

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; Marla Zlotek, Chief Deputy District Attorney

Not Present: Lorinda Wichman, Commissioner; Sharon Wehrly, Sheriff

Commissioner Cox was present via telephone.

### **1. Pledge of Allegiance**

The Pledge was recited.

### **2. Approval of the Agenda for August 30, 2019 (Non-action item)**

Commissioner Koenig said there was nothing to remove.

### **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 commented on how horrible the golf course looked.

Dave Stevens said this was a poor man's town with rich man's prices on fines. He was just given a \$197.00 ticket

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

Commissioner Blundo asked Tim Sutton for a follow up on the seller permit issue as well as an update on the brothel ordinance. He then asked for an agenda item regarding weight limits on residential roads to curtail some of the commercial traffic cutting through the residential areas.

Commissioner Koenig advised the brothel ordinance was with the District Attorney's Office and suggested Commissioner Blundo call Christi Kindel.

**DISTRICT ATTORNEY**

**5. For Possible Corrective Action – Discussion and deliberation to rescind action taken on August 20, 2019 on Item 33 whereby the Board directed the District Attorney to determine if the Board has a position to take regarding the issue of the nuisance complaint filed on August 8, 2019 by complainant, Neal Jones, located in Belmont, Nevada.**

Marla Zlotek explained the Open Meeting Law (OML) required corrective action to be taken for any potential OML violation. She recommended this action be taken as clearly stated on the agenda item. At the August 20, 2019, meeting she had an obligation and a duty to be sure that any action taken by the Board was in compliance with the OML and she did not. Therefore, the corrective action was required for any potential OML violation. Item 6 on today's agenda would be the item for action that was similar to the August 20, 2019, meeting so the action taken on this item would correct any potential OML violation. Ms. Zlotek expressed her sincere apology.

Commissioner Cox made a motion to rescind the motion from the last meeting; seconded by Commissioner Blundo.

Neal Jones asked that his written statement be included in minutes [see Attachment 1]. He noted there were multiple references to NRS 244.0365 on the agenda form while the correct reference should be NRS 241.0365, which was included in the agenda back-up. He said he called the County Clerk and the District Attorney on August 28, 2019, after the agenda was posted and Ms. Zlotek told him the discrepancies would not constitute an OML violation. Mr. Jones only wished to note the discrepancies for the record.

John Bosta complimented the Board and the District Attorney for bringing this corrective action back.

Commissioner Blundo asked Ms. Zlotek to clarify what Mr. Jones said.

Ms. Zlotek explained the OML required the agenda item as posted on the agenda be a correct, clear and concise statement of the action and items of interest to the public.

**5. For Possible Corrective Action – Discussion and deliberation to rescind action taken on August 20, 2019 on Item 33 whereby the Board directed the District Attorney to determine if the Board has a position to take regarding the issue of the nuisance complaint filed on August 8, 2019 by complainant, Neal Jones, located in Belmont, Nevada-Cont'd.**

The back-up, which was not required by law to be included, was back-up and not the agenda posting of a clear and concise agenda item. She acknowledged there was a typographical error with the number; however, the back-up submitted did contain a complete copy of the accurate NRS. She stated the agenda item was in compliance with the OML.

The motion to rescind the motion from the last meeting passed with 4 yeas.

**6. For Possible Action – Discussion and deliberation pursuant to NRS 244.360(1) and 244.360(2) to direct the Clerk to set a public hearing not less than 30 nor more than 40 days subsequent to the filing of the complaint by Neal Jones on August 8, 2019 regarding the high nitrate levels in the water in Belmont, Nevada and the wells that were drilled there illegally.**

Commissioner Blundo made a motion to direct the Clerk to set a public hearing on September 18, 2019, in Pahrump, Nevada, at 10:00 a.m.; seconded by Commissioner Strickland; 4 yeas.

**7. 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 (second).**

Ammie Nelson congratulated Commissioner Blundo on his bid for Congress and wished him good luck.

John Bosta said at last night's Amargosa Town Board meeting he talked about a discussion he had with Commissioner Blundo, Chief Scott Lewis, Tim Sutton and himself. He advised that during that meeting the Fire Chief told Mr. Bosta the Amargosa Fire Department had submitted a bill for tires which was paid for by the Pahrump Fire Department and they had submitted a second bill this year. Mr. Bosta explained the tire company sent the invoice to the wrong fire department and he felt it should have never been mentioned by the Fire Chief during that meeting. As to the equipment in Amargosa Valley that they have requested be returned, he said it was pointed out the town had to pay for the insurance, upkeep, etc. He said the town was already paying \$25,000.00 to the County every year to be attached to the POOL/PACT insurance to insure Amargosa Valley. He stated the town wanted a memorandum of understanding with the County clarifying what belonged to the County and what should be turned over to the town.

Marla Zlotek asked if the Chairman asked for public comment on item 6.

**7. 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 (second)-Cont'd.**

Commissioner Koenig said he did.

Neal Jones thanked the Board for scheduling the public hearing. For the record he pointed out that due to the OML violation at the August 20, 2019, meeting that the earlier corrective action addressed, the 40 day deadline mandated by NRS 244.360 would be missed.

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

Commissioner Blundo asked for an agenda item on the meeting with John Bosta so the information could be shared. He said Mr. Bosta was going to the town board or the Amargosa fire chief to draft a letter regarding the vehicles and equipment they felt should belong to the town.

Tim Sutton asked if Commissioner Blundo was talking about a meeting to discuss the potential of giving up or donating equipment to Amargosa.

Commissioner Blundo clarified he would like to have a follow up from Amargosa if they were interested in taking the equipment.

Marla Zlotek asked for a quick break to confirm the nuisance hearing deadline.

The Board took a brief recess.

**6. For Possible Action – Discussion and deliberation pursuant to NRS 244.360(1)  
and 244.360(2) to direct the Clerk to set a public hearing not less than 30 nor  
more than 40 days subsequent to the filing of the complaint by Neal Jones on  
August 8, 2019 regarding the high nitrate levels in the water in Belmont, Nevada  
and the wells that were drilled there illegally-Reopened.**

Marla Zlotek asked that this item be reopened based on Neal Jones' comment. Her recommendation was to rescind the motion and set the date as September 17, 2019, instead of September 18, 2019.

Commissioner Strickland made a motion to set a date to discuss and deliberate for September 17, 2019, the regularly scheduled Board meeting, at 10:00 a.m.; seconded by Commissioner Blundo.

Ms. Zlotek confirmed for Commissioner Blundo that date was within the statutory time frame per NRS.

**6. For Possible Action – Discussion and deliberation pursuant to NRS 244.360(1) and 244.360(2) to direct the Clerk to set a public hearing not less than 30 nor more than 40 days subsequent to the filing of the complaint by Neal Jones on August 8, 2019 regarding the high nitrate levels in the water in Belmont, Nevada and the wells that were drilled there illegally-Reopened-Cont'd.**

Commissioner Cox was concerned about the motion as Commissioner Strickland said discuss and deliberate, not approval, and she wondered if that was appropriate.

Commissioner Strickland amended her motion to set the public hearing for September 17, 2019, at 10:00 a.m.; Commissioner Blundo amended his second.

Neal Jones hoped the date change was in accordance with the OML and thanked the Board for setting the hearing.

The motion to set the public hearing for September 17, 2019, at 10:00 a.m. passed with 4 yeas.

**7. 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 (second).**

John Bosta thanked the Board, staff and the District Attorney's Office for readdressing item 6.

Dave Stevens said he heard good news about the animal shelter which was the best news he had heard in 15 years.

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

Commissioner Koenig said the fire chief in Amargosa Valley was fine with the way things were with the Amargosa safety equipment. Commissioner Koenig's problem with the whole thing was he had been waiting for a memorandum of understanding with the town for quite some time and he asked Lorina Dellinger for the status of that. He had also promised them he would get some insurance information. Right now with the fire equipment under the County it was covered because they were part of the policy, but Commissioner Koenig was not sure if that equipment was turned over to the town if it remained covered under the County's policy or if the town needed to get a new policy.

**9. ADJOURN**

Commissioner Koenig adjourned the meeting.

APPROVED this 17<sup>th</sup> day  
Of September, 2019.

ATTEST:

  
Chair

  
Nye County Clerk / Deputy

August 30, 2019 Special BoCC meeting

I ask that this statement be included in the minutes of this meeting.

For the record I wish to note the discrepancies in the *Nye County Agenda Information Form* for this agenda item, item # 5.

When the agenda was initially posted, contained in the *Complete description of requested action* section of the form there are multiple references to NRS 244.0365. For the record there is no statute NRS 244.0365. The correct statute reference should be NRS 241.0365, which is included in the agenda backup materials.

I called the County Clerk's Office and the County District Attorney's Office on Wednesday, August 28, 2019 after the agenda was posted on the County website. Chief Deputy District Attorney Marla Zlotek returned my call later that morning. I was informed that these discrepancies would not constitute an open meeting law violation.

I wish to only note these discrepancies for the record.