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 Commissioners’ Chambers, 101 Radar Road, Tonopah, Nevada 89049.

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; Kelly Sidman, Deputy Clerk; Savannah Rucker, Comptroller; Samantha Tackett, Administrative Manager; Marla Zlotek, Chief Deputy District Attorney; Christi Kindel, Deputy District Attorney; Bradley Richardson, Deputy District Attorney

1. Pledge of Allegiance

The Pledge was recited.

2. Approval of the Agenda for August 6, 2019 (Non-action item)

Tim Sutton said item 5 could be removed from the agenda. There would be a closed session.

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).

Ammie Nelson submitted a list of lawsuits the County was involved in for the minutes [see Attachment 1]. She then spoke of Tony DeMeeo’s service on Saturday and how nice it was.

Tom Waters said August 7, 2019, was Purple Heart Day. The ceremony would start at 6:20 p.m. at the Veterans’ Memorial at the Chief Tecopa Cemetery. Mr. Waters also mentioned the Survivors’ Handbook, which lets the family know what to do when their veteran passes. People interested in receiving it should contact Mr. Waters at twaters2015@gmail.com.
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.

Diane Southworth said there would be a career fair on August 9, 2019, from 9:00 a.m. to 12:00 p.m. at the Pahrump Community Coalition. A spaghetti dinner would be on August 23, 2019. Tickets were $5.00 and there would be an auction of bakery goods. The event would be held at NyE Communities Coalition and Pahrump Remote Area Medical would be the beneficiary. Ms. Southworth then talked about the disbanding of the holiday task force, meaning there would no longer be Thanksgiving, Christmas or Easter events. The NyE Communities Coalition was working to see what could be done to continue it. She said anything the Commissioners could do would be appreciated.

Dave Stevens talked about the need for an animal shelter.

Kay LaPointe thanked Commissioner Strickland for attending the Yucca Mountain symposium last week and encouraged the other Commissioners to watch the video.

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 July 2, 2019.

Commissioner Strickland said 2109 should be 2019 on page 11.

Commissioner Wichman made a motion to approve with the correction; seconded by Commissioner Blundo; 5 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

Commissioner Blundo mentioned school would start soon and asked to have the Sheriff’s Office motor brigade help people remember that school was back in session. He said he had a request for a stop sign at Mount Charleston and Sycamore and for potholes on Retread between Barney and Murphy. He believed they put a request through the on-line system and it had not been addressed yet.
6. Commissioners'/Manager's Comments-Cont'd.

Commissioner Strickland said the Yucca Mountain symposium was interesting. She advised yesterday at the Valley Electric meeting the interim CFO took back what he had said about a net metering that would be on a different scale from when people signed up.

Commissioner Blundo said he would be a speaker at RadWaste scheduled for the first weekend in September at Green Valley Ranch.

TIMED ITEMS

9. 10:00 – For Possible Action – Public Hearing, discussion and deliberation to issue an Outdoor Festival License to the Beatty Chamber of Commerce for the Beatty Days Festival to be held October 25-27, 2019 at 300 W. Amargosa Street, Beatty, Nevada.

Commissioner Koenig opened and closed the public hearing.

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


Commissioner Koenig said a temporary restraining order (TRO) was granted yesterday against the company, not the County, enjoining them from proceeding. He understood it allowed them to continue doing everything they were going to do except unlock the front door and open for business.

Jake McCray said yes.

John Bosta asked that his comments be included in the minutes. He said the Board should not approve this for a dispensary because dispensaries had only been issued in Pahrump while there were other areas in the County that had put in for dispensaries which were denied. The last dispensary approved was in a vacant warehouse with no growing and within several days they sold the dispensary license to an outside agency for over $1 million. Mr. Bosta thought the County needed to look at the other communities in the County that were trying to open dispensaries and support those towns, not just Pahrump.

Commissioner Koenig closed the public hearing.
10. 10:00 – For Possible Action – Public Hearing, discussion and deliberation on SU-2019-000058-Cont’d.

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

Commissioner Blundo wondered if the conditions of approval were done in a cut and paste style as there were a lot of things that did not apply here and the Code had changed. He wanted clarification that those things would not affect them like item 16 requiring a water impact plan submittal which was removed from the Code, and the things that applied to cultivation that had nothing to do with a dispensary.

Commissioner Wichman clarified the initial water use plan was still required and the annual reporting was removed.

Planning Director Brett Waggoner added the standard conditions that were mandatory conditions of approval were out of the Code and the only thing they ever alter was the special conditions of approval.

Commissioner Wichman asked the applicant if he was confused about the conditions of approval.

Brandon Wiegand thought the water impact survey was redundant, but if it was required he had no problem completing that. He also had no problem with the waste disposal plan.

Commissioner Wichman said her motion stood.

Commissioner Strickland noted the last paragraph stated the proposed dispensary would be within an existing enclosed building and thought they might want to change that.

Commissioner Koenig referred to the statement on that same page that they were more than 300 feet from an existing residential dwelling unit, but there was one right next to and one right behind them so he thought that should be changed also.

Mr. Waggoner said he did receive one more letter of opposition that he did not see in the back-up from a resident off of Mallard.

Commissioner Blundo said his second stood.

The motion to approve passed with 5 yeas.
Robert Carter said an agreement had been reached on his animal. If he followed certain conditions the animal would be returned to him.

Deputy Harry Williams said he contacted the victim to see if she agreed and she did not.

Joe McGill explained the dog was running loose across the road from his residence on Gamebird. While he and his wife were trying to contain the dog to keep it from getting hit it lunged at his wife injuring her right arm. Mr. McGill said the problem was with the investigation. It was his understanding the dog had bitten on three previous occasions with a female possibly receiving a broken arm, however, that was undetermined because there was no follow up done by the Animal Control Officer who responded. If the dog had been classified as vicious or dangerous on the second or third attack then Mr. McGill’s wife would have never been hurt. Mr. McGill stated this dog needed to be held by the animal shelter, not released back to the owner, and possibly euthanized as a result of this.

Mr. Carter stated the fact that they approached his dog, his dog did not approach them, and they tried to contain the dog was provocation. As to the other bites, he explained one was a lady staying with him who knew the dog and provoked it by going back into the house alone.

Commissioner Wichman’s concern was if this had been a child with no one around to protect them.

Commissioner Strickland made a motion to deny this appeal pursuant to Nye County Code Title 6, Section 6.40.010; seconded by Commissioner Wichman.

Commissioner Blundo said he saw the dog at the pound yesterday. It was very aggressive, showed teeth, and wanted to go through the chain barrier at them. He asked Mr. Carter to review some of the training methods he intended to use if he got the animal back.

Larry Roden said he was an animal behaviorist who had worked with dogs for about 15 years and he was willing to donate his time to work with this dog.

Commissioner Strickland said it was not necessarily the dog’s behavior but Mr. Carter’s behavior by unleashing his animal.

Mr. Roden felt re-homing the dog would be better than euthanizing it.
Ammie Nelson said the dog clearly attacked them. The dog was not safe in her opinion and she recommended that the dog not be given back.

Mr. McGill said the dog was not cornered or confronted. They were trying to keep the dog from being hit by a car on Gamebird. He stated if Mr. Carter continued to keep his property open and be irresponsible with it the dog would attack another individual. He asked at what point the Board would draw the line and not allow vicious animals to be out in the public and potentially injure or kill someone.

Commissioner Blundo noted the summary dated July 11, 2019, stated according to Mr. Carter's statement to the Sheriff's Office that he took the dog out to the desert to walk him and at some point let him off leash to run and hunt.

Mr. Carter explained he took the dog off leash to go to the bathroom and it was the 4th of July. Fireworks went off and the dog went off, so Mr. Carter went home to get binoculars to find the dog.

Animal Control Officer Susan Ryhal felt it was pretty clear it was a problem dog.

Commissioner Cox noted the dog was a blue heeler and those could be pretty temperamental. They were meant to be cattle dogs with a job to do and were not the best pets. She thought the dog just needed a different owner to work with him and train him. There was an animal behaviorist at the shelter and Commissioner Cox wanted to see them take custody of the dog so that behaviorist could look at it and make an opinion. Commissioner Cox also thought the dog might need to be examined by a veterinarian as some dogs behaved in that manner when there was something wrong.

Mr. Carter said that was what he hired Mr. Roden for.

The motion to deny this appeal pursuant to Nye County Code Title 6, Section 6.40.010 passed with 5 yea.

**12. 10:15 – For Possible Action – Discussion and deliberation regarding the Treasurer’s Report.**

Chief Deputy Treasurer Raelyn Powers was present.

Commissioner Strickland asked to receive the reports at the same time the Commissioners received the rest of their packets.
12. 10:15 – For Possible Action – Discussion and deliberation regarding the Treasurer’s Report-Cont’d.

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

13. 10:15 – For Possible Action – Community Development Block Grant (CDBG) Public Meeting: 1) Overview of the Community Development Block Grant (CDBG) program; 2) Summary of Past Performance by Nye County with CDBG funding since 1982; and 3) Invite public to provide project ideas, and input on past or potential projects.

Lauren Farmer, the County’s grants administrator, reviewed past awards to date totaling $4,228,401.57. She said the County could apply for two projects and sponsor one. CDBG’s main objectives were to provide decent housing, suitable living environments, and expand economic opportunities for persons with low to moderate income. The one the County sponsored could be a non-profit, a for profit business, or through housing authorities. Types of projects would be water, wastewater, road design, job creation, job opportunities, community senior and youth centers, handicap access, planning, small business planning, and other economic development activities. The project also had to be shovel ready. If someone had a project in mind they could contact Ms. Farmer.

Ammie Nelson asked if the grant could help with an animal shelter.

Ms. Farmer said she was open to presenting anything to CDBG that Ms. Nelson wanted to put on the application as long as it fell under the criteria of economic development or decent housing and was shovel ready.

Ms. Nelson then mentioned Judge Wanker asking for help for people in the drug court program. She thought this grant could help with transportation for the low-income people who did not have any transportation to get to treatment and court.

Ms. Farmer advised that request could go a couple of different avenues. She knew with Judge Wanker’s drug court grant they were going to be able to employ a few more facilitators that may be able to help with that. She said she would be happy to work with Judge Wanker.

COUNTY MANAGER

30. Presentation by Siemens representatives regarding an update on the energy performance audit project.

Matt Vaccaro from Siemens provided an update on the project development agreement, which was about 75% complete as of today. Over the summer they refined some costs and started discussions about financing alternatives for the project. As part of the
30. Presentation by Siemens representatives regarding an update on the energy performance audit project-Cont’d.

legislation the State called for an independent third party engineer to be involved on the County’s behalf to review Siemens’ calculations and savings. That company, Celtic Energy, had been selected and there was a meeting tomorrow morning with the project development engineer, that company and County staff. The next steps included discussions about solar, finalizing the contract, determining the financing vehicle, submitting the workforce development proposal, and 90% design review with staff. Mr. Vaccaro said in September the final project should be presented to the Board for approval.

Commissioner Strickland said another meeting was needed on the workforce development.

Mr. Vaccaro said exclusive of doing solar the base project had come in at what they estimated, $70,000.00 in annual savings which would fund approximately $1.1 million of improvements. Based upon it being self-funded, Siemens estimated there were only two buildings in which they would be able to replace the air conditioning and upgrade the automation – the Planning complex and the Health and Human Services building.

Regarding the solar layout and the benefits, Commissioner Strickland asked if Mr. Vaccaro knew how many kilowatts that would be.

Mr. Vaccaro said it was about 1.2 megawatts, a pretty significant system.

Commissioner Blundo asked if Mr. Vaccaro knew how much it would cost with solar.

Mr. Vaccaro said if the County decided solar made sense, the savings from the solar could fund almost another $1 million of improvements. That could complete the automation system Countywide and it would replace much of the old HVAC equipment around the County. To do solar they would propose first using the covered parking to generate the solar and the other system would be on top of the buildings.

Commissioner Strickland asked if those buildings would sustain the extra weight load.

Mr. Vaccaro said that would have to be looked at. He said other advantages to solar included no capital outlays and almost $4 million of investment that the County would not be financing. Under a power purchase agreement the County would agree for the next 25 years to buy power at an agreed upon rate. The owner of that equipment and the responsibility of that equipment for the performance was Siemens. The County would sign an agreement with Siemens on that portion of the project to be able to pay for it over time and still take advantage of that almost additional $1 million to fund those additional projects because of the additional savings solar would produce.
30. Presentation by Siemens representatives regarding an update on the energy performance audit project-Cont’d.

Commissioner Blundo had some reservations and questions about solar and said he would like to sit down with Mr. Vaccaro to discuss those.

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.

21. For Possible Action – Approval to accept the 2020 State of Nevada, Office of Traffic Safety “Joining Forces” Grant award in the amount of $25,000.00. This grant will be administered out of Fund 10340 Grants and the required matching funds in the amount of $5,000.00 can be satisfied with the cost of vehicle use and maintenance.

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

FINANCE

36. For Possible Action – Discussion and deliberation to: 1) Award RFP No. 2019-17 – Jail Food Services at the Nye County Detention Centers to Summit Food Service, LLC in the amount of $1.529 per meal for all except staff and $2.00 per meal for staff; 2) Execute the contract; and 3) Fund from 10236 – Nye County Jail Fund.

Commissioner Wichman made a motion to award the bid to Summit Food Services, execute the contract and fund from 10236; seconded by Commissioner Blundo; 5 yeas.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

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

14. General road report by Public Works Director.

Public Works Director Tim Dahl said he had been assured the durapatcher was going through the motions and would be finalized soon for procurement.

Commissioner Wichman asked for an update on the addressing issue in Amargosa.
14. General road report by Public Works Director-Cont’d.

Mr. Dahl said they were working with the Assessor’s Office to be sure the appropriate addressing was put out there.

Commissioner Strickland asked if there was any progress from NDOT on a turn lane for Homestead.

Mr. Dahl said he spoke to the NDOT representative last week who was going to make some changes to the flashing yellow sign coming into Pahrump northbound on Highway 160 at Homestead. It would go to a passive signal instead of an active signal. Mr. Dahl was also working on the intersections of Highway 372 and Highway 160 as well as Homestead and Highway 160 involving striping and signal timing.

Commissioner Cox referred to the request she made to remove a big blob of asphalt out of the center of the road on Deerskin and Oakridge and said it was still there as of yesterday.

Commissioner Koenig said Anvil Road in Amargosa was junk and had collapsed earlier than anticipated.

Mr. Dahl said there was a proposal on the table that they would rebuild that road once the project was completed. He met with the Amargosa Town Board Chairman to discuss her concerns. Mr. Dahl had instructed his road crew to make sure there were no potholes or hazards to be taken care of. He also spoke to both the construction manager and the engineer for the project yesterday morning and conveyed the same concerns he received from the Amargosa Town Board Chairman and they were to address it immediately. Mr. Dahl would keep track of it.

Commissioner Blundo asked if Verde was addressed today.

Mr. Dahl understood it was.

Commissioner Blundo mentioned the comments he made earlier about a stop sign at Mount Charleston and Sycamore.

Mr. Dahl said he would gather information from the Sheriff’s Office regarding accidents. He would also put out traffic counters and gather other information the consultant needed to determine if it warranted a three-way stop.

As to the potholes that needed to be addressed on Retread between Barney and Murphy, Commissioner Blundo believed that was submitted through the on-line road maintenance request.

Mr. Dahl advised it was submitted on June 28, 2019, and taken care of July 23, 2019.
14. General road report by Public Works Director-Cont’d.

Commissioner Blundo suggested having the crew go back out there as he thought this was a different set of potholes.

Commissioner Strickland mentioned an incident while Mr. Dahl was on vacation. Traveling southbound on Squaw Valley a traffic pattern had been created by the construction crews. There were three signs that would stop people from going through and now there were only two and people were driving through.

Commissioner Blundo said he wanted to sit down with Mr. Dahl to discuss the speed limits.

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

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

15. For Possible Action – Discussion and deliberation to approve a letter of support for the Pahrump Valley Academy (PVA), a College Preparatory "Public" Charter School, opening in August 2020.

Commissioner Strickland made a motion to approve a letter of support for PVA; seconded by Commissioner Blundo.

Ammie Nelson said she was not in favor of charter schools based on her research. A lot of charter schools were in Las Vegas and all but one of them closed, which concerned her as they could get taxpayer funding and grants and then close immediately. Teachers could also be treated poorly in charter schools, working up to 70 hours a week with a lower salary. Charter schools tended to have the highest performing students enrolled while avoiding the lower performing students. Ms. Nelson said the tax advantage of charter schools invited corruption and property taxes could increase with charter schools because that was how they were funded.

The motion to approve a letter of support for PVA passed with 5 yeas.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

CONSENT AGENDA ITEMS – These are items that Staff recommends for approval. The Board reserves the right to move any consent agenda item to the regular segment of the agenda should issues arise that need to be addressed. Discussion of any item from the Consent Agenda Items that needs review before a decision is made.
16. For Possible Action – Approval of Assessor’s Office Change Requests to allow the Nye County Treasurer to process and:

1) Issue an amended tax bill in the amount of $258.86 to Donna Sineno, owner of Assessor’s Parcel Number 042-702-11.

2) Issue an amended tax bill in the amount of $1,482.04 to Donald E. Diamond, owner of Assessor’s Parcel Number 046-081-19.

3) Apply a tax credit in the amount of $331.64 to the balance owing on Assessor’s Parcel Number 010-394-05, owned by Oscar A. & Lynne E. McKendrick.

4) Issue a refund in the amount of $19,634.25 to Textron Financial Corporation, owners of personal property account number AC-000002.

Commissioner Blundo made a motion to approve items 16-19 and 22; seconded by Commissioner Wichman; 5 yeas.

17. For Possible Action – Approval to accept funding revenue in an amount not to exceed $20,016.60 from the Nevada Housing Division for Affordable Housing Welfare Set-Aside Program. Agreement to run from July 1, 2019 through June 30, 2023. This Agreement is administered from Project G19002.

Commissioner Blundo made a motion to approve items 16-19 and 22; seconded by Commissioner Wichman; 5 yeas.

18. For Possible Action – Approval of a Grant Extension for the CDBG Pahrump Fairground Detention Basin. Grant Extension #1 grants a three (3) month extension through September 30, 2019 to allow for completion of the construction documents and close out per the grant requirements.

Commissioner Blundo made a motion to approve items 16-19 and 22; seconded by Commissioner Wichman; 5 yeas.

19. For Possible Action – Approval to accept the 2019 State of Nevada Community Development Block Grant (CDBG) award #19/PF/05 in the amount of $411,950.00 for the Pahrump Fairgrounds Detention Basin Project, Phase II. Total match required is $115,127.91 to be funded from Fund 25414 – Pahrump Room Tax Fairgrounds. This grant will be administered out of Fund 10340 Grants.

Commissioner Blundo made a motion to approve items 16-19 and 22; seconded by Commissioner Wichman; 5 yeas.
20. For Possible Action – Approval of a Grant Extension for the Kellogg Park Phase 1 Project. Grant Extension #1 grants a twelve (12) month extension through June 30, 2020, to allow for completion of the project in two (2) phases.

Commissioner Blundo made a motion to approve items 16-19 and 22; seconded by Commissioner Wichman; 5 yeas.

22. For Possible Action – Approval to: 1) Accept the Tonopah Airport Improvement Program (AIP) grant to update the Airport Master Plan Study in the amount of $469,687.00; and 2) Fund $440,331.56 of the award out of Fund 10340 Grants and $29,355.44 from Fund 10402 – Special Capital Projects.

Commissioner Blundo made a motion to approve items 16-19 and 22; seconded by Commissioner Wichman; 5 yeas.

TIMED ITEMS

7. 10:00 – Presentation by Lee Jacoby of Horrocks Engineers regarding the upcoming construction project of rerouting Highway 95 around the Gemfield Resources new mining area just north of Goldfield.

Lee Jacoby from Horrocks Engineers, the construction manager representing Elko Mining Group, discussed the relocation of US-95 just north of Goldfield to build a gold mine under the existing highway. He explained the project began about one-half mile north of Goldfield and there would be 2.5 miles of highway relocated about one-half mile to the west. As part of that project Esmeralda County was also doing a water line upgrade and relocation project. All existing utilities that ran along the west side of the NDOT right-of-way would get located to the west of the new alignment. There was an NV Energy power line with a switch fiber optic line, and about one-half mile west there was an AT&T fiber line that would all have to be relocated. Construction ponds had also been installed next to the highway. Mr. Jacoby said there was a kick-off meeting last week as well as a groundbreaking ceremony. They were waiting on the NDOT encroachment to be issued for the highway. Once that was issued the contractor, Ames Construction, would start work. The construction start date was this week and the project was expected to be done in April.

Commissioner Strickland asked about housing for the workers.

Mr. Jacoby said some of his staff was staying in Tonopah at hotels or RV parks and some were staying in Goldfield. He knew the Elko Mining Group was working on their mining plan and housing was part of that.

The Board was in recess until 1:30 p.m.

Commissioners Cox and Blundo were not present.
BOARD OF COMMISSIONERS

23. 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.

Commissioner Wichman made a motion to go into closed meeting; seconded by Commissioner Strickland; 3 yeas.

24. 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.

The Board was in a closed meeting.

25. For Possible Action – Discussion and deliberation on labor negotiations, issues and other personnel matters presented in closed meeting.

There was no action taken.

TIMED ITEMS

8. 10:00 – For Possible Action – Public Hearing, discussion and deliberation to: 1) adopt, amend and adopt, or reject the Nye County Management Employees Association Agreement to include the reporting of the fiscal impact of the agreement; and 2) approve the economic impact of the Nye County Management Employees Association Agreement to cover non-represented management employees.

Commissioner Koenig opened the public hearing.

Ammie Nelson did not understand all the changes and thought this would be a good opportunity to discuss them. She also mentioned the issue with Ronni Boskovich and the lawsuit involving this organization on her behalf.

Commissioner Koenig closed the public hearing.

Commissioner Wichman made a motion to adopt and approve the economic impact of the NCMEA agreement to cover non-represented management employees; seconded by Commissioner Strickland.

Commissioner Blundo said the negotiations went very well and he thought there were very proactive steps toward addressing OPEB, however, he did not personally agree the department head should be in a union.
8. 10:00 – For Possible Action – Public Hearing, discussion and deliberation to: 1) adopt, amend and adopt, or reject the Nye County Management Employees Association Agreement to include the reporting of the fiscal impact of the agreement; and 2) approve the economic impact of the Nye County Management Employees Association Agreement to cover non-represented management employees—Cont’d.

Commissioner Koenig asked Ms. Nelson to contact him during the week and he would be happy to go through the whole thing with her.

The motion to adopt and approve the economic impact of the NCMEA agreement to cover non-represented management employees passed with 5 yeas.

26. For Possible Action – Discussion and deliberation to approve letters of appreciation and support for five Emergency Medical Systems (EMS) volunteers for their efforts and success with teaching training classes for new volunteers.

Commissioner Wichman explained she brought this issue forward as it was brought to her attention that there were some outstanding classes held for trainees and she wanted to recognize those individuals. She read the letter into the record. The letters were for Ashley Sutherland, Allison Henderson, Dawn Gudmunson, Charles Arnell, and Nancy Knightly.

Commissioner Wichman made a motion to approve the letters and have them sent to those individuals; seconded by Commissioner Blundo.

Emergency Services Director Scott Lewis thanked the Board for offering the letters. He said the individuals did an outstanding job in bolstering the numbers of EMS in each community and he thanked everyone involved.

The motion to approve the letters and have them sent to those individuals passed with 5 yeas.

CLERK

27. For Possible Action – Discussion and deliberation to appoint one member to the Smoky Valley Library District due to one resignation.

Commissioner Wichman made a motion to appoint Frank Wagener; seconded by Commissioner Strickland; 5 yeas.
28. For Possible Action – Discussion and deliberation pursuant to NRS 244.360(5) to: 1) direct the District Attorney to notify the person responsible for the nuisance to abate said nuisance as set forth in the complaint received by the County Clerk on July 23, 2019, regarding Assessor’s Parcel Number 008-281-07, 5 Warrior Road, Tonopah, Nevada and a) determine and specify a reasonable time for the person to abate said nuisance and b) direct the District Attorney to bring legal proceedings for abatement of said nuisance if the notice to the person responsible fails to abate said nuisance; or, in the alternative 2) pursuant to NRS 244.360(1) and 244.360(2), direct the Clerk to set a public hearing not less than 30 nor more than 40 days subsequent to the filing of the complaint.

Commissioner Wichman asked if the Board chose to turn this over to the District Attorney’s Office would the District Attorney determine whether or not a nuisance existed or would it come back to the Board for that.

Chris Arabia said the Board would direct his office to take whatever action they needed to take to resolve the problem and he did not know if that required a finding by his office.

Commissioner Wichman said many times complaints have come forward that someone did not like the cars in the yard or the way the yard was kept. The Board had to determine if it was a public nuisance and a safety concern for the public, which was many times extremely difficult to determine. If the Board voted to turn this over to the District Attorney’s Office then they would have to make that determination. She asked what the District Attorney would like done.

Mr. Arabia said he was uncomfortable with the District Attorney making the factual determination as it was not their role, but they would act based on what was in the complaint. If nothing was done in a remedial way it would come back to the Board or someone else who would make a finding of fact. If there was a contested issue of fact it would come back to the Commission to hear witnesses, see photos, etc., but it would be someone other than the lawyers who would make the factual determinations.

Commissioner Wichman said that was how it was done in the past and if no resolution was achieved it would be turned over to the District Attorney’s Office.

Commissioner Strickland wondered if code compliance could help.

Brett Waggoner said his understanding was the property maintenance code was not adopted for anything outside of the RPC. Unless it was a violation of the Nye County Code there was not much code compliance could do other than send letters. If it was a life safety concern, like a building that was dilapidated and ready to collapse or appliances out in the yard, code compliance could step in as there were statutes that governed that.

Commissioner Strickland noted the complaint stated there was a sewage problem with people living inside the remote trailers not hooked up to sewage.
28. For Possible Action – Discussion and deliberation pursuant to NRS 244.360(5)
to: 1) direct the District Attorney to notify the person responsible for the nuisance
to abate said nuisance as set forth in the complaint received by the County Clerk
on July 23, 2019, regarding Assessor’s Parcel Number 008-291-07, 5 Warrior
Road, Tonopah, Nevada and a) determine and specify a reasonable time for the
person to abate said nuisance and b) direct the District Attorney to bring legal
proceedings for abatement of said nuisance if the notice to the person
responsible fails to abate said nuisance; or, in the alternative 2) pursuant to NRS
244.360(1) and 244.360(2), direct the Clerk to set a public hearing not less than 30
nor more than 40 days subsequent to the filing of the complaint-Cont’d.

Mr. Waggoner said they could address that and do an inspection.

Commissioner Wichman made a motion to direct the Clerk to set a public hearing and
asked the Planning Director to make a recommendation at that time; seconded by
Commissioner Blundo; 5 yeas.

SHERIFF

29. For Possible Action – Discussion and deliberation to designate at least one
sheriff’s office, or part thereof, as a site at which two or more persons may meet
to complete the sale of personal property initiated on the Internet pursuant to
NRS 244.1609 due to the enactment of AB 297.

Commissioner Blundo made a motion to approve designation of the sites; seconded by
Commissioner Cox; 5 yeas.

COUNTY MANAGER

31. For Possible Action – Discussion and deliberation to adopt, amend and adopt,
or reject Nye County Resolution No. 2019-23: A Resolution authorizing the
transfer of Nye County property to the Northern Nye County Hospital District, a
political subdivision; for the property located at 825 S. Main St., Tonopah, NV,
Assessor’s Parcel Number 008-261-56 pursuant to NRS 277.053.

Commissioner Wichman made a motion to adopt Nye County Resolution No. 2019-23
transferring the Nye County property to the Northern Nye County Hospital District
subject to all terms and conditions listed in the resolution, quit claim deed and
memorandum of understanding being accepted by the Hospital District, and contingent
upon a complete inventory of all property to be performed by the Hospital District;
seconded by Commissioner Strickland.

Elizabeth Schwinkendorf asked that her statement be included in the minutes.
Regarding items 31 and 32, she said she became aware on July 25, 2019, that a
settlement agreement was reached between Tim Sutton and OSHA regarding asbestos
on the property. That agreement was executed September 5, 2018. The County
31. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2019-23: A Resolution authorizing the transfer of Nye County property to the Northern Nye County Hospital District, a political subdivision; for the property located at 825 S. Main St., Tonopah, NV, Assessor’s Parcel Number 008-261-56 pursuant to NRS 277.053-Cont’d.

agreed to abate that property within 30 days, which was never completed. There was no disclosure in the back-up to the receiver or the renters that were currently in there. Mrs. Schwinkendorf felt this item should be tabled and investigated by the Commissioners to establish the cost and liability to the County so the citizens were not affected with a higher price later when they sued.

Commissioner Wichman advised there was a memorandum of understanding with disclosures all the way through. Additionally, asbestos was not a problem until it was disturbed and the Hospital District was aware of all of it.

The motion to adopt Nye County Resolution No. 2019-23 transferring the Nye County property to the Northern Nye County Hospital District subject to all terms and conditions listed in the resolution, quit claim deed and memorandum of understanding being accepted by the Hospital District, and contingent upon a complete inventory of all property to be performed by the Hospital District passed with 4 yea. Commissioner Cox voted nay.

32. For Possible Action – Discussion and deliberation to approve an Assignment of Lease to the Northern Nye County Hospital District, a certain lease dated May 11, 2016 between Nye County, a political subdivision of the state of Nevada and Renown Health, a domestic non-profit corporation for property located at 825 S. Main St., more particularly described as Assessor’s Parcel Number 008-261-56 Township 2 North, Range 42 East, Section 1 F# 852136 P. 1A, Tonopah, NV.

Commissioner Wichman made a motion to approve an assignment of lease to the Northern Nye County Hospital District regarding a certain lease agreement between Nye County and Renown Health contingent upon all terms and conditions being accepted by the Northern Nye County Hospital District; seconded by Commissioner Strickland; 4 yea. Commissioner Cox voted nay.

33. Update on outcomes of the 2019 Nevada Legislative Session including Nye County priorities, impacts to counties and actions that counties are required to take pursuant to new legislation.

Lorina Dellinger said in the back-up was a list of bills that were approved which impacted the County and staff was working on implementing them. Moving forward the Board would be provided with status reports.
34. For Possible Action – Discussion and deliberation to consider setting county-wide business hours of operation.

Commissioner Strickland said she requested a review of the hours of operation in the County. She found that there were six offices in the County closed on Friday. She reviewed the different hours of operations for all departments for the benefit of the Commissioners and the public.

Commissioner Strickland made a motion to have a Countywide time set for all offices for the convenience of not only the public but for the operations of the County as 8:00 a.m. to 5:00 p.m. with 12:00 p.m. to 1:00 p.m. as lunch; seconded by Commissioner Blundo.

Commissioner Blundo commented there were certain departments that he thought were operating just fine and asked Commissioner Strickland if she wanted to see all departments on this schedule.

Commissioner Strickland said yes. While she understood it might be difficult for some offices because of staffing, the idea was to have everyone alike. She said she had never seen anything like this.

Commissioner Wichman was concerned because many of the department heads had noticed that without the ability to be flexible on their hours they did not have the budget for the staffing for the hours Commissioner Strickland wanted. Being flexible had also allowed the County to meet the budgets in the tough years. It was Commissioner Wichman’s opinion when things were that rigid the County had to step up to the plate to provide the budget to add staff to meet that requirement.

Commissioner Strickland did not know how much information the Commissioners wanted to see, but she said she would be willing to table this item. She felt the Commissioners needed to see how many employees within the departments that were not open on Friday had people who took sick or personal leave during a work day who then worked on Friday and got paid time and a half for that day.

Commissioner Wichman said some did take comp time so they would come in on a Friday and work, but a lot of them had to travel great distances from the County seat to make medical appointments so being flexible meant the department was not strapped when someone was gone.

Commissioner Strickland commented the Tonopah offices were open.

Commissioner Strickland made a motion to table this item and asked staff to provide her with a report on overtime in the past year and the offices that were closed on Friday.

Commissioner Blundo stated his frustration with the four day work week and felt that was something that was not negotiated into a union contract. He did not want to invite that discussion, but they got all the benefits of a five day work week. Overtime was also
34. For Possible Action – Discussion and deliberation to consider setting county-wide business hours of operation—Cont’d.

concerning to him as well as the differences in schedules. NRS mandated a five day work week up north, but there was the luxury of a four day work week in Pahrump. He reminded everyone they worked for the public.

Commissioner Blundo withdrew his second.

Commissioner Strickland withdrew her original motion.

Recorder Deborah Beatty explained her hours allowed the public to do things before they went to work. She only had two staff members in Pahrump and this change would make her hours very inconsistent if she had one staff member on Monday and one on Friday. If one of those staff members called in sick it would be a problem. She felt changing the hours would ruin their impeccable customer service and that the Board was trying to fix something in her office that was not broken. She asked the Commissioners to reconsider this.

Assessor Sheree Stringer echoed Ms. Beatty’s comments. She felt the public would lose ten hours a week with this change. She felt her office got more work done in a four day work week than a five day work week. They also accommodated a lot of people before 8:00 a.m., and most of the employees tried to make appointments on Fridays or late Thursday afternoons. As to overtime, Mrs. Stringer said this was the first year in her five years she ever asked for overtime as there was no GIS Administrator. She also asked the Board to reconsider.

Commissioner Strickland said she was getting pressure from the citizens so she would bring an item back so they could air their concerns.

Commissioner Strickland made a motion to continue this item; seconded by Commissioner Wichman.

Commissioner Cox said she was trying to look at this from both sides. She thought 7:00 a.m. to 5:30 p.m. would be perfect for the public. She also agreed it would be great to have the offices opened during lunch as she was approached about that, and that everyone should be doing the same thing. She would like a survey done of the County employees to see what their preference would be since they were the ones most highly affected by this outside of the public.

Tim Sutton advised about 15 years ago a survey was done and it would be open to department heads, employees and members of the public.

Since Commissioner Strickland mentioned complaints from the public, Commissioner Wichman suggested that those specific individuals take the survey.
34. For Possible Action – Discussion and deliberation to consider setting county-wide business hours of operation-Cont’d.

Sam Merlino agreed with Ms. Beatty and Mrs. Stringer. She explained the problem with her office was it was judicial and there were things they could not do because of court and two or three people out for other things. She liked the idea of flexing, but her office could not do it.

The motion to continue this item passed with 5 yeas.

35. For Possible Action – Discussion and deliberation regarding approval of a Settlement Agreement between Nye County and Raymond G. Jensen and Grace Elaine Jensen concerning Case No. CV37936, asserting claims quiet title and damages relating to property near Sawtooth Road.

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

H/R AND RISK MANAGEMENT

37. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2019-25: A Resolution Adopting the Nye County Equal Employment Opportunity Plan.

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

PLANNING/BUILDING/CODE COMPLIANCE

38. For Possible Action – Discussion and deliberation on Tentative Commercial Subdivision TM-2018-000016: A tentative subdivision map application to allow a commercial subdivision on approximately 5.9 acres (net), located 2703 E. Highway 95, Amargosa Valley, NV, Assessor’s Parcel Number 021-021-16. Area 51 Land, Inc. – Property Owner/Applicant, Civilwise Services, Inc. – Agent.

Commissioner Strickland made a motion to approve TM-2018-000016 subject to the conditions outlined in the conditions of approval section of the report after having made the findings outlined in the staff’s report; seconded by Commissioner Wichman.

Dave Richards from CivilWise Services said there was a comment in the write up that stated there would be a drainage study and a traffic study done. He knew CivilWise Services would love to do that work for them, but he did not feel the work was necessary as they were not proposing any kind of physical change to the property or operation so the drainage and traffic studies would show absolutely nothing. Mr. Richards would like to have those taken out and make them as determined by Public Works as to whether they were necessary or not.
38. For Possible Action – Discussion and deliberation on Tentative Commercial Subdivision TM-2018-000016: A tentative subdivision map application to allow a commercial subdivision on approximately 5.9 acres (net), located 2703 E. Highway 95, Amargosa Valley, NV. Assessor’s Parcel Number 021-021-16. Area 51 Land, Inc. – Property Owner/Applicant. Civilwise Services, Inc. – Agent-Cont’d.

Commissioner Strickland disagreed with that and suggested Mr. Richards come back to the Board for a waiver.

Raman Sharma explained his whole idea of doing this commercial subdivision was since there was a brothel on the property which was not federally regulated, if he wanted to do an upgrade like changing his fuel pumps or air conditioners or walk-in cooler, he had to put money out for the secondary market as business loans were not there. The banks told him if he had a commercial subdivision with two streams of business they could finance him on the travel center side.

Commissioner Strickland said the reason she was standing behind her motion was because he had the ability to apply for a waiver later or do the drainage and traffic studies like every other person who wanted to put a subdivision in.

The motion to approve TM-2018-000016 subject to the conditions outlined in the conditions of approval section of the report after having made the findings outlined in the staff’s report passed with 5 yea.

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

39. For Possible Action – Discussion and deliberation regarding clarification of the Board’s action taken on July 16, 2019 relating to AP-2019-000020 regarding an Appeal of a decision made by the Pahrump Regional Planning Commission (RPC) to affirm a decision of the Zoning Administrator that the Planning Department is unable to process applications for an Extension of Time and Reconsideration of Conditions of Approval related to Special Use Permits for marijuana cultivation and production due to the applicant failing to apply for an extension of time prior to the expiration of the Special Use Permits, and the zoning of the subject property having reverted to the Neighborhood Commercial (NC) zone which does not allow marijuana facilities. Located at 6041 S. Hafen Ranch Road, Pahrump, NV, further described as a portion of Township 21 South, Range 54 East, Section 15, File #84221, Parcel 1. Assessor’s Parcel Number 045-131-48. R Land Company, LLC – Property Owner. Nevada Natural Medicines, LLC / Scott Sibley, Manager – Applicant/Appellant

Commissioner Koenig said the agenda item the Board voted on specifically stated that it was to reverse the RPC’s decision that the Director of Planning was unable to process applications for an extension of time or reconsider conditions of approval related to SUPs for marijuana cultivation and production due to the applicant failing to apply for an
extension of time prior to the expiration of the SUP and the zoning of the subject property. The Board voted to reverse the RPC’s decision. Commissioner Koenig then addressed the five questions in the back-up for this agenda item.

The first question was if reversing the decision of the RPC meant the Board determined that the SUP and the zone change did not expire. Commissioner Koenig said that was not true and was not even part of the agenda item.

The second question was what happened with the current new SUP and zone change application filed by Mr. Sibley. Commissioner Koenig advised those would be on the August 20, 2019, agenda. The Board had the option of leaving them there and acting on them or allowing Mr. Sibley to go back to his original request for an extension of time on the zoning. Commissioner Koenig felt the easiest thing to do was to leave them and vote on them at the next meeting. Mr. Sibley’s money was returned for the initial problem and he paid for the new ones.

The third question was if Mr. Sibley was required to re-submit the applications for an extension of time. Commissioner Koenig said he had already done that.

The fourth question was what would happen to the pending applications. It was Commissioner Koenig’s opinion to leave them and act on them instead of trying to retroactively go back and re-do everything.

The last question was if the Board action simply allowed for the extension of time and reconsideration of the conditions of the SUP with no decision made as to the status of the expiration of the SUP and zone change. Commissioner Koenig believed that was what the Board did. He had spoken to some legal experts also and they agreed with him.

Commissioner Koenig asked if he needed to make a motion.
39. For Possible Action – Discussion and deliberation regarding clarification of the Board’s action taken on July 16, 2019 relating to AP-2019-000020 regarding an Appeal of a decision made by the Pahrump Regional Planning Commission (RPC) to affirm a decision of the Zoning Administrator that the Planning Department is unable to process applications for an Extension of Time and Reconsideration of Conditions of Approval related to Special Use Permits for marijuana cultivation and production due to the applicant failing to apply for an extension of time prior to the expiration of the Special Use Permits, and the zoning of the subject property having reverted to the Neighborhood Commercial (NC) zone which does not allow marijuana facilities. Located at 6041 S. Hafen Ranch Road, Pahrump, NV, further described as a portion of Township 21 South, Range 54 East, Section 15, File #84221, Parcel 1. Assessor’s Parcel Number 045-131-48. R Land Company, LLC – Property Owner. Nevada Natural Medicines, LLC / Scott Sibley, Manager – Applicant/Appellant-Cont’d.

Chris Arabia did not think a motion was needed. The decision made by the Board was to reverse basically something that said Planning was unable to do thus and so. The Board said they could do thus and so and whatever was the most equitable or convenient way to accomplish that would seem the best way to go forward.

Deputy District Attorney Christi Kindel advised this item did not require any action. The District Attorney’s Office received an e-mail from Planning indicating they had questions about exactly what the Board had decided. Rather than attempt to interpret it they suggested Planning needed to clarify it directly or put it on another agenda for clarification. As long as Planning had no questions on how to proceed there was no action needed.

Brett Waggoner understood it was up to the applicant. He could choose to proceed with new applications for new SUPs which were in the process or he could ask to have those withdrawn and re-submit for the extensions of time which Mr. Waggoner did not see the benefit of.

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

PUBLIC WORKS

40. For Possible Action – Discussion and deliberation to approve the proposed FY 2019-20 Regional Transportation Commission (RTC) Budgets.

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

Commissioner Blundo invited anyone with a road issue to come to the RTC meeting.

The motion to approve passed with 5 yeas.
41. GENERAL PUBLIC COMMENT (second)

Sheree Stringer, speaking as a taxpayer, said at the last couple of meetings Commissioner Koenig had talked about the hemp licensing. She was just curious what he had found out because she kept hearing about people getting licenses from the State and growing.

Commissioner Koenig asked Mrs. Stringer to either contact him or wait until the August 20, 2019, meeting where Ashley Jepsen, the person in charge of hemp at the Nevada Department of Agriculture, would give a presentation to the Board. Also, on August 19, 2019, there would be a workshop in the Pahrump chambers with hemp growers and interested citizens which Ms. Jepsen would attend as well.

Ammie Nelson said Tim Sutton never returned her calls or replied to her e-mails and she was waiting to hear from him. She complained about the appearance of the entrance to Calavada at Highway 160 and thought lights should be put up for the pedestrians walking through there. She also complained about the appearance of the duck pond.

Commissioner Koenig said blinking yellow lights were on the walkway. When a person pressed the switch on the pole those lights started blinking and the traffic was supposed to stop. There were overhead lights as well.

Pat Minshall said about a week after the earthquake she was in the town office and a geologist from Reno called about the experience. She mentioned to him she had a manufactured home that was not converted to real property and thought she should have it checked and he agreed. She found out that 17 of her piers had to be adjusted because they were loose and thought that was something that should be put out to the general public.

John Bosta asked for the information about the Department of Agriculture and hemp workshop again.

Commissioner Koenig repeated the lady from the Nevada Department of agriculture in charge of hemp would be at the next Commission meeting to give a presentation. Since public comment was not allowed during presentations, he set up a workshop on Monday, August 19, 2019, starting at approximately 1:30 p.m. in the Commission chambers to have an informal question and answer period with her. It would also be advertised in the paper and Commissioner Koenig asked everyone to advise any hemp growers they knew.

Going back to item 39, Brett Waggoner said there was also the reconsideration of conditions regarding a block wall. He wanted to make sure it was clear that even if he chose to go with the new SUPs there was still that condition from 2015.

Commissioner Wichman said if he was asking for a waiver or a change for that it would have to come back to the Board.
42. **Commissioners'/Manager's Comments**

Tim Sutton told Ammie Nelson he did not have any e-mails or cell phone calls from her. If she left a message on the office voice mail he admitted he was bad at that and apologized.

Commissioner Blundo advised she sent a text message as well and suggested Mr. Sutton check those.

43. **ADJOURN**

Commissioner Koenig adjourned the meeting.

APPROVED this _______ day of September, 2019.

Chair

ATTEST:

Nye County Clerk / Deputy
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