fees and/or taxes.

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is: The proposed changes would increase the cost to the local government, but it is difficult to predict the cost; however, the intent is that the additional proposed fees would cover the increased local government costs of inspections and compliance enforcement.

5. (If applicable, provide the following:) The proposed rule provides for a new fee or increase in an existing fee and the total amount the local government expects to collect is: It is not possible at this time to provide an accurate estimate of the total amount of revenue expected to be generated by the increased fees. The legal marijuana industry is in its infancy in Nevada and it is not clearly understood what the economic impact will be. The amount of revenue generated will depend on the number and type of marijuana licenses requested and the volume of sales generated by each establishment.

6. The money generated by the new fee or increase in existing fee will be used by the local government for: The fees and taxes collected would be used for processing license applications, preparing reports, conducting reviews and inspections of facilities to determine compliance with County codes and regulations applicable to each facility, and related matters.

7. (If applicable, provide the following:) The proposed rule includes provisions, which duplicate or are more stringent than federal, state or local standards regulating the same activity. The following explains why such duplicative or more stringent provisions are necessary. The proposed changes do not duplicate and are not more stringent than federal, state or local standards regulating the same activity. The proposed rules pertain only to local County licensing of marijuana establishments.

COUNTY MANAGER CERTIFICATION REQUIRED PER NRS 237.090(2):

I, Pamela Webster, as County Manager for the County of Nye, Nevada, hereby certify that, to the best of my knowledge and belief, the information contained in this business impact statement was prepared properly and accurately.

Dated this 25th day of April, 2017.

Pamela Webster
Nye County Manager
Commissioner Schinhofen stated he announced at the beginning of the meeting that they could speak on every item and he would move general public comment to 11:45 a.m. if there was going to be a break for lunch.

9. 10:45 – For Possible Action – Discussion and deliberation to accept a Business Impact Statement prepared pursuant to NRS 237.090 to address the business impact of Nye County Bill No. 2017-13 pertaining to Prostitution.

This item was removed from the agenda.

10. 11:00 – For Possible Action – Discussion and deliberation to accept a Business Impact Statement prepared pursuant to NRS 237.090 to address the business impact of Nye County Bill No. 2017-12 pertaining to the Licensing of Marijuana and Medical Marijuana Establishments.

Commissioner Wichman made a motion to accept the business impact statements; seconded by Commissioner Koenig.

Commissioner Wichman asked staff to move the sections referencing fees to resolutions.

The motion to accept the business impact statements passed with 5 yeas.

38. GENERAL PUBLIC COMMENT (up to 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

Leo Blundo hoped the Sheriff would be able to apprehend the people poisoning dogs in Comstock Park.

Ammie Nelson thanked the Board for offering to move the public comment up a little more, but she felt it still would not meet some needs because the lengths of the meetings varied. She read a letter expressing the opinions of other people about the change made for public comment, which she submitted for the record [attached]. Ms. Nelson suggested removing the last public comment instead.

Dave Stevens also hoped the Sheriff caught the person poisoning the dogs.

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

Commissioner Wichman advised Congress passed a funding bill that included $465 million for PILT, a $14 million increase from last year, but they still had not included the SRS funding. She asked anyone with the desire to write a letter telling them how important that money was to keep the potholes fixed to please do so.
NYE COUNTY AGENDA INFORMATION FORM

- **Action**
- **Presentation**
- **Presentation & Action**

**Department**: Planning

**Category**: Timed Agenda Item – 11:00 a.m.

**Agenda Date**: January 16, 2018

**Contact**: Darrell Lacy

**Phone**: 775-751-4249

**Return to**: Darrell Lacy

**Location**: Planning

**Phone**: 775-751-4249

### Action requested:

(Include what, with whom, when, where, why, how much ($) and terms)

Public Hearing, discussion and deliberation on Special Use Permit SU-2017-000043: a Special Use Permit to allow a recreational marijuana establishment (cultivation) in a Light Industrial (LI) zoning district, on 3.78 acres located at 5101 S. Oakridge Avenue, Pahrump, Assessor Parcel Number 44-521-41. Oakridge Enterprises LLC – Property Owner. Green Cross of America – Applicant. Peter Gnecco – Agent for Green Cross of America.

### Complete description of requested action:

(Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)

Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.

### Expenditure Impact by FY(s):

(Provide detail on Financial Form)

- **No financial impact**

### Routing & Approval (Sign & Date)

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Meeting Date: January 16, 2018

AGENDA ITEMS

11:00 - For possible action – Public Hearing, discussion and deliberation on Special Use Permit SU-2017-000043: a Special Use Permit to allow a recreational marijuana establishment (cultivation) in a Light Industrial (LI) zoning district, on 3.78 acres located at 5101 S. Oakridge Avenue, Pahrump, Assessor Parcel #44-521-41. Oakridge Enterprises LLC – Property Owner. Green Cross of America – Applicant. Peter Gnecco - Agent for Green Cross of America.

GENERAL INFORMATION SUMMARY

Applicant is requesting approval of a special use permit to allow recreational marijuana cultivation, on a property where previously a medical marijuana cultivation special use permit was approved (and is currently approved for medical marijuana cultivation).

Nye County code allows for an SUP approval process to add a recreational marijuana SUP to an existing medical marijuana SUP.

The applicant is requesting the BoCC approve their application to add a recreational marijuana SUP.

RECOMMENDATION

Recommended BOCC Motion: “I motion to ______________(options include: approve, deny, continue, or take no action on) Special Use Permit Application SU-2017-000043.”
CERTIFIED MAIL: 7007 0710 0002 0384 5844

July 28, 2014

Philip Restifo
8101 W. Rosada Way
Las Vegas, NV 89149

Dear Mr. Restifo:

I, Sandra L. Merlino, County Clerk and Clerk of the Board of County Commissioners, Nye County, Nevada, do hereby certify that, as filed with the County Clerk on this date, the Board of County Commissioners, at its July 16, 2014 meeting in Pahrump, took action on your Special Use Permit applications SU-14-0008 and Waiver WV-14-0007.

The Nye County Board of County Commissioners conducted a public hearing concerning a request for a Special Use Permit SU-14-0008 to allow a medical marijuana establishment (cultivation) in a Light Industrial (LI) zoning district, on 3.78 acres located at 5101 S. Oakridge Avenue, Pahrump; and a Waiver Application WV-14-0007 a Waiver from the residential separation distance requirement, for a medical marijuana establishment (cultivation) in a Light Industrial (LI) zoning district, on 3.78 acres located at 5101 S. Oakridge Avenue, Pahrump.

After closing the hearing, the Board elected to approve your Special Use application 4-0 and subject to the Conditions of Approval listed below and voted 4-0 to remove your Waiver WV-14-0007.

MANDATORY CONDITIONS OF APPROVAL

The approval of any special use permit authorizing the operation of a medical marijuana establishment must contain at a minimum the following conditions:

1. The special use permit grantee must provide to the Nye County Planning Director a copy of the registration certificate issued by the State of Nevada prior to commencing operations.
2. The establishment must continue to meet all requirements for a medical marijuana establishment to qualify for and maintain its certificate of registration as set forth by State law.
3. The establishment must comply with all operating procedures required by State law.
4. The establishment must prohibit anyone from consuming marijuana on the premises.
5. If the establishment has signage, the signage shall be limited to one wall sign not to exceed two square feet in size.
6. The establishment must prohibit anyone under the age of eighteen years on the premises.

Nye County is an Equal Opportunity Employer
7. The establishment must prohibit medical marijuana activities including, without limitation, cultivating, growing, processing, displaying, selling or storage from being conducted outdoors.

8. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed facility.

9. The establishment must prevent medical marijuana or paraphernalia from being displayed or kept in a manner that is visible from outside the facility.

10. The establishment must install security surveillance cameras that monitor all entrances, along with the interior and exterior of the premises. Recordings from these cameras must be maintained in a retrievable manner for at least 90 days from the date recorded.

11. The establishment must install and maintain in good working condition robbery and burglary alarm systems.

12. The establishment must post a legible sign inside the facility stating that:
   a. The use or distribution of marijuana is a violation of federal law.
   b. The possession, use, or distribution of marijuana for non-medical purposes is a violation of state law.
   c. Consumption of marijuana on the premises is prohibited.
   d. No one under the age of eighteen years is permitted on the premises.

13. The special use permit grantee shall record a notarized affidavit in which the grantee acknowledges that the operation of a medical marijuana establishment is a violation of federal law.

14. The special use permit grantee shall record a notarized statement in which the grantee agrees to hold Nye County harmless against any federal law enforcement actions that may result from the activities of the medical marijuana establishment that is the subject of the special use permit.

SPECIAL CONDITIONS OF APPROVAL

15. If the State of Nevada, Division of Public and Behavioral Health, issues a Medical Marijuana Establishment (MME) Provisional Registration Certificate for the establishment for which the special use permit was granted by December 31, 2015, then the establishment must commence operations within 18 months of the date of issuance of the Provisional Registration Certificate otherwise the special use permit will expire. If the State of Nevada does not issue a MME Provisional Registration Certificate for the establishment for which the special use permit was granted by December 31, 2015 the special use permit will expire.

16. Property owner/applicant/grantee shall obtain all required local and state approvals, building permits, plan reviews, inspections, etc., for the establishment.

17. The special use permit grantee shall provide to the Planning Department prior to commencement of the establishment a copy of the recorded notarized affidavit in which the grantee acknowledges that the operation of the medical marijuana establishment is a violation of federal law.

18. The special use permit grantee shall provide to the Planning Department prior to commencement of the establishment a copy of the recorded notarized statement in which the grantee agrees to hold Nye County harmless against any federal law enforcement actions that may result from the activities of the medical marijuana establishment.

Nye County is an Equal Opportunity Employer
19. The special use permit grantee shall provide to the Planning Department prior to commencement of the establishment a copy of the recorded notarized statement in which the grantee agrees to hold Nye County harmless against any federal law enforcement actions that may result from the activities of the medical marijuana establishment.

20. Grantee shall submit a Security & Transportation Plan and obtain approval of the Nye County Planning Department and Nye County Sheriff's Office prior to the Board of County Commissioners issuing a Medical Marijuana Establishment License.

21. Grantee shall comply with all site development standards and requirements of the Pahrump Regional Planning District for commercial/industrial development projects.

22. Grantee shall submit a Water Impact Plan and obtain the approval of the Nye County Water District Governing Board prior to the Board of County Commissioners issuing a MME License.

Should you have any questions or need any additional information please contact the Planning Department in at (775) 751-4249.

Sandra L. Merlino, Nye County Clerk and Clerk of the Board of Nye County Commissioners
9. 11:00 – For Possible Action – Public Hearing, discussion and deliberation on Special Use Permit SU-2017-000043: a Special Use Permit to allow a recreational marijuana establishment (cultivation) in a Light Industrial (LI) zoning district, on 3.78 acres located at 5101 S. Oakridge Avenue, Pahrump, Assessor Parcel Number 44-521-41. Oakridge Enterprises LLC – Property Owner. Green Cross of America – Applicant. Peter Gnecco – Agent for Green Cross of America.

Commissioner Schinhofen said this was an operating medical marijuana establishment that wanted to do recreational. The State was waiting to issue them a recreational license until the County gave them an SUP.

Commissioner Schinhofen made a motion to approve the SUP and within 90 days they had to be open and operating; seconded by Commissioner Cox.

Commissioner Koenig opened and closed the public hearing.

The motion to approve the SUP and within 90 days they had to be open and operating passed with 4 yeas. Commissioner Borasky voted no.

BOARD OF COMMISSIONERS

20. 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.

21. 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.

22. 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.

23. For Possible Action – Discussion and deliberation regarding Commissioner Liaison / Representative positions.

The list was in the back-up.
NYE COUNTY AGENDA INFORMATION FORM

- **Department:** Planning
- **Category:** Regular Agenda Item
- **Agenda Date:** July 17, 2018
- **Contact:** Brett Waggoner
  - **Phone:** 775-751-4249
- **Return to:** Brett Waggoner
  - **Location:** Planning
  - **Phone:** 775-751-4249

**Action requested:**


**Complete description of requested action:**

Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.

**Expenditure Impact by FY(s):**

- No financial impact

**Routing & Approval (Sign & Date)**

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AGENDA ITEMS

Annual license renewal applications for Medical and Recreational Marijuana Establishments.

GENERAL INFORMATION SUMMARY

Nye County Code requires the annual renewal of Medical and Recreational Marijuana Establishment Licenses.

The applicants have paid the required license renewal application fees (pro-rated to June 30, 2019).

The following establishments are not current on their Nye County (2%) monthly sales fees:

- Green Cross of America, Inc.

See additional information attached.

RECOMMENDATION

Recommended BOCC Motion: "I motion to _________________(approve, approve with conditions, deny, continue, take no action on) the Medical & Recreational Marijuana Establishment License annual renewals."
## MARIJUANA ESTABLISHMENT BUSINESS LICENSE APPLICATION

**NYE COUNTY PLANNING DEPARTMENT**

See Reverse for Submittal Requirements

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**APPROVED NME SPECIAL USE PERMIT CASE #: [ ] RECEIPT #: 6284**

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

**NAME OF APPLICANT:** Peter Gnecce / GREEN CROSS OF AMERICA, Inc.

**NAME:** Peter Gnecce

**ADDRESS:** 3910 Chaffe Ave.

**CITY:** Pahrump

**STATE:** NV

**ZIP CODE:** 89061

**TELEPHONE/CELL:** 775-513-7107

**E-MAIL ADDRESS:** pete@greencrossofamericainc.com

**BUSINESS NAME OF MEDICAL MARIJUANA ESTABLISHMENT:** Green Cross of America, Inc.

**PHYSICAL ADDRESS/LOCATION OF MEDICAL MARIJUANA ESTABLISHMENT:** 5101 S. Oakridge Ave., Pahrump, NV 89048

**PROPERTY OWNER:** Farhad Aarya

**ASSESSOR'S PARCEL NUMBER(S):** 044-521-41

**TYPE OF MEDICAL MARIJUANA ESTABLISHMENT:** [ ] Dispensary [ ] Recreational [ ] Cultivation Facility

**DATE BUSINESS OPENED (IF APPLICABLE):**

**THIS APPLICATION CANNOT BE SUBMITTED UNLESS THE FOLLOWING 5 QUESTIONS ARE ANSWERED "YES":**

1. HAS NYE COUNTY APPROVED A SPECIAL USE PERMIT (SUP) FOR THE ESTABLISHMENT? [ ] YES [ ] NO DATE OF APPROVAL: 7/28/14
2. HAS A SECURITY & TRANSPORTATION PLAN BEEN APPROVED BY THE SHERIFF'S OFFICE? [ ] YES [ ] NO DATE OF APPROVAL: 10/30/15
3. HAS A WATER IMPACT PLAN BEEN APPROVED BY THE NYE COUNTY WATER DISTRICT BOARD? [ ] YES [ ] NO DATE OF APPROVAL: 2/10/15
4. HAS A CERTIFICATE (OR PROVISIONAL CERTIFICATE) BEEN ISSUED BY THE STATE OF NEVADA? [ ] YES [ ] NO DATE OF APPROVAL: 7/23/15
5. HAS A SITE DEVELOPMENT PLAN APPLICATION BEEN SUBMITTED TO NYE COUNTY PLANNING? [ ] YES [ ] NO DATE OF SUBMITTAL: 9/2/15
**Medical Marijuana Establishment Business License Application Effective May 2017**

**Renew license for Medical Marijuana Cultivation facility on property located at 5101 S. Oakridge Ave., Pahrump, NV 89048 as per Senate Bill 374 and Ny County Commissioners meeting of 3/19/14. Our Business plan call for a minimum of 20 full-time employees as well as numerous construction jobs from the Pahrump area.**

**Prior to submitting this application, please call (775) 751-4249 (Pahrump Office) to schedule an appointment**

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Nye County Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Nye County Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

(Signed)

Peter Greece

**Notary**

State of Nye County of

Signed and sworn to (or affirmed) before me on this day of 20

Notary Public

**See Attached**

<table>
<thead>
<tr>
<th>Application</th>
<th>Site Development Plan</th>
<th>Property Owner Affidavit</th>
<th>Justification Letter</th>
<th>Approval Letter/Certificate</th>
<th>List of Owners</th>
<th>Partnership Agreement</th>
<th>Felony Conviction Attestation</th>
<th>Application Fee</th>
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</tr>
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</table>

See Explanation of Document Submittal Requirements for MME License Applications on Page 3 for further details on the above documents.

**Procedures for Filing MME License Applications:**

A. After assembling the required materials as outlined above, schedule an appointment by calling the Nye County Planning Department at (775) 751-4249 (Pahrump Office). Filing an application without an appointment may delay your application processing and/or scheduled hearing(s). Only completed applications shall be accepted for filing.

B. **ATTENDANCE AT ALL SCHEDULED MEETINGS IS MANDATORY** — you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.

C. **Staff Report:** To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.

D. A letter indicating the Board's decision and all conditions of approval will be sent to the correspondent address on the application. The Board’s decision is final action unless appealed. Any person who is aggrieved by a final decision of the Board relating to a special use permit may appeal that decision to the District Court in accordance with NCC 16.36.

E. The Board has the authority to impose conditions, restrictions, safeguards and date of expiration on any license that is granted to ensure the health, safety and welfare of the public. The applicant is responsible for obtaining all required site development plan approvals, building permits, inspections, etc. YOUR MME LICENSE MAY BE APPROVED PRIOR TO FINAL APPROVAL OF THE SITE DEVELOPMENT PLAN; HOWEVER, THE ISSUANCE OF THE MME LICENSE SHALL BE CONDITIONAL UPON OBTAINING FINAL APPROVAL OF THE SITE DEVELOPMENT PLAN, OBTAINING ANY REQUIRED BUILDING PERMITS, AND COMPLETION OF ALL REQUIRED SITE IMPROVEMENTS. Failure to comply with such conditions shall be deemed as a violation. Any such person who knowingly continues the violation after receiving written notification of the violation is guilty of a misdemeanor.

Medical Marijuana Establishment Business License Application Effective May 2017
Prior to submitting this application, please call (775) 751-4249 (Pahrump Office) or to schedule an appointment.

I, We, the undersigned awa... unqualified to initiate this application under Nye County Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. I, We also authorize the Nye County Planning Department and its designers, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

Property Owner Signature

Notary Public

Documents Required for Submitting Special Use Permit Applications

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Application</th>
<th>Schedules</th>
<th>Property Owner Affidavit</th>
<th>Zoning Map</th>
<th>Business Plan</th>
<th>Jurisdiction Letter</th>
<th>Traffic Impact Analysis</th>
<th>Street-Front Drawing</th>
<th>Supplemental Information</th>
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<td>1*</td>
<td>$100.00</td>
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</tr>
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</table>

Superscript numbers on this table refer to the same number on the explanation of the document submission requirements for Special Use Permit Applications.

Procedures for Filing Special Use Permit Applications:
A. After assembling the required materials as outlined above, schedule an appointment by calling the Nye County Planning Department at (775) 751-4249 (Pahrump Office) or (775) 452-8181 (Tonopah Office). Filing an application without an appointment may delay your application processing and/or scheduled hearing(s). Only completed applications shall be accepted for filing.

B. ATTENDANCE AT ALL SCHEDULED MEETINGS IS MANDATORY - you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.

C. Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.

D. A letter indicating the Board’s decision and all conditions of approval will be sent to the correspondent address on the application. All conditions must be met before an occupancy permit or a business license will be issued. The Board’s decision is final action unless appealed. Any person who is aggrieved by a final decision of the Board relating to a special use permit may appeal that decision to the District Court in accordance with NCC 16.36

E. The Board has the authority to impose conditions, restrictions, safeguards and date of expiration on any special use permit that is granted to ensure the health, safety and welfare of the public. Failure to comply with such conditions shall be deemed as a violation. Any such person who knowingly continues the violation after receiving written notification of the violation is guilty of a misdemeanor.

Nye County Planning Department
www.nyeplanning.net

Pahrump Office
250 N. Highway 160, Suite 1
Pahrump, NV 89040
Phone: (775) 751-4249

Special Use Permit Application Effective March 2017
CALIFORNIA JURAT
(CALIFORNIA GOVERNMENT CODE § 8202)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF Los Angeles

Subscribed and sworn to (or affirmed) before me on this 24th day of January, 2018
by Faizhad Benjamin Benyati Delrohim, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

[Signature of Notary Public]

ADDITIONAL OPTIONAL INFORMATION

Description of Attached Document
Title or Type of Document: Document Date: 
Number of Pages: Signer(s) Other Than Named Above: 
Additional Information: 

[Signature of Notary Public]
(Notary Seal)

Notary Public - California
Los Angeles County
Commission # 2153035
My Comm. Expires May 14, 2026

Revision date 01/01/2015

Commissioner Schinhofen made a motion to approve items 42-51 and 54-56; seconded by Commissioner Wichman; 4 yeas. Commissioner Borasky voted nay.


Commissioner Schinhofen made a motion to approve items 42-51 and 54-56; seconded by Commissioner Wichman; 4 yeas. Commissioner Borasky voted nay.


Commissioner Schinhofen made a motion to approve items 42-51 and 54-56; seconded by Commissioner Wichman; 4 yeas. Commissioner Borasky voted nay.

56. For Possible Action – Discussion and deliberation regarding Recreational Marijuana Establishment License Annual Renewal Application RM-2018-000027: A request for renewal of a Recreational Marijuana Establishment License (distributor) located at 1541 E. Basin Avenue, Pahrump, Assessor Parcel #38-241-23. TGIG, LLC dba The Grove Wellness Center – Applicant.

Commissioner Schinhofen made a motion to approve items 42-51 and 54-56; seconded by Commissioner Wichman; 4 yeas. Commissioner Borasky voted nay.


Commissioner Schinhofen advised this license was delinquent in the 2% tax.
39. For Possible Action – Discussion and deliberation regarding Medical Marijuana Establishment Annual License Renewal Application MM-2018-000060- Cont’d.

Commissioner Schinhofen made a motion to approve for 30 days with the stipulation they were not late again. even if they did not make a sale they had to turn the form in, and there were no inter-company transfers so whatever was grown and went out of the building the 2% fee was paid on; seconded by Commissioner Wichman; 5 yeas.


Commissioner Schinhofen said he and Commissioner Koenig visited the property. They had not turned in their sales tax either, but more troubling was there were no products being grown and he witnessed no irrigation lines to grow even though they said they were moving forward on an expansion.

Commissioner Schinhofen made a motion to give them 90 days to get up, produce and again turn in their 2% tax form and not fail to do so in the next 90 days; seconded by Commissioner Wichman.

Commissioner Borasky stated when medical and recreational items were grouped together he would have to vote no on everything, but if the items were separated he would support medical.

The motion to give them 90 days to get up, produce and again turn in their 2% tax form and not fail to do so in the next 90 days passed with 4 yeas. Commissioner Borasky voted nay.
**NYE COUNTY AGENDA INFORMATION FORM**

- **Department:** Planning
- **Category:** Regular Agenda Item
- **Contact:** Darrell Lacy (Phone: 775-751-4249)
- **Agenda Date:** February 20, 2018
- **Return to:** Darrell Lacy (Phone: 775-751-4249)

**Action requested:**
(Include what, with whom, when, where, why, how much ($) and terms)

Discussion and deliberation on Recreational Marijuana Establishment Initial License Application RM-2018-000022: A request to issue a Recreational Marijuana Establishment License for a marijuana cultivation facility, located at 5101 S. Oakridge Avenue, Pahrump, NV. Assessor Parcel Number 044-521-41. Oakridge Enterprises, LLC – Property Owner. Peter Gnecco, Green Cross of America, Inc. – Applicant.

**Complete description of requested action:**
(Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)

Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.

**Expenditure Impact by FY(s):**
(Provide detail on Financial Form)

**Routing & Approval**
(Sign & Date)

| No financial impact |

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<th>Dept</th>
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<td>10.</td>
<td>County Manager</td>
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</table>
Meeting Date: February 20, 2018

AGENDA ITEMS


GENERAL INFORMATION SUMMARY

Applicant is requesting the issuance of an initial license for a Recreational Marijuana Establishment License for cultivation, for 5101 S. Oakridge Avenue, Pahrump.

Green Cross of America, Inc., was issued a Nye County MME license on August 16, 2016.

A Special Use Permit was approved by the BOCC to allow recreational marijuana at the subject location on January 16, 2018, contingent upon cultivation being started within 90-days.

The applicant has paid the required license application fees.

Green Cross of America has obtained the following approvals:

- Nye County Special Use Permit (BOCC) – medical and recreational cultivation
- Security & Transportation Plan (Nye County Sheriff)
- Water Impact Plan (Water District Governing Board)
- Site Development Plan (Planning/Public Works/Fire Department)
- Certificate of Occupancy (Building & Safety)
- MME Initial License (BOCC)
- State of Nevada Registration Certificate (State Division of Public Health)

RECOMMENDATION

Recommended BOCC Motion: “I motion to approve Recreational Marijuana Establishment Initial License Application RM-2018-000022.”
RECREATIONAL MARIJUANA ESTABLISHMENT BUSINESS LICENSE APPLICATION

NYE COUNTY PLANNING DEPARTMENT
See Reverse for Submittal Requirements
AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY

☐ RECREATIONAL MARIJUANA ESTABLISHMENT BUSINESS LICENSE (INITIAL APPLICATION)
☐ RECREATIONAL MARIJUANA ESTABLISHMENT BUSINESS LICENSE (ANNUAL RENEWAL)

ESTABLISHMENT TYPE
(CHECK ONLY ONE - A SEPARATE APPLICATION IS REQUIRED FOR EACH ESTABLISHMENT)
☐ MARIJUANA RETAIL STORE
☐ CULTIVATION FACILITY
☐ PRODUCTION FACILITY
☐ TESTING LABORATORY
☐ MARIJUANA DISTRIBUTOR

DATE FILED: 1-30-18  APPLICATION #: RM-2018-000022
DATE PROCESSED: 2-20-18
BOCC MEETING DATE: 2-20-18

FEES:
Retail Store:
☐ $15,000.00 (Initial Application)
☐ $7,500.00 (Annual Renewal)
Cultivation Facility:
☐ $5,000.00 (Initial Application)
☐ $2,500.00 (Annual Renewal)
Production Facility:
☐ $5,000.00 (Initial Application)
☐ $2,500.00 (Annual Renewal)
Testing Laboratory:
☐ $2,500.00 (Initial Application)
☐ $1,250.00 (Annual Renewal)
Marijuana Distributor:
☐ $5,000.00 (Initial Application)
☐ $1,250.00 (Annual Renewal)

APPROVED RECREATIONAL SPECIAL USE PERMIT CASE #: SU-2017-000008
RECEIPT #: 00007296

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

NAME OF APPLICANT: GREEN CROSS OF AMERICA INC. (PETER GNEISS CEO)

NAME: GREEN CROSS OF AMERICA INC.
ADDRESS: P.O. BOX 4838
CITY: LAS VEGAS
STATE: NV
ZIP CODE: 89061-4838
TELEPHONE/CELL: (775) 513-7107
E-MAIL ADDRESS: pete.greenmci@gmail.com

BUSINESS NAME OF RECREATIONAL MARIJUANA ESTABLISHMENT: GREEN CROSS OF AMERICA INC.
PHYSICAL ADDRESS/LOCATION OF RECREATIONAL MARIJUANA ESTABLISHMENT: 5101 S. OAKRIDGE AVENUE, LAS VEGAS, NV

PROPERTY OWNER: OAKRIDGE ENTERPRISES LLC
ASSSESSOR'S PARCEL NUMBER(S): 044-521-41

TYPE OF RECREATIONAL MARIJUANA ESTABLISHMENT:
☐ RETAIL STORE
☐ CULTIVATION FACILITY
☐ PRODUCTION FACILITY
☐ TESTING LABORATORY
☐ MARIJUANA DISTRIBUTOR

DATE BUSINESS OPENED (IF APPLICABLE):

THIS APPLICATION CANNOT BE SUBMITTED UNLESS THE FOLLOWING 4 QUESTIONS ARE ANSWERED "YES":
1. HAS NYE COUNTY APPROVED A SPECIAL USE PERMIT (SUP) FOR THE ESTABLISHMENT? YES ☐ NO ☐ DATE OF APPROVAL: 1-16-18
2. HAS A SECURITY & TRANSPORTATION PLAN BEEN APPROVED BY THE SHERIFF'S OFFICE? YES ☐ NO ☐ DATE OF APPROVAL: 1-16-18
3. HAS A WATER IMPACT PLAN BEEN APPROVED BY THE NYE COUNTY WATER DISTRICT BOARD? YES ☐ NO ☐ DATE OF APPROVAL: 1-16-18
4. HAVE YOU SUBMITTED A SITE DEVELOPMENT PLAN APPLICATION TO NYE COUNTY PLANNING? YES ☐ NO ☐ DATE OF SUBMISSION: 1-16-18

"I certify that the information given herein is correct and complete. I understand that the City of Las Vegas and the County of Las Vegas have the right to verify the accuracy of the information submitted, and will review any information in connection with the application."

Signature: ____________________________ Date: 1-30-18

RECREATIONAL MARIJUANA ESTABLISHMENT BUSINESS LICENSE APPLICATION Effective May 17, 2017
**Prior to submitting this application, please call (775) 761-4249 (Pahrump Office) or (775) 482-8181 (Tonopah Office) to schedule an appointment**

(I. We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (are, are) otherwise qualified to initiate this application under Nye County Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I. We) also authorize the Nye County Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

Signature of Applicant

Notary

State of

County of

Signed and sworn to (or affirmed) before me on this Day of Month Year

Name of person

Notary Public

Documents Required for Submitting Recreational Marijuana License Applications

<table>
<thead>
<tr>
<th>APPLICATION TYPE</th>
<th>Application</th>
<th>Site Development Plan</th>
<th>Property Owner Affidavit</th>
<th>Judication Letter</th>
<th>Approval Letter/Certificate</th>
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See Explanation of Document Submission Requirements for Recreational License Applications on Page 3 for further details on the above documents

Procedures for Filing Marijuana License Applications:

A. After assembling the required materials as outlined above schedule an appointment by calling the Nye County Planning Department at (775) 761-4249 (Pahrump Office) or (775) 482-8181 (Tonopah Office). Filing an application without an appointment may delay your application processing and/or scheduled hearing(s). Only completed applications shall be accepted for filing.

B. ATTENDANCE AT ALL SCHEDULED MEETINGS IS MANDATORY – you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.

C. Staff Report: To discuss a report or recommendation contact the Planning Department to resolve concerns prior to the hearing.

D. A letter indicating the Board’s decision and all conditions of approval will be sent to the correspondent address on the application. The Board’s decision is final action unless appealed. Any person who is aggrieved by a final decision of the Board relating to a special use permit may appeal that decision to the District Court in accordance with NCC 16.36.

E. The Board has the authority to impose conditions, restrictions, safeguards and date of expiration on any license that is granted to ensure the health, safety and welfare of the public. The applicant is responsible for obtaining all required site development plan approvals, building permits, inspections, etc. YOUR LICENSE MAY BE APPROVED PRIOR TO FINAL APPROVAL OF THE SITE DEVELOPMENT PLAN, HOWEVER, THE ISSUANCE OF THE LICENSE SHALL BE CONDITIONAL UPON OBTAINING FINAL APPROVAL OF THE SITE DEVELOPMENT PLAN, OBTAINING ANY REQUIRED BUILDING PERMITS, AND COMPLETION OF ALL REQUIRED SITE IMPROVEMENTS. Failure to comply with such conditions shall be deemed as a violation. Any such person who knowingly continues the violation after receiving written notification of the violation is guilty of a misdemeanor.
**RECREATIONAL MARIJUANA ESTABLISHMENT BUSINESS LICENSE APPLICATION**

NYE COUNTY PLANNING DEPARTMENT
See Reverse for Submittal Requirements

**AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY**

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<th>Establishment Type</th>
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<td>Retail Store</td>
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**APPROVED RECREATIONAL SPECIAL USE PERMIT CASE #:**

**NAME OF APPLICANT:** 
GREEN CROSS OF AMERICA, INC. (PETER GRECO, CEO)

**ADDRESS:** 
P.O. BOX 4838

**CITY:** 
Pahrump, NV

**STATE:** 
NV

**ZIP CODE:** 
89061

**PHONE/CELL:** 
(775) 713-3007

**EMAIL ADDRESS:** 
peter.greco@gmail.com

**BUSINESS NAME OF RECREATIONAL MARIJUANA ESTABLISHMENT:** 
GREEN CROSS OF AMERICA, INC.

**PHYSICAL ADDRESS/Locations OF RECREATIONAL MARIJUANA ESTABLISHMENT:** 
501 S. OAK RIDGE AVENUE, PAHRUMP, NV

**PROPERTY OWNER:** 
OAK RIDGE ENTERPRISES LLC

**ASSessor'S PARCEL NUMBER(S):** 
044-551-41

**TYPE OF RECREATIONAL MARIJUANA ESTABLISHMENT:** 
☐ RETAIL STORE  ☑ CULTIVATION FACILITY  
☐ PRODUCTION FACILITY  ☐ TESTING LABORATORY  
☐ MARIJUANA DISTRIBUTOR

**DATE BUSINESS OPENED (if applicable):**

**THIS APPLICATION CANNOT BE SUBMITTED UNLESS THE FOLLOWING 4 QUESTIONS ARE ANSWERED "YES":**

1. Has Nye County approved a special use permit (SUP) for the establishment?  **YES**  
**DATE OF APPROVAL:** 11/16/2018

2. Has a security & transportation plan been approved by the Sheriff's Office?  **YES**  
**DATE OF APPROVAL:**

3. Has a water impact plan been approved by the Nye County water district board?  **YES**  
**DATE OF APPROVAL:**

4. Have you submitted a site development plan application to Nye County Planning?  **YES**  
**DATE OF SUBMITTAL:**

Recreational Marijuana Establishment Business License Application Effective May 17, 2017
**Provide a brief summary of your request:** (Additionally, please provide a detailed description in an attached justification letter)

**To add to the existing medical marijuana license, so as to remain competitive as a grow facility doing cultivation. There will be no charges to the existing facility.**

*** Prior to submitting this application, please call (775) 751-4249 (Pahrump Office) or (775) 482-6181 (Tonopah Office) to schedule an appointment ***

(I, We), the undersigned swear and say that I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Nye County Code; that the information on the plans and drawings attached herein, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) authorize the Nye County Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

[Signature]

**State of**

**County of**

Signed and sworn to (or affirming) before me on this day of Month Year

[Signature]

Notary Public

**Documents Required for Submitting Recreational Marijuana License Applications**

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**Procedures for Filing Marijuana License Applications:**

A. After assembling the required materials as outlined above, schedule an appointment by calling the Nye County Planning Office at (775) 751-4249 (Pahrump Office) or (775) 482-6181 (Tonopah Office). Filing an application without an appointment may delay your application processing and/or scheduled hearing(s). Only completed applications shall be accepted for filing.

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D. A letter indicating the Board's decision and all conditions of approval shall be sent to the correspondent address on the application. The Board's decision is final action unless appealed. Any person who is aggrieved by a final decision of the Board relating to a special use permit may appeal that decision to the District Court in accordance with NCC 15.98.

E. The Board has the authority to impose conditions, restrictions, safeguards, and data of expiration on any license that is granted to ensure the health, safety, and welfare of the public. The applicant is responsible for obtaining all required site development plan approval, building permits, inspections, etc. YOUR LICENSE MAY BE APPROVED PRIOR TO FINAL APPROVAL OF THE SITE DEVELOPMENT PLAN; HOWEVER, THE ISSUANCE OF THE LICENSE SHALL BE CONDITIONAL UPON OBTAINING FINAL APPROVAL OF THE SITE DEVELOPMENT PLAN, OBTAINING ANY REQUIRED BUILDING PERMITS, AND COMPLETION OF ALL REQUIRED SITE IMPROVEMENTS. Failure to comply with such conditions shall be deemed a violation. Any such person who knowingly continues the violation after receiving written notice of the violation is guilty of a misdemeanor.

[Recreational Marijuana Establishment Business License Application生效日期] May 17, 2017
CALIFORNIA JURAT
(CALIFORNIA GOVERNMENT CODE § 8202)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF Los Angeles

Subscribed and sworn to (or affirmed) before me on this 24th day of January, 2018

by Faizad Benjamin Arya Delrahim, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

Description of Attached Document

Title or Type of Document: ____________________________ Document Date: ____________________________

Number of Pages: _______ Signer(s) Other Than Named Above: ____________________________

Additional Information: ____________________________
U29/618

Nye County Planning Department
Pahrump Office
265 N. Highway 160, Suit 1
Pahrump, NV 89060

Justification Letter

Green Cross of America, Inc. received the State of Nevada Marijuana Cultivation Facility License, Department of Taxation for Wholesale Marijuana. Further, we have been approved by the Nye County Board of Commissioners for our Special Use Permit for Recreational Marijuana Grow Facility.

Green Cross is making no changes to the facility, its water use or any other material changes except for using Wholesale tags on our plants to remain competitive in the marijuana market in Nevada. All owners will remain the same and all officers will remain the same.

Respectfully,

Peter Grecce

CEO Green Cross of America, Inc.
STATE OF NEVADA MARIJUANA CULTIVATION FACILITY LICENSE
DEPARTMENT OF TAXATION

Issued Date: 01/01/2018
Expiration Date: 12/31/2018

License is valid for one year from the date of issuance.

GREEN CROSS OF AMERICA INC
5101 OAKRIDGE AVE
PAHRUMP NV 89048-7421

AS DEFINED BY NRS CHAPTER 453D

Signature

MUST BE DISPLAYED IN PUBLIC VIEW AT LICENSE LOCATION

----------

Attached is your NEVADA Marijuana Cultivation Facility License. A single number, the TID (Taxpayer Identification Number), identifies a taxpayer for MOST tax types. Please use your TID and LOC (Location Number) in correspondence or telephone calls to the Department.

As stated on the application or renewal, this license is valid from 01/01/2018 to 12/31/2018.

The Department of Taxation has forms, publications and information available via the internet at http://tax.nv.gov.

This license authorizes the holder to cultivate, process, and package marijuana, to have marijuana tested by a marijuana testing facility, and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities. The Wholesale Marijuana excise tax is 15% of the fair market value at wholesale of the marijuana.

Returns along with the appropriate tax are due the last day of the month following activity. A return must be filed whether or not a liability exists.

By accepting this license, I certify that I understand that I am required to comply with all State of Nevada laws, including, but not limited to NRS 453D and NAC 453D, and that noncompliance may result in penalties, suspension or revocation of this license and criminal prosecution.

This Nevada Marijuana Cultivation Facility License has been issued pursuant to an application or renewal duty filed and payment of prescribed fees and bond if applicable. This License shall be considered valid unless canceled, suspended or revoked for good cause in accordance with NRS chapter 453D.

OFFICE LOCATION:

Nevada Department of Taxation
1550 College Pkwy
Suite 115
Carson City NV 89706
(775) 684-2000

In the event of an address change, please notify the Department of Taxation immediately in order to direct any correspondence to your new address.
40. Presentation regarding the Tonopah Ambulance Service status.-Cont'd.

Dave Stevens stated when it came to a person's life money should not matter.

41. For Possible Action – Discussion and deliberation regarding approval of a Cooperative Equipment and Operating Agreement with the Department of Conservation and Natural Resources, Division of Forestry for the purpose of loaning fire engines to Nye County for training and response to wildfires.

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

FINANCE

42. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2018-11: A Resolution to Augment and Amend the 2017-2018 Budget of Nye County, State of Nevada.

Fund 10207 Regional Streets & Hwy Fund in the amount of $439,772.
Fund 10208 Public Transit Fund in the amount of $286,022.
Fund 10209 Airport Fund in the amount of $25,322.
Fund 10234 Public Safety Sales Tax – Sheriff Fund in the amount of $42,877.
Fund 10255 Renewable Energy Fund in the amount of $10,890.
Fund 10281 Senior Nutrition Fund in the amount of $24,778.
Fund 10282 Ambulance and Health Fund in the amount of $31,449.
Fund 68101 Smoky Valley Television District in the amount of $9,814.

Commissioner Wichman made a motion to adopt Resolution No. 2018-11; seconded by Commissioner Cox; 4 yeas.

PLANNING/BUILDING/ CODE COMPLIANCE

43. For Possible Action – Discussion and deliberation on Recreational Marijuana Establishment Initial License Application RM-2018-000022: A request to issue a Recreational Marijuana Establishment License for a marijuana cultivation facility, located at 5101 S. Oakridge Avenue, Pahrump, NV. Assessor Parcel Number 044-521-41. Oakridge Enterprises, LLC – Property Owner. Peter Gnecco, Green Cross of America, Inc. – Applicant.

Commissioner Wichman asked if everything was in order.

Brett Waggoner said they had been doing quarterly inspections and there were some issues mainly with the security system which they indicated they were in the process of rectifying. If the Board were to approve this Mr. Waggoner said he would like it to be a conditional approval that they go back out and re-inspect in 30 days or so and make sure the security system was back up and running.
43. For Possible Action – Discussion and deliberation on Recreational Marijuana Establishment Initial License Application RM-2018-000022-Cont’d.

Commissioner Wichman made a motion to approve contingent upon them passing their inspection within 30 days; seconded by Commissioner Cox.

John Bosta reviewed the history of this permit. He stated the Board did not have the authority to give a marijuana tax permit inside the boundaries of the town. Mr. Bosta was notifying the Board that this was underneath the color of the law.

The motion to approve contingent upon them passing their inspection within 30 days passed with 3 yeas. Commissioner Borasky voted no.

44. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Annual Renewal Application MM-2017-000052: A request for the annual renewal of a Medical Marijuana Establishment License (cultivation) for Green Life Productions, LLC, located at 1205 S. Loop Road, Pahrump, NV, Assessor Parcel Number 035-381-35. Green Life Productions, LLC – Applicant. Mike Floyd, Managing Member – Agent.

Commissioner Wichman made a motion to approve the annual renewal; seconded by Commissioner Cox.

John Bosta reviewed the history of this permit. The back-up indicated there were no violations, but Mr. Bosta advised that three or four months ago people were complaining about the smell at the post office and the RV park because the filters were not operating properly. He said the Board was re-issuing a license which it did not have the authority to do as it was inside the town, a direct violation of Assembly Bill 487. He said the Board continued to act underneath the color of the law.

Brett Waggoner confirmed everything was in order.

Commissioner Wichman said her motion stood.

Mike Floyd from Greenway Productions said they were the second medical marijuana business in Nevada to be approved by the State. They received their SUP in July, 2014, and their first County license in December, 2014.

Commissioner Cox said she remembered him coming to the Board and also thought the issues with the odors were rectified.

The motion to approve the annual renewal passed with 4 yeas.
45. For Possible Action – Discussion and deliberation on Tentative Commercial Subdivision Application TM-2017-000010 (Spring Mountain Commercial): A tentative subdivision map application to allow a commercial subdivision on approximately 21.78 acres of property zoned General Commercial (GC), located at 3651 S. Nevada Highway 160, Pahrump, NV. Assessor Parcel Number 027-741-05. Spring Mountain Commercial, LLC – Property Owner/Applicant. Russ Meads, Double M Construction – Agent for Spring Mountain, LLC.

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

46. GENERAL PUBLIC COMMENT (second)

Don Cox said as far as he could gather there was only one Commissioner that took a tour of the Love Ranch. He felt if the Commissioners were going to make decision on a business they should go check it out.

Dave Stevens spoke about Tina Trenner coming to his house.

Dwight Lilly talked about the commerce tax and how there had been no improvements seen in K-12 education even though the amount of money spent on it had tripled since 1960. He did not think it was a money problem but rather a problem with the way it was being approached.

40. ADJOURN

Commissioner Koenig adjourned the meeting.

APPROVED this ________________ day ATTEST:

Of ____________________________, 2018.

__________________________________  ______________________________
Chair  Nye County Clerk / Deputy
RM-2018-000022 is a Recreational Marijuana Establishment Initial License for a marijuana cultivation facility, located at 5101 S. Oakridge Ave., Pahrump, NV., APN 044-521-41, by Green Cross of America, Inc.

Green Cross of America was issued SUP-14-0008 to allow a medical marijuana establishment (cultivation) in a Light Industrial (LI) zoning district, on 3.78 acres located at 5101 S. Oakridge Ave., Pahrump, APN 44-521-41.

May 3, 2016 the applicant Green Cross of America received an Extension of Time of a Special Use Permit, ET-2016-000008, to allow a medical marijuana establishment (cultivation) at 5101 S. Oakridge Ave., Pahrump, APN 44-521-41

Aug. 16, 2016 the applicant Green Cross of America received a Medical Marijuana Establishment License (Initial) MM-2016-000006 for a proposed medical marijuana establishment (cultivation) located at 5101 S. Oakridge Ave., Pahrump, APN 029-311-13

Pursuant to the Special Conditions of Approval, Section 15; If the State of Nevada, Division of Public and Behavioral Health, issues a Medical Marijuana Establishment (MME) Provisional Certificate for the establishment for which the special use permit was granted by December 31, 2015, then the establishment must commence operation within 18 months of the date of issuance of the Provisional Registration Certificate otherwise the special use permit will expire.

If the State of Nevada does not issue a MME Provisional Registration Certificated for the establishment for which the special use permit was granted by December 31, 2015 the special use permit will expire.

Amendment No. 901 to Senate Bill No. SB 487:
Sec. 15. Chapter 244 of NRS is hereby amended by adding

1. Except as otherwise provided in this section, a board of county commissioners shall not fix, impose or collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county.
2. Except as otherwise provided in subsection 3, a board of county commissioners may fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns.

It is my opinion that RM-2018-000022 is an application under the Color of the Law.
Respectfully submitted;

John F. Bosta
Departments: Planning

Category: Timed Agenda Item – 10:45 a.m.

Contact: Brett Waggoner

Return to: Amanda VanHouten

Location: Pahrump

Action requested: (Include what, with whom, when, where, why, how much ($) and terms)

Discussion and deliberation to revoke, pursuant to Nye County Code Chapter 5.32, Marijuana and Medical Marijuana Licensing: 1) Medical Marijuana License MM-2018-000060; and 2) Recreational Marijuana License RM-2018-000022 located at 5101 S. Oakridge Ave, Pahrump, NV, Assessor Parcel Number 044-521-41, pursuant to Nye County Code 5.32.100(B) for failure to comply with Nye County Code 5.32.110, Transferability. Oakridge Enterprises, LLC Property Owner. Peter Gnecco, Green Cross of America, Inc. Licensee.

Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)

Staff has submitted for backup documentation regarding the sale of the business.

Nye County Code 5.32.100(B) Penalty for Violation, provides: In addition to any criminal punishment as may be imposed, any violation of this chapter may result in the revocation of any license issued pursuant to this chapter and result in the forfeiture of any and all property as described in Nevada Revised Statutes 453.301. The civil penalties provided for hereunder are intended to be cumulative and in addition to any criminal fines or punishments imposed. (Ord. 519, 2017)

Nye County Code 5.32.110, Transferability, provides: Licenses shall not be in any manner transferable or assignable, nor shall any person other than as named in the license be authorized to conduct the business, unless such transfer is approved by the State of Nevada and Nye County Board of Commissioners. (Ord. 519, 2017)

Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.

Expenditure Impact by FY(s): (Provide detail on Financial Form)

Routing & Approval (Sign & Date)

1. Dept Date
2. Date
3. Date
4. Date
5. Date
6. Date
7. HR
8. Legal
9. Finance
10. County Manager

Exhibit: No financial impact
NYE COUNTY BOARD OF COUNTY COMMISSIONERS  
CODE COMPLIANCE STAFF REPORT

Meeting Date and Time: February 19, 2019 10:45am

Agenda Item: Discussion, deliberation and possible decision to revoke Nye County Code Chapter 5.32, Marijuana and Medical Marijuana Licenses 1) Medical Marijuana License MM-2018-000060; and 2) Recreational Marijuana License RM-2018-000022. Located at 5101 S. Oakridge Ave. Pahrump, NV. Peter Gnecco Applicant, Green Cross of America, Inc., Oakridge Enterprises LLC Property Owner. pursuant to Nye County Code 5.32.100(B) for failure to comply with Nye County Code 5.32.110, Transferability,

GENERAL INFORMATION SUMMARY

Green Cross of America was awarded a renewal of their Medical Marijuana Business License on July 17, 2018, and of their Recreational Marijuana Business License on February 20, 2018.

During a routine quarterly inspection of Green Cross of America located at 5101 S. Oakridge Ave. Pahrump, NV Peter Gnecco disclosed to Code Compliance Officer Amanda Van Houten, Code Compliance officer Mark Gancarz, and Detective Christopher Sehnert that Green Cross of America sold their establishment to Exhale Brands Nevada LLC. Mr. Gnecco provided the officers with a copy of the asset purchase agreement and a letter of transfership from the State of Nevada Department of Taxation.

To this date Nye County Planning has no record of any applications being submitted to transfer Medical or recreational marijuana business licenses.

Green Cross of America, Inc. has habitually paid the 2% medical and recreation sales fees that are required per NCC to the Nye County Treasure late. See attached email from C. Sandoval Administrative Secretary.

RECOMMENDATION

STAFF RECOMMENDATION

Staff recommends confirming that violations of Nye County Code exists; and revoke Medical Marijuana License MM-2018-000060 and Recreational Marijuana License RM-2018-000022 for failure to comply with Nye County Code 5.32.110 Transferability, 5.32.050. C Medical Marijuana License Fees, and 5.32.055.C; Marijuana License Fees (Recreational Marijuana Establishments).

RECOMMENDED BOC MOTION

"I motion to confirm violations exist, pursuant to Nye County Code 5.32.100(B) for failure to comply with Nye County Code 5.32.110; Transferability, and to revoke Medical Marijuana License MM-2018-000060; and Recreational Marijuana License RM-2018-000022"
APPLICABLE REGULATIONS

5.32.100: PENALTY FOR VIOLATION

A. Persons found guilty of violating any of the provisions of this chapter are guilty of a misdemeanor and subject to a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00), or by imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment. Nothing herein contained shall be construed as limiting any prosecution for acts related to a violation of the Uniform Controlled Substances Act as set forth in chapter 453 of the Nevada Revised Statutes.

B. In addition to any criminal punishment as may be imposed, any violation of this chapter may result in the revocation of any license issued pursuant to this chapter and result in the forfeiture of any and all property as described in Nevada Revised Statutes 453.301. The civil penalties provided for hereunder are intended to be cumulative and in addition to any criminal fines or punishments imposed. (Ord. 519, 2017)

5.32.110: TRANSFERABILITY

Licenses shall not be in any manner transferable or assignable, nor shall any person other than as named in the license be authorized to conduct the business, unless such transfer is approved by the State of Nevada and Nye County Board of Commissioners. (Ord. 51, 2017)

APPEAL

Any person who is aggrieved by a final decision of the board may appeal that decision to the District Court by filing a petition for judicial review within twenty-five (25) calendar days after the date of filing of notice of the decision with the clerk of the board.

LIST OF ATTACHMENTS

Recreational Special Use Permit- Final Action Memorandum
Recreational Marijuana Business License- Final Action Memorandum
Medical Special Use Permit- Final Action Memorandum
Medical Marijuana Business License Renewal- Final Action Memorandum
State of Nevada Department of Taxation-MME Ownership Change
Asset Purchase Agreement
Nevada Secretary of State- Green Mining Concepts INC
Nevada Secretary of State- Exhale Brands Nevada LLC
Accounting summery- C. Sandoval
NOTICE OF LICENSE REVOCATION HEARING

February 8, 2019

Green Cross of America, Inc
Attn: Peter Gnecco
5101 S Oakridge Avenue
Pahrump, NV 89048

This correspondence is to notify you that the Nye County Board of County Commissioners is scheduled to hear and may take action to revoke your Medical Marijuana License (MM-2018-000060) and Recreational Marijuana License (RM-2018-000022) on February 19, 2018 at 10:45 A.M., in the commissioner chambers, 2100 E. Walt Williams Drive, Pahrump, Nevada 89048.

During an investigation on January 30, 2019 the following violations were discovered:

It was disclosed to Nye County Code Compliance, and Nye County Sheriff’s office by Peter Gnecco that Green Cross of America was sold to a new Corporation; Exhale Brands Nevada LLC on November 21, 2018.

5.32.110 Marijuana and Medical Marijuana Establishments; Transferability.

Licenses shall not be in any manner transferable or assignable, nor shall any person other than as named in the license be authorized to conduct the business, unless such transfer is approved by the State of Nevada and Nye County Board of Commissioners. (Ord. 519, 2017)

Per the above reference codes transfer ship of the license(s) is possible however; to this date Nye County shows no record of approving, nor received applications for the transfer of the above referenced licenses.

An Audit of fees paid to the Nye County Treasurer shows that you are delinquent in submitting your monthly Business License Sales Fees. Medical and Recreational Sales fees have not been received since July 2018.

5.32.060.C Marijuana License Fees (Medical)

In addition to the fees specified in subsection A of this section, every medical marijuana establishment, as a condition of the granting of a medical marijuana establishment license or renewal, shall pay no later than ten (10) working days following the first day of each month, a monthly business license fee to Nye County, equivalent to two percent (2%) of the total value of all medical marijuana or medical marijuana products that were produced, manufactured, sold or distributed by the medical marijuana establishment for the previous month. (Ord. 519, 2017).

5.32.055 C Marijuana License Fees (recreational marijuana Establishments)
In addition to the fees specified in subsection A of this section, every marijuana establishment, as a condition of the granting of a marijuana establishment license or renewal, shall pay no later than ten (10) working days following the first day of each month, a monthly business license fee to Nye County, equivalent to two percent (2%) of the total value of all marijuana or marijuana products that were produced, manufactured, sold or distributed by the marijuana establishment for the previous month. (Ord. 519, 2017).

A determination by the Board of County Commissioners of failure to comply with any of the conditions of the approved applications or Nye County Code shall be deemed just cause for revoking the Medical and Recreational Business Licenses. The Board of County Commissioners may, without further notice, take administrative action if such administrative action is warranted and revoke your licenses at the hearing. If those licenses are revoked, per Nye County Code the

Persons found guilty of violating any of the provisions of this chapter are guilty of a misdemeanor and subject to a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00), or by imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment. Nothing herein contained shall be construed as limiting any prosecution for acts related to a violation of the Uniform Controlled Substances Act as set forth in chapter 453 of the Nevada Revised Statutes. (NCC 5.32.100 A)

Should the Board choose to take action and revoke your Licenses you do have an appeal process. Any person who is aggrieved by a final decision of the board may appeal that decision to the District Court by filing a petition for judicial review within twenty-five (25) calendar days after the date of filing of notice of the decision with the clerk of the board.

If you have any questions, please contact the Planning Department by phone at (775) 751-4249, fax at (775) 751-4324.

Amanda VanHouten  
Code Compliance Officer

CC: Board of County Commissioners  
Tim Sutton, Nye County Manager  
Sharon Wehrly, Nye County Sheriff  
Green Mining Concepts, INC  
File
## EXHALE BRANDS NEVADA LLC

### Business Entity Information

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**Entity Number:** E0112672017-7  
**File Date:** 3/9/2017  
**List of Officers Due:** 3/31/2019  
**Expiration Date:** 3/31/2019  
**Business License Exp:** 3/31/2019

### Additional Information

**Central Index Key:**

### Registered Agent Information

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<th>Name</th>
<th>SAMUEL ROWE</th>
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<tbody>
<tr>
<td>Address 1</td>
<td>81 BROKEN ROCK DR</td>
</tr>
<tr>
<td>State</td>
<td>NV</td>
</tr>
<tr>
<td>Phone</td>
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**Agent Type:** Noncommercial Registered Agent

### Financial Information

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**No stock records found for this company**

### Officers

**Managing Member - GREEN MINING CONCEPTS, INC.**

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### Actions/Amendments

- **Action Type:** Articles of Organization  
  - **Document Number:** 20170104581-99  
  - **File Date:** 3/9/2017  
  - **# of Pages:** 2  
  - **(No notes for this action)**

- **Action Type:** Initial List  
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[Link: https://www.nvcsa.gov/soseithysearch/PrintCorp.aspx?hx8mvq=cFad6ETNhYqo56qXvAbdAA%253d%253d]
# GREEN MINING CONCEPTS INC

## Business Entity Information

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## Additional Information

Central Index Key:  

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<th>81 BROKEN ROCK DR</th>
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## Financial Information

| No Par Share Count: | 0     | Capital Amount: | $50,000.00 |
| Par Share Count:    | 50,000,000.00 | Par Share Value: | $0.001 |

## Officers

### President - PETE FINDLEY

| Address 1:        | 222 KAREN AVE. SUITE 3807 | Address 2: |
| City:             | LAS VEGAS           | State:     |
| Zip Code:         | 89109               | Country:   |
| Status:           | Active              | Email:     |

### Secretary - PETE FINDLEY

| Address 1:        | 222 KAREN AVE. SUITE 3807 | Address 2: |
| City:             | LAS VEGAS           | State:     |
| Zip Code:         | 89109               | Country:   |
| Status:           | Active              | Email:     |

### Treasurer - PETE FINDLEY

<p>| Address 1:        | 222 KAREN AVE. SUITE 3807 | Address 2: |
| City:             | LAS VEGAS           | State:     |
| Zip Code:         | 89109               | Country:   |</p>
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<tr>
<td>Director - PETE FINDLEY</td>
<td></td>
</tr>
<tr>
<td>Address 1: 222 KAREN AVE. SUITE 3807</td>
<td>Address 2:</td>
</tr>
<tr>
<td>City: LAS VEGAS</td>
<td>State: NV</td>
</tr>
<tr>
<td>Zip Code: 89109</td>
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### Actions & Amendments

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<td>Initial Stock Value: Par Value Shares: 50,000,000 Value: $ 0.001 No Par Value Shares: 0</td>
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https://www.nvceos.gov/sosentitysearchPrintCorp.aspx?ldSnvq=-8%252f1ckcEGGsfFShx7hAc%252b8iw%253d%253d2
This Asset Purchase Agreement (this "Agreement") is entered into as of May 22, 2018 (the "Effective Date"), by and between EXHALE BRANDS FAHRUMP LLC, a Nevada limited liability company ("Purchaser"), and GREEN CROSS OF AMERICA INC, a Nevada corporation ("Seller").

RECITALS

A. Seller is engaged in the business of cultivating, and selling Medical and Recreational Marijuana and all associated derivatives and products, under multiple State of Nevada Department of Taxation licenses (as defined below), being referred to herein as the "Business";

B. Purchaser is interested in purchasing, and Seller is interested in selling, certain assets related to the Business, as more fully described herein. The sale and transfer of Seller’s existing State licenses to Purchaser, as well as all associated State or County business licenses, is a contingent factor and a condition precedent to Closing. Additionally, Purchaser, by separate agreement is buying the real property associated with Seller’s business. These transactions shall close simultaneously, or as agreed to between Purchaser and the Property Owner. Purchaser’s acquisition of an agreement to acquire the real property or the right to operate from the real property is a contingent factor and condition precedent to Closing this Transaction; and

C. The parties hereto desire that Seller sell, assign, transfer and convey to Purchaser, and that Purchaser purchase from Seller, the Assets (as defined below) in exchange for the consideration set forth herein, all according to the terms and subject to the conditions set forth in this Agreement (the "Transaction").

NOW, THEREFORE, in consideration of the representations, warranties and covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows.

ARTICLE I

PURCHASE AND SALE OF ASSETS

1.1 Purchase and Sale of Assets and Assumption of Assumed Liabilities.

(a) Upon the terms and subject to the conditions set forth in this Agreement, effective as of the Closing Date (as defined below), Seller agrees to sell, assign, transfer, convey and deliver to Purchaser, and Purchaser agrees to purchase from Seller, all of Seller’s right, title and interest in and to the Assets, free and clear of all Encumbrances (other than Permitted Encumbrances).

(b) In connection with the Transaction, on the Closing Date, Seller shall take any and all actions that may be required, or reasonably requested by Purchaser, to transfer good, valid and marketable title to all of the Assets, free and clear of all Encumbrances (other than Permitted Encumbrances), to Purchaser, and Seller shall deliver possession of all of the Assets to Purchaser on the Closing Date. Seller shall further deliver to Purchaser proper assignments, bills of sale,
a. **LEASE**: The sale is contingent upon Purchaser obtaining, within 10 Days After Acceptance, the assignment, new lease, option to extend, or other lease provision acceptable to Purchaser. Purchaser shall submit an application for such lease to Seller's landlord within 5 Days After Acceptance.

6. **PURCHASE OF REAL PROPERTY**: The sale is contingent upon Purchaser's obtaining an option to purchase the real property in which the Business operates. A separate Real Property Purchase Agreement is required.

7. **LICENSES**: This sale is contingent upon Purchaser's obtaining, prior to the Close Of Escrow, the license(s) required for the operation of the facility as contemplated by this agreement. Purchaser shall apply for such license(s) within 5 Days After Acceptance:

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of May 22, 2018.

GREEN CROSS OF AMERICA INC

By: [Signature]

Name: [Name]

Its: [Title]

EXHALE BRANDS PAHRUMP LLC

By: [Signature]

Name: [Name]

Its: [Title]
November 21, 2018

Peter Gnecco
Green Cross of America Inc.
P.O. Box 4838
Pahrump, NV 89041

Subject: MME Ownership Change
State of Nevada Application ID & Tax Identification Numbers:
C035 - 59236238729804377085
TID #1029130140-001

Dear Mr. Gnecco:

Your Notice of Transfer of Interest pertaining to the ownership of the above referenced MME(s) has been reviewed and APPROVED. Effective immediately, your MME(s) and ownership Schedule of Interest is recorded as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>% Held</th>
</tr>
</thead>
<tbody>
<tr>
<td>Green Mining Concepts, Inc.</td>
<td>100.00%</td>
</tr>
<tr>
<td>Peter Findlay, Chief Executive Officer</td>
<td>043- 948- 8844</td>
</tr>
<tr>
<td>Baxter Baldwin, President</td>
<td>062- 500- 7577</td>
</tr>
<tr>
<td>Jeremy Kiefer, Chief Financial Officer</td>
<td>204- 719- 0881</td>
</tr>
<tr>
<td>Total</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

Please feel free to contact us at marijuana@tax.state.nv.us if you have any questions.

Sincerely,

Steve Gilbert, Program Manager II
Department of Taxation, Marijuana Enforcement Division
February 6, 2018

Green Cross of America
P.O. Box 4838
Pahrump, NV 89041-4838

I, Sandra L. Merlino, County Clerk and Clerk of the Board of County Commissioners, Nye County, Nevada, do hereby certify that, as filed with the County Clerk on this date, the Board of County Commissioners, at its January 16, 2018 meeting, took action on your Special Use Permit Application SU-2017-000043.

The Nye County Board of County Commissioners conducted public hearing on a request Special Use Permit SU-2017-000043: a Special Use Permit to allow a recreational marijuana establishment (cultivation) in a Light Commercial (LI) zoning district, on 3.78 acres located at 5101 S. Oakridge Avenue, Pahrump, Assessor Parcel #44-521-41. Oakridge Enterprises LLC Property Owner. Green Cross of America Applicant. Peter Gnecco - Agent for Green Cross of America.

After conducting the public hearing the Board voted 4 to approve your application with the requirement that cultivation be started within 90 days of approval.

Should you have any questions or need any additional information please contact the Planning Department in Pahrump at (775) 751-4246.

Sandra L. Merlino, Nye County Clerk and Clerk of the Board of Nye County Commissioners
FINAL ACTION MEMORANDUM

CERTIFIED MAIL: 7007 0710 0002 0384 5844

July 28, 2014

Philip Restifo
8101 W. Rosada Way
Las Vegas, NV 89149

Dear Mr. Restifo:

I, Sandra L. Merlino, County Clerk and Clerk of the Board of County Commissioners, Nye County, Nevada, do hereby certify that, as filed with the County Clerk on this date, the Board of County Commissioners, at its July 16, 2014 meeting in Pahrump, took action on your Special Use Permit applications SU-14-0008 and Waiver WV-14-0007.

The Nye County Board of County Commissioners conducted a public hearing concerning a for request for a Special Use Permit SU-14-0008 to allow a medical marijuana establishment (cultivation) in a Light Industrial (LI) zoning district, on 3.78 acres located at 5101 S. Oakridge Avenue, Pahrump; and a Waiver Application WV-14-0007 a Waiver from the residential separation distance requirement, for a medical marijuana establishment (cultivation) in a Light Industrial (LI) zoning district, on 3.78 acres located at 5101 S. Oakridge Avenue, Pahrump.

After closing the hearing, the Board elected to approve your Special Use application 4-0 and subject to the Conditions of Approval listed below and voted 4-0 to remove your Waiver WV-14-0007.

MANDATORY CONDITIONS OF APPROVAL

The approval of any special use permit authorizing the operation of a medical marijuana establishment must contain at a minimum the following conditions:

1. The special use permit grantee must provide to the Nye County Planning Director a copy of the registration certificate issued by the State of Nevada prior to commencing operations.
2. The establishment must continue to meet all requirements for a medical marijuana establishment to qualify for and maintain its certificate of registration as set forth by State law.
3. The establishment must comply with all operating procedures required by State law.
4. The establishment must prohibit anyone from consuming marijuana on the premises.
5. If the establishment has signage, the signage shall be limited to one wall sign not to exceed two square feet in size.
6. The establishment must prohibit anyone under the age of eighteen years on the premises.

Nye County is an Equal Opportunity Employer
7. The establishment must prohibit medical marijuana activities including, without limitation, cultivating, growing, processing, displaying, selling or storage from being conducted outdoors.

8. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed facility.

9. The establishment must prevent medical marijuana or paraphernalia from being displayed or kept in a manner that is visible from outside the facility.

10. The establishment must install security surveillance cameras that monitor all entrances, along with the interior and exterior of the premises. Recordings from these cameras must be maintained in a retrievable manner for at least 90 days from the date recorded.

11. The establishment must install and maintain in good working condition robbery and burglary alarm systems.

12. The establishment must post a legible sign inside the facility stating that:
   a. The use or distribution of marijuana is a violation of federal law.
   b. The possession, use, or distribution of marijuana for non-medical purposes is a violation of state law.
   c. Consumption of marijuana on the premises is prohibited.
   d. No one under the age of eighteen years is permitted on the premises.

13. The special use permit grantee shall record a notarized affidavit in which the grantee acknowledges that the operation of a medical marijuana establishment is a violation of federal law.

14. The special use permit grantee shall record a notarized statement in which the grantee agrees to hold Nye County harmless against any federal law enforcement actions that may result from the activities of the medical marijuana establishment that is the subject of the special use permit.

**SPECIAL CONDITIONS OF APPROVAL**

15. If the State of Nevada, Division of Public and Behavioral Health, issues a Medical Marijuana Establishment (MME) Provisional Registration Certificate for the establishment for which the special use permit was granted by December 31, 2015, then the establishment must commence operations within 18 months of the date of issuance of the Provisional Registration Certificate otherwise the special use permit will expire. If the State of Nevada does not issue a MME Provisional Registration Certificate for the establishment for which the special use permit was granted by December 31, 2015 the special use permit will expire.

16. Property owner/applicant/grantee shall obtain all required local and state approvals, building permits, plan reviews, inspections, etc., for the establishment.

17. The special use permit grantee shall provide to the Planning Department prior to commencement of the establishment a copy of the recorded notarized affidavit in which the grantee acknowledges that the operation of the medical marijuana establishment is a violation of federal law.

18. The special use permit grantee shall provide to the Planning Department prior to commencement of the establishment a copy of the recorded notarized statement in which the grantee agrees to hold Nye County harmless against any federal law enforcement actions that may result from the activities of the medical marijuana establishment.

*Nye County is an Equal Opportunity Employer*
19. The special use permit grantee shall provide to the Planning Department prior to commencement of the establishment a copy of the recorded notarized statement in which the grantee agrees to hold Nye County harmless against any federal law enforcement actions that may result from the activities of the medical marijuana establishment.

20. Grantee shall submit a Security & Transportation Plan and obtain approval of the Nye County Planning Department and Nye County Sheriff’s Office prior to the Board of County Commissioners issuing a Medical Marijuana Establishment License.

21. Grantee shall comply with all site development standards and requirements of the Pahrump Regional Planning District for commercial/industrial development projects.

22. Grantee shall submit a Water Impact Plan and obtain the approval of the Nye County Water District Governing Board prior to the Board of County Commissioners issuing a MME License.

Should you have any questions or need any additional information please contact the Planning Department in at (775) 751-4249.

Sandra L. Merlino, Nye County Clerk and
Clerk of the Board of Nye County Commissioners

Nye County is an Equal Opportunity Employer
FINAL ACTION MEMORANDUM

August 9, 2018

Peter Gnecco
3910 Chaff Ave.
Pahrump, NV 89061

I, Sandra L. Merlino, County Clerk and Clerk of the Board of County Commissioners, Nye County, Nevada, do hereby certify that, as filed with the County Clerk on this date, the Board of County Commissioners, at its July 17, 2018 meeting, took action on your Medical Marijuana Business License Annual Renewal Application MM-2018-000060 (Cultivation).

The Nye County Board of County Commissioners conducted public hearing on a request to renew a Medical Marijuana Establishment License for a medical marijuana (cultivation) facility, located at 5101 S. Oakridge Avenue, Pahrump. Assessor Parcel Number 044-52141. Green Cross of America, Inc. / Peter Gnecco – Applicant.

After conducting the public hearing, the Board voted 5 – 0 to approve your application contingent upon reporting all applicable sales and taxes to the Nye County Treasurer within 90 days of approval.

Licenses expire June 30, 2019. Renewals must be submitted 30 calendar days before expiration. Failure to pay the marijuana renewal license fee within ten (10) working days of the due date shall result in the mandatory assessment of a late fee of twenty-five percent (25%) of the annual fee within thirty (30) days of the due date, or shall be grounds for revocation of the license.

Should you have any questions or need any additional information please contact the Planning Department in Pahrump at (775) 751-4246.

Sandra L. Merlino, Nye County Clerk and Clerk of the Board of Nye County Commissioners

Nye County is an Equal Opportunity Employer.
FINAL ACTION MEMORANDUM

February 28, 2018

Green Cross of America, Inc.
P.O. Box 4838
Pahrump, NV 89041

I, Sandra L. Merlino, County Clerk and Clerk of the Board of County Commissioners, Nye County, Nevada, do hereby certify that, as filed with the County Clerk on this date, the Board of County Commissioners, at its February 20, 2018 meeting, took action on your Recreational Marijuana Business License Application RM-2018-000022.

The Nye County Board of County Commissioners conducted public hearing on a request to issue a Recreational Marijuana Establishment License for a marijuana cultivation facility, located at 5101 S. Oakridge Avenue, Pahrump. Assessor Parcel Number 044-521-41. Oakridge Enterprises, LLC  Property Owner. Peter Gnecco, Green Cross of America, Inc. Applicant.

After conducting the public hearing the Board voted 3-1 to approve your application contingent to the establishment passing their compliance inspection within 30 days.

Should you have any questions or need any additional information please contact the Planning Department in Pahrump at (775) 751-4246.

Sandra L. Merlino, Nye County Clerk and Clerk of the Board of Nye County Commissioners
Amanda VanHouten

From: Celeste Sandoval
Sent: Wednesday, February 6, 2019 1:02 PM
To: Amanda VanHouten
Cc: Brett Waggoner
Subject: RE: Green Cross of America - Business License Sales Fees

Green Cross only submitted these forms because they were given 90 days to get into compliance for their MM and RM licenses per the FAM's. They came into compliance and haven’t submitted anything since.


Thank you,

Celeste Sandoval
Administrative Secretary
Nye County Planning Department
250 N. Hwy 160, Ste. 1
Pahrump, NV 89060
Office: 775-751-4249
Fax: 775-751-4324
csandoval@co.nye.nv.us

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From: Celeste Sandoval
Sent: Tuesday, February 5, 2019 3:13 PM
To: Amanda VanHouten (avanhouten@co.nye.nv.us) <avanhouten@co.nye.nv.us>
Cc: Brett Waggoner <bwaggoner@co.nye.nv.us>
Subject: Green Cross of America - Business License Sales Fees

Amanda,

I have done an audit of the Green Cross of America monthly business license sales fees and they are delinquent for the following months, August through December 2018 for Medical and Recreational. They have been habitually over 60 to 90 days late in paying. Please let me know if you need anything else.

Thank you,
Celeste Sandoval
Administrative Secretary
Nye County Planning Department
250 N. Hwy 160, Ste. 1
Pahrump, NV 89060
Office: 775-751-4249
Fax: 775-751-4324
csandoval@co.nye.nv.us

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