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

Not Present: Sharon Wehrly, Sheriff

Commissioner Blundo was not present at this time.

1. Pledge of Allegiance

The Pledge was recited.

2. Approval of the Agenda for September 4, 2019 (Non-action item)

Tim Sutton said items 5 and 13-15 could be removed from the agenda.

3. GENERAL PUBLIC COMMENT (Three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (first).

Tom Waters advised September was prostate cancer awareness month. The support group's next meeting would be on September 26, 2019, from 6:00 p.m. to 7:30 p.m. at Desert View Hospital in the downstairs training room.
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 August 6, 2019.

Commissioner Wichman made a motion to approve; seconded by Commissioner Strickland; 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)

Commissioner Strickland said after the Wal-Mart announcement a coalition of people was formed who would have gone to the local Pahrump Wal-Mart to picket and boycott them. She said the Pahrump Wal-Mart would not uphold the ruling of their corporate office to no longer open carry weapons in the stores.

Commissioner Cox suggested the coalition contact the corporate office. She then mentioned the big weeds coming up all over again on the Calvada Eye property. There was also an aerator or two in the pond that were not working that needed to be addressed.

Commissioner Koenig added Smith’s was joining in with Wal-Mart and he was writing a letter to Wal-Mart and Kroger.

TIMED ITEMS

7. 10:00 – For Possible Action – 2nd Community Development Block Grant (CDBG) Public Meeting: 1) Presentation of potential projects; and 2) Invite the public to participate by providing ideas, comments and suggestions concerning the proposed projects.

Grants Administrator Lauren Farmer said this was the second meeting for the CDBG program where the public or the County could propose projects to consider for eligibility. She had not received any proposals to date, but she welcomed anyone present today to step up and present a project.
7. 10:00 – For Possible Action – 2nd Community Development Block Grant (CDBG) Public Meeting: 1) Presentation of potential projects; and 2) Invite the public to participate by providing ideas, comments and suggestions concerning the proposed projects-Cont’d.

Trevor Dolby, Amargosa Town Board member, said he had been asking for a public meeting in Amargosa for over a year. There was one scheduled for September 18, 2019, to discuss capital projects with the public so the town might have one to suggest.

Ms. Farmer advised September 17, 2019, was the last date the public could present projects.

Pat Minshall, Amargosa Town Board member, said she was disappointed because when this came up she notified the senior project council. They were in need of more money to finish constructing a commodities building and she hoped they would apply for this. Ms. Minshall would also like a bathroom for handicapped people in the town’s outdoor space.

Robert Adams pointed out the Pahrump fairgrounds project needed to get going and grant funds could be used for infrastructure including irrigation.

Dave Stevens felt everything built in Pahrump was trash.

Ms. Farmer said the third meeting for proposals from the public or County would be on September 17, 2019. She explained any project to move forward must be presented at that meeting. Eligibility would be determined and eligible projects would be presented at the November 5, 2019, Commission meeting for the Board to prioritize.

8. 10:00 – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2019-13: A Bill proposing to repeal and replace in its entirety Nye County Code Chapter 15.17.010, the Building and Construction Codes Effective within Nye County, and amend Nye County Code Chapter 15.16 the Building and Construction Codes Effective within the Pahrump Regional Planning District by repealing the previously adopted building and construction codes, listed appendices, and related amendments thereto and sections therein, and adopting new international and uniform building and construction codes, listed appendices, and amendments thereto, to be applicable and effective within all of Nye County, as specifically noted herein; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Set an effective date.

Commissioner Koenig opened the public hearing.

John Bosta said on July 24, 2019, he notified the Sheriff’s Office that the mobile home and RV park he lived in was putting buildings on concrete pads in violation of their permit. The following Monday he called the Planning Department because the Sheriff’s
8. 10:00 – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2019-13-Cont’d.

Office said they would talk to the Planning Director, but he had not been informed of the complaint. Mr. Bosta felt the Board adopting this ordinance today would conflict because at the time he made the reports they were required to have building permits from the County. He believed the County was trying to avoid being involved in permits it did not issue and did not inspect.

Trevor Dolby thought it would be useful for the District Attorney’s Office to comment on the applicability to complaints on issues filed prior to the effective date of this change.

Matt Walker from the Southern Nevada Home Builders Association expressed their appreciation for the Board considering the southern Nevada amendments and their desire to see standard plans approved prior to the effective date of this Code adoption grandfathered in to avoid re-submittals.

Pat Minshall said from what she read it sounded like the County wanted to do away with all types of inspections for outlying towns. She did not want to see Amargosa removed from the commercial rules and regulations.

Commissioner Koenig closed the public hearing.

In response to Mr. Dolby’s question, Chris Arabia advised that normally these would not apply retroactively. Deputy District Attorney Bradley Richardson was working on this more than he was so he would check with him, but Mr. Arabia was pretty sure it was not going to be retroactive.

Commissioner Koenig referred to page 3 of 51, paragraph E, which stated areas located outside of the PRPD shall be exempt from the requirement to obtain permits, etc., for residential or commercial and asked if that was new or if it had always been there.

Planning Director Brett Waggoner advised it was always there and that was one of the things he wanted to correct. In the Code today there was no permit or inspection requirement outside of the PRPD, but all construction was to adhere to the codes adopted. He agreed it needed to be addressed to comply with NRS, but it would not be through this code adoption. It would be an amendment to the Nye County Code.

Commissioner Koenig thought commercial needed to be looked at and brought back for an amendment.

Mr. Waggoner added there were permit requirements regarding fire and life safety as well as flood prevention.

Commissioner Strickland made a motion to adopt Nye County Bill No. 2019-13 with an effective date of January 1, 2020; seconded by Commissioner Wichman.
8. 10:00 – For Possible Action – Public Hearing, discussion and deliberation to: 1) 
Adopt, amend and adopt, or reject Nye County Bill No. 2019-13-Cont’d.

Commissioner Strickland said she spoke with Mr. Waggoner regarding this and felt it 
could be implemented very easily. There were no major changes affecting building 
moving forward, but she agreed with the Chairman that an ordinance needed to be 
drafted to take care of the outlying areas.

Commissioner Cox asked if these would only apply to Pahrump.

Mr. Waggoner explained the building code adoption itself applied to the entire County. 
The only thing right now that was not required outside of Pahrump was the building 
permits for the construction of the building or inspections. This would now make it the 
same exact Code all the way across the board.

Commissioner Blundo was present via telephone

Commissioner Cox said she would like this to fall within the purview of the towns as far 
as them being contacted and the department working with each individual town.

Mr. Waggoner advised it was circulated to all town boards and comments were 
requested. The only one he got anything back from was Beatty, which was in complete 
support of this.

Commissioner Cox asked if this meant they were required to get a permit.

Mr. Waggoner said outside of Pahrump they were not required to get a permit other 
than for commercial. They had to come in for a fire prevention permit, which required 
an inspection and plan review for fire and life safety, along with a flood elevation 
certificate. He agreed that there should be some type of permit required outside of the 
PRPD to comply with the NRS which stated once there was a building official in place 
for any new construction or alterations a permit was required. The inspection side of 
things would need to be worked out because of manpower and in order to perform 
inspections certifications were required. He was in full support of a permit and possibly 
a plan review requirement to make sure it complied with the County codes.

Commissioner Cox said she would rather see this put on the town agendas for 
discussion and see how the public felt about it. She did not think sending one letter to 
one person was sufficient. She said she would support this as it was, but she would like 
to see something in the future addressing the towns. Commissioner Cox was also 
worried about the added costs driving people away.

Commissioner Wichman agreed with the cost concerns for residential. She was 
supporting this as the County had always adhered to the State building code. She said 
the problem on residential and outside of Pahrump was the 18,159 square miles that an 
inspector needed to cover. When the people in the northern County called for State
8. 10:00 – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2019-13-Cont’d.

inspections on residential construction it was six to nine months before someone came out to give a permit before a shovel of dirt could be turned. She said things like placing inspectors in the northern part of the County or making staff in Pahrump cover it needed to be thought about before a County-wide building permit process was put in place.

Commissioner Strickland said this was not changing the outlying areas. The only thing this changed was a residential building over 5,000 square feet had to have a fire suppression system.

The motion to adopt Nye County Bill No. 2019-13 with an effective date of January 1, 2020, passed with 5 yeas.

9. 10:15 – For Possible Action – Discussion and deliberation regarding the Treasurer’s Report.

Treasurer John Prudhont explained he did not have the July report to present today as there was not sufficient time to provide the back-up. That report would be presented at the next meeting along with revised reports for June and May.

Commissioner Koenig asked if it would be in the original format or the new format that no one liked but Mr. Prudhont.

Mr. Prudhont explained the only change to the format had to do with two additional worksheets so it did not really change. He said he did not feel the original report format had adequate information for the Commissioners or general public to look at to determine how the numbers were reached.

Commissioner Koenig pointed out that the CLGF and everyone wanted to go back to the original format that they liked. He stated the County was on fiscal watch and would be for at least another year. The County should do what they wanted done. The fact that the reports did not balance was another problem. Commissioner Koenig said this needed to be fixed or the County would be on fiscal watch forever.

Mr. Prudhont explained his office produced reports with the information available which created reports that did not have a balancing amount at the end as he was not willing to put in a number and say it was an unidentified balance. They were now going back and identifying the outstanding items they were unable to identify for those particular reports. When those reports were done again they would have a balance where the Treasurer’s report final balance balanced with the bank reconciliations. After the DTAX meeting he now understand what DTAX wanted as well as the Board and they were going to do what the outside auditor did, which was put in a number that allowed it to balance and identify that number as outstanding items they were in search of. Mr. Prudhont then
9. 10:15 – For Possible Action – Discussion and deliberation regarding the Treasurer’s Report-Cont’d.

asked why three days before the meeting with CLGF they were told that the reports submitted were not in a format that anyone felt was acceptable.

Commissioner Koenig said the answer to some of that was they were happy with the format until Mr. Prudhont changed it. The answer to some of the other questions were, as Chairman Leavitt said, the Board of County Commissioners was not expected to be financial geniuses. Commissioner Koenig did not know those numbers should be the same and now he would be checking it. He said the CLGF was not happy, the outside auditor was not happy, and obviously he was not happy. There was nothing he could do except bring it out in public the figures were wrong. He said Mr. Prudhont resisting the requested change was not going to get the County off of fiscal watch.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

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

10. General road report by Public Works Director.

Public Works Director Tim Dahl advised the durapatcher came into the Pahrump yard on August 22, 2019. It would probably not be put to work until the chip seal on Senita Courts and a portion of the Belmont Road were done. A portion of that road would be put on a federal access road land application to get some help funding its repair. Preparation for both roads would start soon and he asked the communities to have patience. The anticipated start date was September 16, 2019.

Commissioner Cox mentioned the FLAC grant was coming up and thought perhaps some roads in the older areas would qualify for help.

Commissioner Blundo asked for an update on Wilson Road. He then advised he had a conversation with Senator Rosen’s office and he would speak with Mr. Dahl after the meeting. They were very interested in something the County was applying for at the federal level and would like to help. Commissioner Blundo also asked the contractors in town to be mindful and respectful when they drove on residential roads.

Mr. Dahl said he was getting a lot of questions about encroachment permits. He proposed doing a workshop in the communities to answer questions people may have regarding encroachments, what they could and could not do, and what needed a permit. He also encouraged the public to use the Web site to submit complaints and concerns.

Commissioner Koenig assumed the Chair of the Board of County Commissioners.
SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

11. For Possible Action – Discussion and deliberation to: 1) Determine that excess Town of Pahrump vehicles and/or equipment are no longer required for public use; 2) Determine it is in the best interest of Town of Pahrump to dispose of excess vehicles and/or equipment through public auction; and 3) Determine that excess equipment not disposed of through auction, may be sold for scrap metal/recycled.

Commissioner Wichman made a motion to determine the Town of Pahrump vehicles and equipment were no longer required for public use, it was in the best interest of the Town of Pahrump to dispose of those excess vehicles and equipment and excess equipment not sold through auction should be sold for scrap; seconded by Commissioner Strickland; 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.

12. For Possible Action – Approval of Assessor’s Office Change Requests to allow the Nye County Assessor and Treasurer to process and:

1) Reduce the assessed value of Assessor’s Parcel Number 021-421-23 to $25,655.00 and mail a corrected Assessment Notice to the property owner; Veronica & Robert Regan.

2) Issue an amended tax bill in the amount of $69.04 to Carl & Tina Paice, owners of Assessor’s Parcel Number 008-321-06.

3) Issue an amended tax bill in the amount of $3,224.13 to the Kimberly Simon Skorzanka Trust, owner of Assessor’s Parcel Number 044-232-03.

4) Reduce the assessed value of Assessor’s Parcel Number 008-243-06 to $15,993.00 and mail a corrected Assessment Notice to the property owner; Jenette Turman.

5) Issue an amended tax bill in the amount of $284.32 to Arthur and Maria Wimberly, owners of Assessor’s Parcel Number 019-221-21.

Commissioner Wichman made a motion to approve items 12.1 through 12.5; seconded by Commissioner Strickland; 5 yeas.
13. 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.

14. 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.

15. 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.

16. For Possible Action – Discussion and deliberation regarding: 1) the Annual Evaluation of the County Manager; and 2) determination that the County Manager’s performance has been satisfactory.

Tim Sutton explained this was the annual evaluation required per his contract. The format changed a little since last year. There was no summary sheet, just the raw survey results. He also pointed out he included a self evaluation per Commissioner Wichman’s request.

Commissioner Wichman made a motion that the County Manager was doing a superb job; seconded by Commissioner Strickland.

Tom Waters commented being County Manager was a difficult job and he was pleased when Mr. Sutton was selected. When Mr. Waters looked at it from the veterans community Mr. Sutton had always stepped forward for anything the veterans wanted, needed or required. Mr. Waters said he was very pleased with everything he had heard and seen from the County Manager.

Robert Adams stated Mr. Sutton had done a superb job. He was a pleasure to work with and his attitude was always how to make something work.

Commissioner Blundo said Mr. Sutton was a resource and he did the best he could to be attentive to the issues. He invited Mr. Sutton to continue to broaden his horizons.

The motion that the County Manager was doing a superb job passed with 5 yeas.

Commissioner Blundo asked when Mr. Sutton’s contract expired.
16. For Possible Action – Discussion and deliberation regarding: 1) the Annual Evaluation of the County Manager; and 2) determination that the County Manager's performance has been satisfactory-Cont'd.

Mr. Sutton said there was no expiration date. There was a 90-day at will notice so the Board or he could terminate at any time. His anniversary date was October 1 and his review was required to be done 30 days prior to that.

FINANCE

17. Presentation and discussion regarding Moody's credit opinion for Nye County.

Savannah Rucker highlighted a couple of strengths regarding the credit opinion, which included reversal from narrow operations to a sustained trend of healthy general fund reserves, a growing tax base, a growing economy, and the County's debt was low and manageable. As to the challenges, Mrs. Rucker said those included the limited taxable land area; the concentration of the local government and economy in mining and related industries; weak socioeconomic indicators; and high net pension and OPEB liability. She said factors that could lead to an upgrade was a sustained trend of stable and increasing reserves and liquidity, a substantial increase in assessed valuations, and significant improvement in socioeconomic indicators, all of which were long-term goals. Mrs. Rucker thought overall the County was doing well and advised that with this upgraded credit rating she would move forward on refinancing the jail bond.

18. For Possible Action – Discussion and deliberation to: 1) Pursuant to NRS 350.089, read into the minutes the approval from the Department of Taxation for the Medium-Term obligation to replace County fleet; and 2) Grant authority for County Manager to execute quotes for year 2 lease/purchases.

Commissioner Blundo made a motion to 1) read into the minutes the approval from the Department of Taxation for the medium term obligation to replace County fleet and 2) grant authority to the County Manager to execute quotes for year two lease/purchases; seconded by Commissioner Strickland; 5 yeas

Commissioner Koenig read the letter from the Department of Taxation into the record.
HEALTH & HUMAN SERVICES

19. For Possible Action – Discussion and deliberation regarding an Interlocal Contract with the State of Nevada, Division of Health Care Financing and Policy (DHCFP) and Division of Welfare and Supportive Services (DWSS) to provide the administrative services necessary to implement the program of medical assistance to individuals who meet financial and medical eligibility criteria.

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

PLANNING/BUILDING/CODE COMPLIANCE

20. For Possible Action:


Commissioner Blundo made a motion to approve items 20a-20d; seconded by Commissioner Wichman.
20. For Possible Action:

20a. For Possible Action – Discussion and deliberation on Recreational Marijuana Establishment License Initial Application RM-2019-000055 -Cont’d.

20b. For Possible Action – Discussion and deliberation on Recreational Marijuana Establishment License Initial Application RM-2019-000056-Cont’d.

20c. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Initial Application MM-2019-000083-Cont’d.

20d. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Initial Application MM-2019-000084-Cont’d.

Jay Matos introduced himself. He said in 2012 he worked on the medical marijuana bill in Nevada. He also worked with Clark County on the regulations and was on the Clark County Green Ribbon panel. Mr. Matos offered to answer any questions anyone had on the industry.

The motion to approve items 20a-20d passed with 5 yeas.

21. For Possible Action – Discussion and deliberation regarding a request to waive the requirement to prepare drainage and traffic studies relating to Tentative Commercial Subdivision TM-2018-000016: A tentative commercial subdivision map on approximately 5.9 acres (net), located at 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.

Dave Richards from Civilwise Services, representing the applicant, said it was brought up at the previous meeting that these two waivers would have to go through another hearing for consideration. The purpose of asking for the waivers was the site was pretty much all by itself. It did not affect any public right of ways or facilities and they were not proposing any kind of construction or site changes. It was merely to separate the brothel from the commercial uses of the property that existed. Mr. Richards explained the problem they were having was in the area of funding. The lending institutions would not lend a certain category of loan on a property that included a brothel, but they needed the funding because they wanted to refurbish the machines, gas pumps, and the whole project inside needed to be upgraded which would take a considerable amount of money. Also, construction inside would not affect drainage or traffic so those reports would not show anything.

Commissioner Wichman made a motion to approve both waivers; seconded by Commissioner Strickland.

Commissioner Strickland asked if the items that were being waived would be required at the time the parcels were built on.
For Possible Action – Discussion and deliberation regarding a request to waive the requirement to prepare drainage and traffic studies relating to Tentative Commercial Subdivision TM-2018-000016: A tentative commercial subdivision map on approximately 5.9 acres (net), located at 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.

Brett Waggoner said yes. All they were doing right now was subdividing the existing structures.

The motion to approve both waivers passed with 5 yeas.

PUBLIC PETITIONER

For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2019-29: A Resolution Recommending that Nye County Approve Humboldt County as a Member County of the Central Nevada Regional Water Authority Effective July 1, 2019.

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

23. GENERAL PUBLIC COMMENT (second)

Pat Minshall said it was Nye County Planning, not Pahrump planning, and she thought the County needed to look at adding more people to facilitate the needs of the County, not just the needs of Pahrump.

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

Referring to item 20 on today’s agenda, Commissioner Strickland asked staff if there was any way to consolidate the reading of items with subsections in the future. For instance, it should have just been reading of the initial license application for recreational cultivation, recreational production, medical marijuana cultivation, and medical marijuana production instead of reading it over and over.

Tim Sutton said the only concern with that was it was broken down by application and those were separate applications.
25. ADJOURN

Commissioner Koenig adjourned the meeting.

APPROVED this _______ day
Of ____________, 2019.

Chair

ATTEST:

________________________
Nye County Clerk / Deputy