



**NYE COUNTY
BOARD OF COMMISSIONERS MEETING
101 Radar Rd, Tonopah NV 89049
TUESDAY, August 7, 2012
10:00 AM**

**Lorinda Wichman, Chair
Dan Schinhofen, Vice-Chair
Joni Eastley, Commissioner
Gary Hollis, Commissioner
Butch Borasky, Commissioner
Sandra "Sam" L. Merlino, Ex-officio Clerk of the Board**

NOTE: All items are approximate except for bid openings, public hearings, and any other items agendized at a specific time. Items on the agenda without a time designation may be taken out of order. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. **NOTICE: It is anticipated that the items of business before the Board of Commissioners on August 7, 2012 will be fully completed on that date. However, should item(s) not be completed, it is possible item(s) could be carried over and be heard before the Board of Commissioners beginning at 8:30 a.m. on the next day.**

Public Comment during the Commission Meeting on August 7, 2012 will be for all matters, both on and off the agenda, and be limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during individual action items. The Commission reserves the right to reduce the time or limit the total time allowed for public comment. The Commission may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the Commission, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations. Tonopah Convention Center, 301 Brougner Avenue, Tonopah, NV; U.S. Post Office, 201 Erie Main St., Tonopah, NV; Commissioners' Meeting Room, 101 Radar Road, Tonopah, NV; District Court, 101 Radar Road, Tonopah, NV; The Ian Deutch Government Complex, 1520 East Basin Road, Pahrump, NV; Commissioners' Chambers, 2100 E. Walt Williams Drive, Pahrump, NV; Beatty Justice Court, 426 C Avenue South Beatty, NV

Support documentation for the items on the agenda, provided to the Nye County Board of Commissioners is available to members of the public at the County Manager's Office (101 Radar Road, Tonopah, Nevada & 2100 E. Walt Williams Drive, Pahrump, Nevada) and on the County's website.

WEBSITE: www.nyecounty.net

The Nye County Board of Commissioners may take a short break every 1 ½ hours.

In accordance with Federal law and U.S. Department of Agriculture policy, Nye County is prohibited from discriminating on the basis of race, color, national origin, sex, religion, age, or disability. (Not all prohibited bases apply to all programs.) To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider, employer, and lender

“Communication for Hearing Impaired: Dial Nevada Relay Service 711 or for Voice to TTY (800) 326-6888 or TTY to Voice (800) 326-6868”

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ITEM # SUBJECT

August 7, 2012

Lorinda Wichman, Chair
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Gary Hollis, Commissioner
Butch Borasky, Commissioner
Sandra "Sam" Merlino, Ex-Officio Clerk of the Board

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Special Note: Any member of the public who is disabled and requires accommodation or assistance at this meeting is requested to notify the Nye County Manager's Office in writing or call 775-482-8191 prior to the meeting.

Please note: Blue text that is underlined indicates items are linked to supporting documentation

NYE COUNTY BOARD OF COMMISSIONERS

- 1 Pledge of Allegiance**
- 2 For Possible Action - Approval of the Agenda for the Board of County Commissioners' meeting of August 8, 2012.**
- 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).**

NOTICE OF TIMED AGENDA ITEMS

10:00 a.m. Timed Agenda Items:

- a. Presentation of certificate of appreciation to the Board of County Commissioners for recognition and support of the Nye County Animal Shelter Volunteer Program.
- b. Presentation by Tom Seley from BLM on the Battle Mountain Drought Environmental Assessment. **This document has been divided into three parts due to the size.** (FONSI, EA.1, EA.2)

10:15 a.m. Recess to the Nye County Board of Road Commissioners (Agenda Attached)

10:30 a.m. Recess to the Nye County Licensing and Liquor Board (Agenda Attached)

10:45 a.m. Timed Agenda Items:

- a. For Possible Action – Continued Public Hearing, discussion, and deliberation to issue an Outdoor Festival License to PAVED, INC dba The Pahrump Fair and Festival for their annual Pahrump Fair and Festival to be held on September 27-30, 2012 at Petrack Park, the Rodeo area, the Annex area and the Ruud building in Pahrump, Nevada.
- b. For Possible Action – Public Hearing, discussion, and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2012-13: A Bill proposing to

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repeal 68 Gabbs City Ordinances 7,8,12,14,15,16,19, 20, 22A, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82 and 83.

- c. [For Possible Action](#) – Public Hearing, discussion, and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2012-14: a Bill proposing to amend Title 8 of the Nye County Code by adding a new Chapter 8.40 creating the Nye County Raw Milk Commission, setting forth its powers and duties, establishing the numbers and terms of the members thereof; providing for the severability, constitutionality and effective date hereof, and other matters properly relating thereto.

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- 4 [For Possible Action](#) - Approval of Minutes of the Board of County Commissioners' meeting(s) for: [June 29, 2012 Teleconference](#); [July 3, 2012 Regular Meeting](#); and [July 9, 2012 Teleconference](#).
- 5 Awards and Presentations
- 6 Announcements (first)
- 7 For Possible Action - Emergency Items
- 8 Commissioners'/Manager's Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)
- 9 Consent Agenda Items
 - a. For Possible Action – Discussion of any item from the Consent Agenda Items that needs review before a decision is made.
 - b. [For Possible Action](#) – Approval of Elected Official Collection Report
 - c. [For Possible Action](#) – Approval of Assessor’s Office Change Request
 - d. [For Possible Action](#) – Approval of Personnel Actions
 - e. [For Possible Action](#) – Approval to enter into a three year contract with Frontier Communications for DSL Service at the Tonopah Animal Shelter and is budgeted from Fund 10101 General.
 - f. [For Possible Action](#) – Approval for the Nye County Sheriff’s Office to trade 99 forfeited or confiscated firearms to the New Frontier Armory, LLC in exchange for new handguns and new parts for existing NCSO firearms.
 - g. [For Possible Action](#) – Approval to accept the US Department of Justice, Bureau of Justice Assistance: Byrne Justice Assistance Grant (JAG) to provide for five (5) digital in car cameras for narcotics highway interdiction and monies for installation in our vehicles. A match is budgeted from Fund 10101 General and the grant shall be administered from Fund 10340 Grants.

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- h. [For Possible Action](#) – Approval of a lease agreement with Pitney Bowes Global Financial Services for the repair and maintenance service for the postage equipment located in the Nye County Sheriff’s Office in Pahrump, NV for a period of 60 months and is budgeted from Fund 10101 General.
- i. [For Possible Action](#) – Approval to issue a renewal Wholesale/Retail Fireworks Permit to Outlaw Pyrotechnics, Inc. Kelly Bernard, Applicant.
- j. [For Possible Action](#) – Approval of a change order with the State of Nevada Division of Emergency Management (DEM) FFY12 Emergency Preparedness Working Group (EPWG) grant. This grant shall be administered from Fund 10340 Grants, and there is no match required.
- k. [For Possible Action](#) – Approval to apply for the Public Agency Compensation Trust (PACT) Stryker EMS Equipment 50/50 Grant to provide ergonomically beneficial equipment in an effort to reduce risk and injury to the EMS caregiver during patient handling and transport. This grant shall be administered from Fund 10340 Grants and has a 50% match which is budgeted from Fund 10282 Ambulance and Health.
- l. [For Possible Action](#) – Approval to purchase a Contex SD 3690 36-inch large format color document scanner for the Tonopah Planning office and can be funded from Fund 10254 Building Department.
- m. [For Possible Action](#) – Approval to accept the transfer of Bureau of Land Management (BLM) road right-of-way permit N-39914 for Weiss Blvd (approximately 2,600 feet) between Powerline Road and Sandy Lane in Amargosa Valley.
- n. [For Possible action](#) – Approval to purchase and install replacement water softener controllers at Pahrump and Beatty Courthouse buildings and can be funded from Fund10401 Capital Projects.
- o. [For Possible action](#) – Approval of Change Order No.1 to the contract with Sierra Detention Systems – Bid # 2011-31/PWP #NY-2012-97 – Tonopah Jail Control Panel and can be funded from Fund 10402 Capital.
- p. [For Possible action](#) – Approval of the proposed FY 2012-13 Regional Transportation Commission (RTC) Fund 10207 (4¢) budget.
- q. [For Possible Action](#) – Approval of Change Orders No. 8, 9 and 10 to the contract with Wulfenstein Construction, Inc. for additional work and materials on the Blagg Road Sewer Line Trench Backfill Replacement Project and is budgeted from Project PE1202 Fund 10493 Capital Projects.
- r. [For Possible Action](#) – Approval of a lease with New Frontier Treatment Center to rent office space for a three year term at \$1.00 per year. Office space dimension is approximately 285 square feet containing 1 office which is located in the Old Courthouse on Frankie Street, Tonopah, Nevada 89049.
- s. [For Possible Action](#) – Approval of Change Order No. 1 to the contract with Aon Fire Protection Engineering Corporation to provide special inspection (Special Inspector) smoke

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control testing services and can be funded from approved Project BP1102 Fund 10451 Bond Proceeds.

- t. [For Possible Action](#) – Adoption of Nye County Resolution No. 2012-36: a resolution congratulating Rural Nevada Development Corporation on twenty years of service to Rural Nevada Communities.

PUBLIC OFFICIALS

10 Assessor

11 Board of Commissioners

- a. 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.
- b. 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.
- c. For Possible Action – Discussion, deliberation, and possible decision on labor negotiations, issues and other personnel matters presented in closed meeting.
- d. [For Possible Action](#) – Discussion and deliberation to provide direction to the Animal Control Advisory Board to prepare a resolution to address the fee schedule pursuant to Title 6 Animal Control.

12 Clerk

13 District Attorney

14 Recorder

15 Sheriff

16 Treasurer

17 Justice(s) of the Peace

18 District Court

19 Juvenile Probation

GENERAL NYE COUNTY ADMINISTRATIVE STAFF

20 County Manager

- a. [For Possible Action](#) - Discussion and deliberation concerning a request to approve funding for Educational Tuition Assistance and can be funded from Fund 10301 Special Projects Endowment.
- b. [For Possible Action](#) – Discussion and deliberation concerning a request to approve funding to furnish a County owned home located at 3232 Golden Mountain Lane in Tonopah to provide lodging for County staff and can be funded from Fund 10301 Special Projects Endowment.

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- c. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2012-38: a Resolution that it is in the best interest of the public to lease a portion or portions of the Amargosa Valley Science and Technology Park property without offering it at public auction and for less than fair market value, for purposes of economic development; soliciting proposals for lease of land at the Amargosa Valley Science and Technology Park for purposes of economic development; declaring that on or after the date of this resolution, as proposals are received and considered, the Board of County Commissioners may lease a portion or portions of the Amargosa Valley Science and Technology Park property, on such terms as are deemed to be in the best interest of the County, without appraisal or further public auction, pursuant to NRS 244.2815 and NRS 244.2795; directing and authorizing the Chairman of the Board of Commissioners and the County Clerk to take all actions necessary to carry out the intent of this Resolution; and other matters related thereto.

21 Emergency Services

22 Facilities

23 Finance

- a. [Audit](#) Corrective Action Status Report
- b. [Budget](#) to Actual by Fund Report
- c. [For Possible action](#) – Discussion and deliberation for a one year renewal of the contract with Advanced Surveying and Professional Services to provide County Surveyor Services, excluding mining claims and is budgeted from Fund 10101 General.
- d. [For Possible action](#) – Discussion and deliberation to solicit Requests for Qualifications to provide County Surveyor Services, excluding mining claims and services are budgeted from Fund 10101 General.

24 Health & Human Services

25 H/R and Risk Management

- a. [For Possible action](#) - Discussion and deliberation to approve the changes to the Engineering Tech IV job description and promote Jim Shaner into the approved position retro back to July 1, 2012 and can be funded from Fund 10205 Road.

26 Information Technology

27 Nuclear Waste Repository Project Office

28 Planning/Building/Code Compliance

- a. Ex Parte Communications and Conflict of Interest Disclosure Statements
- b. [For Possible Action](#) – Discussion and deliberation regarding the status of nuisance properties and possible abatement action.

29 Public Administrator

30 Public Works

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31 Senior Services

OTHER BUSINESS

32 Town Boards/Town Advisory Boards

- a. [For Possible Action](#) – Discussion and deliberation to write-off the uncollectable utility accounts from the books of the Town of Gabbs.

33 Public Petitioners

- a. [For Possible Action](#) – Discussion and deliberation to approve a request by JSA Healthcare Nevada, LLC for improvements to be made to the Pahrump Medical Center building located at 1501 Calvada Blvd. in Pahrump, Nevada.
- b. [For Possible Action](#) – Presentation, discussion and deliberation regarding potential litigation regarding transfer tax exemptions and possible action on retaining the lawfirm of Wolf, Rifkin, Shapiro and Schulman as special counsel.

34 GENERAL PUBLIC COMMENT (second)

35 ANNOUNCEMENTS (second)

36 ADJOURNMENT

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AGENDA
NYE COUNTY BOARD OF ROAD COMMISSIONERS

101 Radar Rd, Tonopah NV 89049
TUESDAY, August 7, 2012

10:15 A.M.

Dan Schinhofen, Chair
Lorinda Wichman, Vice-Chair
Joni Eastley, Member

Gary Hollis, Member
Butch Borasky, Member
Sandra "Sam" Merlino, Ex-Officio Clerk of the Board

NOTE: All times are approximate except for public hearings and any other items agendized at a specific time. Action may be taken on all items except where otherwise indicated. Items not scheduled for a specific time may be considered at any time and in any order.

1. GENERAL PUBLIC COMMENT (Three-minute time limit per person and requested to be limited to items not listed on the agenda. No action will be taken by the Board.)

NOTICE OF TIMED AGENDA ITEMS

10:15 a.m.

For Possible Action - Public Hearing, discussion, and deliberation to adopt, amend and adopt, or reject Nye County Road Commission Resolutions establishing County public roads pursuant to Nevada Revised Statutes 405.191, 403.170 and R.S. 2477 Right-of-Way:

Stone Cabin Prospect Road No. [966250](#)
Cross Stone Cabin Valley Road No. [966265](#)
Stone Cabin Jeep Road No. [967500](#)
Clifford Spring Road No. [967810](#)
North West Clifford Mine Road No. [967915](#)
East Clifford Mine Road No. [967820](#)
Saulsbury Well Road No. [967830](#)
Well Three Road No. [967840](#)
McKinney Tanks Road No. [967850](#)
Stone Cabin Valley Cutoff Road No. [967900](#)

Bellehelen Road No. [967912](#)
Taylor Well Road No. [967920](#)
Ben Hur Mine Road No. [967922](#)
Short Prospect Road No. [967932](#)
Tobe Spring Road No. [967942](#)
Ajax Mine Road No. [967950](#)
Craig Mine Road No. [967960](#)
Longstreet Ranch Road No. [968110](#)
South East Haws Canyon Road No. [968120](#)
West Golden Arrow Road No. [968130](#)

2. For Possible Action - Approval of Minutes for the Nye County Board of Road Commissioners' meeting for July 3, 2012.
3. For Possible Action - General road report by Public Works Director

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4. [For Possible Action](#) – Discussion and deliberation to set a date, time, and location for a public hearing on Nye County Road Commission Resolutions establishing County public roads pursuant to Nevada Revised Statutes 405.191, 403.170 and R.S. 2477 Right-of-Way for the following:

Chocolate Pot Road No. [926260](#)

East Pioneer Road No. [926270](#)

Tracking Station Road No. [926280](#)

Alkalai Flat Road No. [926100](#)

Sarcobatus Prospect Road No. [929110](#)

Tin Can Road No. [929120](#)

Stonewall Mountain Road No. [929130](#)

Seep Road No. [929140](#)

Stinking Spring Road No. [968140](#)

Breen Ranch Road No. [968150](#)

5. Adjourn

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**AGENDA
NYE COUNTY LICENSING AND LIQUOR BOARD**

**101 Radar Rd, Tonopah NV 89049
TUESDAY, August 7, 2012**

10:30 A.M.

**Butch Borasky, Chair
Gary Hollis, Vice-Chair
Joni Eastley, Member
Lorinda Wichman, Member**

**Dan Schinhofen, Member
Tony DeMeo, Member
Sandra "Sam" Merlino, Ex-Officio Clerk of the Board**

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1. GENERAL PUBLIC COMMENT (Three-minute time limit per person and requested to be limited to items not listed on the agenda. No action will be taken by the Board.)
2. For Possible Action - Approval of Minutes for the Nye County Licensing and Liquor Board meeting for July 3, 2012.
3. Consent Agenda Items
4. Brothel
5. Gaming
6. Liquor
 - a. For Possible Action – Discussion and deliberation to issue a Temporary Retail Liquor License to Heath’s Laff Factory, 251 S. Frontage Road, Pahrump, NV. Heath Campbell, Applicant.
 - b. For Possible Action – Discussion and deliberation to issue a Temporary Retail Liquor License to Death Valley Fire Pit BBQ, 151 S. Second Street, Beatty, NV. Amanda Shemp, Applicant.
7. Adjourn