

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, as the Nye County Board of Health, as the Governing Body of the Unincorporated Town of Pahrump, as the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and as 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
Dan Schinhofen, Vice-Chair
Lorinda Wichman, Commissioner
Butch Borasky, Commissioner
Donna Cox, Commissioner
Sandra L. Merlino, Ex-Officio Clerk of the Board
Angela Bello, District Attorney
Sharon Wehrly, Sheriff
Tim Sutton, County Manager

Also present: Kelly Sidman, Deputy Clerk; Lorina Dellinger, Assistant County Manager; Samantha Tackett, Administrative Manager

Commissioner Cox was not present at this time.

1. Pledge of Allegiance

The Pledge was recited.

2. 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).

Richard Goldstein said Boy Scout Troop 651 would start selling camp cards this weekend at Smith's from 8:00 a.m. to 2:00 p.m. The cards were \$5.00 each and the money helped the boys go to camp.

Dave Stevens talked about Dennis Hof running for office.

John Bosta said it was announced at a previous meeting that when the Commissioners were noticed of a violation they were supposed to do something about it. He advised salt was leaking from the tank at the solar company in Tonopah and no action had been taken about that. Additionally, Round Mountain Gold was polluting the groundwater and the Commission had taken no action on that. Mr. Bosta asked why they had not been addressed.

2. 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.

Don Cox disagreed with Mr. Stevens' comments about Mr. Hof and felt he should be left alone as he brought a lot of money into the County. He personally thought this was a witch hunt which would end up costing the taxpayers a lot of money.

Tina Trenner understood there was a lot of emotion going on and a lot of he said/she said. She asked everyone to be civil.

Herman Lewis suggested Mr. Stevens sit down with Mr. Hof as he probably would feel differently about him.

Annette Fuentes invited the Commissioners out to their camp again as there was an issue with water with the State Engineer. They disconnected the water pipe. She called the State Engineer, who said they could not do that, but no one was doing anything about it. They said they would not do anything about it and that she would have to take them to court. She and her husband were getting fed up, and she did not think the County wanted to see what would happen if someone did not step in and help them. She then commented that Dennis Hof came out to the church camp.

Ronald Fairbairn felt the County's reputation was at stake and what was represented to businesses that wanted to move here needed to be thought about. He did not see why the County needed to put itself in the forefront of the situation. Mr. Hof had the right to do legally anything he wanted to in the community, but Mr. Fairbairn advised part of the Republican caucus in Pahrump had disassociated themselves from the Republican section that supported him.

Dennis Hof discussed the Fuentes family and their property. He did not know why they were not getting support. He thought the Commissioners as a group should be out there stopping it as it was a taking of the water.

Commissioner Cox was present.

Horace Carlyle encouraged the Commission to enforce the standards listed on the front page of the agenda, which did not allow personal attacks on someone sitting in the audience with no rebuttal.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

PLANNING

4. For Possible Action – Discussion and deliberation on Final Commercial Subdivision Application FM-2018-000008 (Spring Mountain Commercial): A final subdivision map application to allow a commercial subdivision on approximately 21.78 acres of property zoned General Commercial (GC), located at 3651 S. Nevada Highway 160, Pahrump, NV. Assessor Parcel Number 027-741-05. Spring Mountain Commercial, LLC – Property Owner/Applicant. Russ Meads, Double M Construction – Agent for Spring Mountain, LLC.

Commissioner Schinhofen made a motion to approve the final subdivision map as stated in the back-up; seconded by Commissioner Wichman.

John Bosta pointed out the back-up did not state how much water was needed. He said the Great Basin Water Company held 28,000 acre feet of water and asked if the project was inside of their footprint. He also did not think the proper items were listed for a subdivision and noted there was no caveat that the State Engineer had agreed the water was available. Mr. Bosta thought passing this permit as presented was too open.

Commissioner Koenig advised the water rights were dedicated by the raceway to UICN quite a while ago when the County refused to take the water and sewer.

Brett Waggoner, Planning Director, confirmed that the water had been dedicated to the utility company. As far as water usage, that had not been determined yet and would be determined as part of the development process. If there was a need for more water and a utility was not willing to supply a will serve, then they would have to come up with more water. Mr. Waggoner said they were going off of an intent to serve as the parcel was located within the utility service territory and had gone through the annexation process.

The motion to approve the final subdivision map as stated in the back-up passed with 5 yeas.

SITTING AS THE NYE COUNTY LICENSING AND LIQUOR BOARD

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

BROTHEL

3. For Possible Action – Discussion and deliberation regarding the current suspension of Privilege License No. BR10-000605, for Cherry Patch, LLC, dba Love Ranch Brothel, whether to lift or retain the suspension and determine and direct what, if any further action needs to be taken by the Board or Licensee.

Commissioner Borasky stated NRS 281.420 required him to disclose a conflict of interest. A show cause had been scheduled regarding various violations of Nye County ordinances. It had come to his attention that Dennis Hof and other individuals had filed a lawsuit and for that reason he would abstain from voting on this matter, but he would remain in chambers.

Sheriff Wehrly said NRS 281A.420 required her to disclose a continuing conflict of interest related to the Love Ranch matter before the Board today. The agenda item potentially affected her pecuniary interest. Mr. Hof filed a lawsuit against Nye County and Sheriff Wehrly in her official capacity on matters related to the Love Ranch. She believed the claims would not be successful. Sheriff Wehrly stated she took her obligations as a public officer very seriously and believed she could vote without being materially affected by the lawsuit. However, she believed the public perception could be that any vote she made here today would be materially affected by the lawsuit. She did not believe it was in the best interest of Nye County for her to vote on the issue before the Board today and as such she would abstain from the vote on this matter.

Commissioner Schinhofen said NRS 281A.420 required him to disclose a continuing conflict of interest related to the Love Ranch matter before the Board today. As he said at the February 20, 2018, meeting, the agenda item potentially affected his pecuniary interest. Mr. Hof had a filed a lawsuit against Nye County and Commissioner Schinhofen in his official and personal capacity. Commissioner Schinhofen denied any allegations made against him in either his personal or official capacity and believed the claims would not be successful. He took his obligation as a public officer very seriously and believed he could vote without being materially affected by the lawsuit. His past history and voting record was proof of that. However, he believed public perception could be that any vote he made here today would be materially affected by the lawsuit. Commissioner Schinhofen stated the Board that addressed this matter at the February 20, 2018, meeting should continue to make the related decisions. He did not believe it was in the best interest of Nye County for him to vote on the issue before the Board today. Commissioner Schinhofen said he would abstain from voting on this matter today, but he would not recuse himself on future issues dealing with Mr. Hof, and he left the room.

Commissioner Schinhofen was not present.

Commissioner Koenig said at the last meeting various things were discussed, including the merger resub and the road going through. He was fairly confident at that time that could all be done in 90 days. He saw the paperwork in Planning, but it was pulled back,

3. For Possible Action – Discussion and deliberation regarding the current suspension of Privilege License No. BR10-000605, for Cherry Patch, LLC, dba Love Ranch Brothel-Cont'd.

so that needed to get back to Planning before time ran out. As for the signs, Commissioner Koenig said on advice of counsel he had been told that should be treated as a criminal matter to be handled by someone else so he would not address it.

Commissioner Koenig made a motion to rescind the suspension subject to the following conditions: 1) the Fire Marshal was here and gave a list of 30 some odd items that had to be fixed within 30 days and they had to adhere to that 30 days; 2) the 90 day was still in effect for the merger resub, right-of-way and the signs, and he would give them 30 days to hire a licensed certified professional, get his or her name and contact number to Planning, and their job was to draw up as-built plans identifying the use for each building, propose a plan as compliant or prove what was built was compliant, which went back to the issue of the stickers; 3) after that person was identified they would have 60 days to do the job required and submit plans for review to Planning; 4) after the Planning review was done they had another 30 days to do whatever had to be done to become compliant if anything had to be done; 5) and they had to provide a monthly status report to Planning.

Commissioner Koenig stated he did not want to come back. There were issues, whether real or perceived, and he wanted to get through this.

Commissioner Cox seconded the motion.

Commissioner Wichman said Nye County Code 9.20.130(A)(6) specifically stated an operation may not be conducted in violation of any city, county, state, or federal ordinance, statute or regulation. Without those fixes already being made they were not going to compel Commissioner Wichman to violate the oath that she took to uphold the law in order for them to continue to violate the law.

The motion to rescind the suspension subject to the following conditions: 1) the Fire Marshal was here and gave a list of 30 some odd items that had to be fixed within 30 days and they had to adhere to that 30 days; 2) the 90 day was still in effect for the merger resub, right-of-way and the signs, and he would give them 30 days to hire a licensed certified professional, get his or her name and contact number to Planning, and their job was to draw up as-built plans identifying the use for each building, propose a plan as compliant or prove what was built was compliant, which went back to the issue of the stickers; 3) after that person was identified they would have 60 days to do the job required and submit plans for review to Planning; 4) after the Planning review was done they had another 30 days to do whatever had to be done to become compliant if anything had to be done; 5) and they had to provide a monthly status report to Planning, passed with 2 yeas. Commissioner Wichman voted no. Commissioner Borasky, Commissioner Schinhofen and Sheriff Wehrly abstained.

3. For Possible Action – Discussion and deliberation regarding the current suspension of Privilege License No. BR10-000605, for Cherry Patch, LLC, dba Love Ranch Brothel-Cont'd.

Commissioner Wichman said what should be looked at for possibly putting on the ballot for this upcoming election was what the voters thought about keeping prostitution in Nye County. When Commissioner Koenig asked her if she would sponsor that ballot measure she responded she had just asked staff to follow up on that.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

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

**5. GENERAL PUBLIC COMMENT (up to three-minute time limit per person.)
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Herman Lewis said there was lot going on with Order 1293. He asked the Board to look into subdivisions like Calvada where water was dedicated by the developer which ended up in the hands of the utility and was not put in the infrastructure forcing landowners to buy water.

Don Cox accused Commissioner Wichman of being out to get Mr. Hof. He was appalled at what had been going on for the last two years and thought it was happening because Mr. Hof was running for office.

Dave Stevens took his hat off to the Commissioners.

John Bosta pointed out Commissioner Wichman made the statement for the second time that when the Commissioners were noticed they were supposed to do something about it. He said the Chicken Ranch and Sheri's Ranch were both given a 90 day notice, but 120 days had passed and the Board had done nothing about the violations. Three of the owners were not vetted, one was possibly a felon, and Mr. Bosta felt if the Board was going after one brothel then they should go after the other brothels. He also mentioned the violations of the solar tower in Tonopah and Round Mountain Gold that the Board had done nothing about even though they were notified of the violations nine months ago.

Commissioner Koenig said he was very clear when this started that the Board would be fair and equitable. The two other brothels were inspected because he forced that to happen and he forced them to come back as to who owned them. He told Mr. Bosta that the Board had everything they needed and he could check with the Sheriff. He did thank Mr. Bosta for the information on the solar project, but he thought they fixed it and it was operating now. As far as Round Mountain Gold, he believed they passed all inspections so he did not see a problem.

5. GENERAL PUBLIC COMMENT (up to three-minute time limit per person.)
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Commissioner Wichman stated Tonopah Solar had a spill of salt that was fixed and they had been back up and running for eight months now, so that was old news. If people cared to go to official Web sites of the organizations that monitored those they would find all inspections by OSHA, all claims made against Tonopah Solar, and how they handled each one of those. The Round Mountain Gold information was also from some blog. She mentioned the contamination testing done through the State Water Department or the Division of Environmental Protection. Those records were in the State offices and available for the public.

Commissioner Wichman then commented on the inspections Commissioner Koenig mentioned. They were done at all of the brothels, including Dennis Hof's other brothel at the Alien on Highway 95. All violations of all brothels were noted and one of the other brothels was also told they had to restrict one of their buildings from occupation because of some of the same infractions Mr. Hof had. She said the Codes were the Commissioners' guidebook, and the laws of the state and country guided them also. One could not choose which laws to uphold and which ones to not. Nye County Code 9.20.130 specifically stated that an operation may not be conducted until everything was complied with. She could not decide that Dennis Hof was a good guy and let it go as that was not the oath she took. She said as long as she sat in the seat she would continue to uphold the laws as written. She then asked with all of the promotion and support that Mr. Hof was getting from Don and Donna Cox why there was no recusal or disclosure.

Gregory Hafen II, speaking as a member of the public, thanked Commissioner Borasky, Commissioner Schinhofen and Sheriff Wehrly for recusing themselves and thought they did the appropriate thing. He also thought there was a perception that a County Commissioner was advertising for an applicant on their personal vehicle and there was no disclosure, so he thanked Commissioner Wichman for bringing that up.

6. ADJOURN

Commissioner Koenig adjourned the meeting.

APPROVED this 17th day ATTEST:

Of April, 2018.


Chair


Nye County Clerk / Deputy