

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, 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 Commissioner Chambers, 101 Radar Road, Tonopah, Nevada 89048.

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: Lorina Dellinger, Assistant County Manager; Kelly Sidman, Deputy Clerk; Samantha Tackett, Administrative Manager; Savannah Rucker, Comptroller

Commissioner Borasky and Sheriff Wehrly were not present at this time.

1. Pledge of Allegiance

The Pledge was recited.

2. Approval of the Agenda for April 3, 2018 (Non-action item)

Tim Sutton said items 5, 12, and 20-22 could be removed from the agenda.

Commissioner Wichman made a motion to approve; seconded by Commissioner Schinhofen; 4 yeas.

Commissioner Borasky was present.

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).

Horace Carlyle discussed the proposed changes to the Tonopah downtown traffic control. The changes would reduce the highway from four lanes to two lanes, add an acceleration lane and a turn lane in the center, and included crosswalks with three blinking lights. He expressed his concern with the acceleration lane and the potential for crashes as there was in excess of 4,000 cars a day that sped through there now. He also questioned no one being able to get across the highway for three miles. Mr. Carlyle said he was bringing it to the Board's attention for them to deal with it. He asked for three stop signs to slow down the accelerating traffic instead of blinking lights. He felt there was liability involved and wanted it on the record.

4. For Possible Action – Discussion and deliberation of the minutes of the joint meetings 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 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 meetings on February 20, 2018 and March 12, 2018.

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

Commissioner Cox said under item 9 on page 17 of the February 20, 2018, minutes the woman's name should be Arlette Newvine, not Arlene Newvine.

Commissioner Wichman amended her motion to include those corrections; Commissioner Schinhofen amended his second; 5 years.

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 Wichman said the Emeritus Committee would hold a workshop on Friday, April 6, 2018, from 10:00 a.m. to 12:00 p.m. on how a bill became a law in the Nevada Legislature. County officials and staff were all invited and it would be held in Tonopah as well as Pahrump televised from Carson City. The workshop was also eligible for CPO credit.

Commissioner Cox advised the Republican Central Committee would hold candidate debate nights on April 6 and 7, 2018, at the Ruud Community Center at 6:00 p.m.

Commissioner Schinhofen believed the Commissioner candidates would be on Saturday from 2:00 p.m. to 4:00 p.m. He then said he would like staff to continue to look at right-of-ways that needed to be acquired. Also, anytime the County pulled property off of the Treasurer's trust if they did not have right-of-ways staff should make sure that was done.

TIMED ITEMS

7. 10:00 – Presentation of certificate and/or plaques to three (3) employees honored for their years of service.

Certificates and/or plaques were presented to the following employees:

10 Years: Michael Whiteside
15 Years: Corrie Ebeling
25 Years: Douglas Baker

Sheriff Wehrly was present.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

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

11. General road report by Acting Public Works Director.

Commissioner Cox mentioned the parking lot at the courthouse which had big cracks and was coming apart.

Tim Dahl, Acting Public Works Director, advised he met with Mark from B&G and they were discussing a couple of alternatives to take care of those issues which were a result of aging asphalt.

Commissioner Borasky asked Mr. Dahl to immediately address the sign at the Calvada waterfall which had been hit and was now blocking the sidewalk.

Mr. Dahl said he already asked Wade to take a look at that and he would make sure it happened.

Commissioner Schinhofen said he was asked by a number of people at the VFW to look at putting in a left turn lane into one of their driveways. He asked Mr. Dahl to look into it and get back to him.

Commissioner Borasky said he would like to get with NDOT to see if there was a possibility when coming up Homestead to Highway 160 that there could be two left turn lanes created as the traffic backed up quite a bit there and that was very dangerous.

Commissioner Schinhofen explained the County needed to rip the evergreens out of the center on Calvada at Highway 160. He then asked to have an item put on the RTC agenda and back on this agenda to comment on the matter that Horace Carlyle brought forward to see what the County could comment to NDOT about their plans.

SITTING AS THE NYE COUNTY LICENSING AND LIQUOR BOARD

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

LIQUOR

12. For Possible Action – Discussion and deliberation to issue a Temporary Retail Liquor License to Highway 95 Fuel & Food Inc dba Area 51 Alien Center, located at 2711 US 95, Amargosa Valley, NV 89020, pending the processing of an application for a permanent license. Nadiya Alibha & Monika Sharma are the Applicants.

This item was removed from the agenda.

13. For Possible Action – Discussion and deliberation to issue a Temporary Retail Liquor License to Mercury Steakhouse Bar & Mercury/Cafeteria, located at PO Box 677 M/S NNSS 137, Mercury, NV 89023, pending the processing of an application for a permanent license. Daniel A. Mykovich is the Applicant.

Commissioner Schinhofen noted that the Sheriff's staff supported this action and if they were working there then they were checked by the FBI.

Sheriff Wehrly clarified they were checked by the FBI, but they did not have a current health certificate and suggested having the item brought back in two weeks.

Commissioner Schinhofen made a motion to bring this item back in two weeks; seconded by Commissioner Koenig.

Commissioner Wichman pointed out that what was mentioned in the back-up was the wait for the FBI check, not the health certificate.

The motion to bring this item back in two weeks passed with 6 yeas.

14. For Possible Action – Discussion and deliberation to issue a Permanent Retail Liquor License to O'Happy Bread LLC, located at 1231 E. Basin Ave, Pahrump, NV 89060 pending the processing of an application for a permanent license. Richard P. Candillier is the Applicant.

Commissioner Schinhofen pointed out this was listed as a permanent license and then it said temporary. He asked if everything was in order now, which Detective Chris Sehnert confirmed.

Commissioner Schinhofen made a motion to grant a permanent liquor license to O'Happy Bread; seconded by Sheriff Wehrly; 6 yeas.

Commissioner Wichman stated this was the second time the back-up information had been submitted without being redacted. She thought the Sheriff's staff needed to know they had a responsibility to protect the applicants by redacting their personal information before that information was sent to anyone for any reason and asked Sheriff Wehrly to please pass that on.

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 concerning a request to set a date, time, and location for a Public Hearing on the Fiscal Year 2018-2019 tentative budget for the Town of Pahrump.

Commissioner Schinhofen made a motion based on staff recommendation to set the date and time as May 22, 2018, at 10:00 a.m.; seconded by Commissioner Wichman; 5 yeas.

**SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWNS OF BEATTY,
BELMONT, GABBS, MANHATTAN, AND RAILROAD VALLEY**

BEATTY

16. For Possible Action – Discussion and deliberation concerning a request to set a date, time, and location for a Public Hearing on the Fiscal Year 2018-2019 tentative budget for the Town of Beatty.

Commissioner Schinhofen made a motion based on staff recommendation to set the date and time as May 22, 2018, at 10:00 a.m.; seconded by Commissioner Wichman; 5 years.

GABBS

17. For Possible Action – Discussion and deliberation concerning a request to set a date, time, and location for a Public Hearing on the Fiscal Year 2018-2019 tentative budget for the Town of Gabbs.

Commissioner Schinhofen made a motion based on staff recommendation to set the date and time as May 22, 2018, at 10:00 a.m.; seconded by Commissioner Wichman; 5 years.

MANHATTAN

18. For Possible Action – Discussion and deliberation concerning a request to set a date, time, and location for a Public Hearing on the Fiscal Year 2018-2019 tentative budget for the Town of Manhattan.

Commissioner Schinhofen made a motion based on staff recommendation to set the date and time as May 22, 2018, at 10:00 a.m.; seconded by Commissioner Wichman; 5 years.

AS THE BOARD OF TRUSTEES FOR THE PAHRUMP POOL DISTRICT

19. For Possible Action – Discussion and deliberation concerning a request to set a date, time, and location for a Public Hearing on the Fiscal Year 2018-2019 tentative budget for the Pahrump Pool District.

Commissioner Schinhofen made a motion based on staff recommendation to set the date and time as May 22, 2018, at 10:00 a.m.; seconded by Commissioner Wichman; 5 years.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

FINANCE

33. For Possible Action – Discussion and deliberation concerning a request to set a date, time, and location for a Public Hearing on the Fiscal Year 2018-2019 tentative budget for Nye County.

Commissioner Schinhofen made a motion based on staff recommendation to set the date and time as May 22, 2018, at 10:00 a.m.; seconded by Commissioner Wichman; 5 years.

BOARD OF COMMISSIONERS

20. 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.

21. 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.

22. 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.

23. For Possible Action – Discussion and deliberation to appoint a Commissioner liaison / representative to the Indigent Defense Program.

Commissioner Wichman felt because of the County Manager's unique history, if he would be willing to accept she would like to have him as the liaison, but asked if a Commissioner was required.

Lorina Dellinger responded no, but said staff was asking the Commissioners to now oversee this program for transparency. Additionally, considering the ACLU litigation staff would like to promote the transparency of the program and bring the contracts for the public defenders to the Board for approval along with having a Commissioner as liaison.

Tim Sutton said he also had a conflict as his brother-in-law was one of the contract holders, which was why this was being shifted from his purview.

Commissioner Cox volunteered to be the liaison.

Commissioner Schinhofen made a motion to appoint Commissioner Cox; seconded by Commissioner Koenig; 3 yeas. Commissioners Wichman and Borasky voted no.

Commissioner Wichman asked Mr. Sutton and Mrs. Dellinger to follow this as Mr. Sutton had the experience with indigent defense.

24. For Possible Action – Discussion and deliberation to consider expanding the use of the shooting range for public use located on the Nye County Multi-Purpose Training Facility site located at 2871 E. Mesquite in Pahrump, Nevada.

Commissioner Schinhofen said he requested this item as he was asked by a few people over the last few months why there was no shooter's site. While the belief was the County would get the Bell Vista site, there was a need to know what it would cost to construct another shooter's site for the general public.

24. For Possible Action – Discussion and deliberation to consider expanding the use of the shooting range for public use located on the Nye County Multi-Purpose Training Facility site located at 2871 E. Mesquite in Pahrump, Nevada-Cont'd.

Commissioner Schinhofen made a motion to direct staff to bring back the cost to build and operate a site, look at the Mesquite site for a public range separate from the Sheriff's training range, and consider the Bell Vista site; seconded by Commissioner Wichman.

Commissioner Borasky said he had identified another site with Planning above the BLM gravel pits. He was still waiting to hear back from BLM if they would consider that as a future site and that one would be financed privately.

Commissioner Schinhofen amended his motion to add Commissioner Borasky's site into the calculations; Commissioner Wichman amended her second.

Beth Lee and James Andresen from Valley Electric were present. Mr. Andresen stated Valley Electric supported a public shooting range, however, not a range around their transmission or distribution facilities as it could be dangerous for the public if the lines were hit with a bullet and landed on the ground.

Debra Strickland said she agreed with Valley Electric as there was an instance with a former shooter's site where the Valley Electric lines were hit. She then asked the members of the audience who supported the establishment of a shooting range to stand and a majority did. Mrs. Strickland offered her help with the cost projection.

Lorina Dellinger advised at the request of Commissioner Schinhofen POOL was contacted about this. They want to ensure best practices were employed before entertaining the exposure. Mrs. Dellinger said the usage of range consultants to comply with industry best practices was already being looked into.

The motion to direct staff to bring back the cost to build and operate a site, look at the Mesquite site for a public range separate from the Sheriff's training range, consider the Bell Vista site, and add Commissioner Borasky's site into the calculations passed with 5 yeas.

TIMED ITEMS

8. 10:30 – For Possible Action – Public Hearing on the results of Public Works identification and determination of improved roads and streets maintained by Nye County as of December 31, 2017 for the purposes of compliance with Nevada Revised Statutes Chapter 365.550 Paragraph 8 regarding Proceeds of Tax Levied pursuant to NRS 365.180; and other matters properly related thereto.

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

Commissioner Koenig opened and closed the public hearing.

The motion to approve passed with 5 yeas.

SHERIFF

25. For Possible Action – Discussion and deliberation to: 1) determine Nye County Sheriff's Office K-9 Bendix (Ben) is no longer required for public use; 2) surplus K-9 Bendix due to medical issues; 3) determine it is in the best interest of Nye County to retire and transfer ownership and medical responsibility of K-9 Bendix to Deputy John Teeter pursuant to NRS 332.185; and 4) delegate authority to the Sheriff to execute the agreement between the Nye County Sheriff's Office and John Teeter for the transfer of ownership of K-9 Bendix.

Commissioner Schinhofen made a motion finding he was no longer capable and of use, to surplus him, allow him to be retired to John Teeter, and authorize the County Manager to sign the agreement; seconded by Commissioner Wichman; 5 years.

TREASURER

26. For Possible Action – Treasurer's Update.

Treasurer Pam Webster advised her office was doing a three month combined report because the December report was not done. Adjusting journal entries for the audit report were done in February which cleared up a lot of reconciling items so she would give a consolidated report at the next meeting. Her goal was to give a report at the same time the Comptroller was doing the budget reports just to have consistency and correlation.

Mrs. Webster then discussed the two items in the corrective action letter specific to the Treasurer's Office. The first one was noted to be corrected through the audit report, which was the correction of the investment postings throughout the year for FY17. She pointed out FY18 was also corrected in December before the retirement of the chief deputy. The second part of that was bank statement visibility to the Comptroller, and the interim allowance made for the Comptroller to have visibility to the bank statements during the time between Treasurers had been made permanent. Staff's visibility to the bank statements had also been expanded.

The second item was cross-training and secession planning. Mrs. Webster advised they had multiple training sessions with Finance, both formal and informal. Finance had done several process improvement actions for the office in the form of templates. There were now weekly staff meetings and she had distributed the ADS user's manual to everyone. All staff was now receipting and payroll and vendor check processing had become a shared activity as well. She said they were processing and developing schedules with screen shots, directions, shortcuts and hints about how to do many of the processes.

Mrs. Webster said it had been two months since she had been doing this and in that time she had met with all banking representatives, had conference calls scheduled, had met with the investment broker to review the portfolio, and she joined the Nevada Treasurer's Organization. She still needed to go to Carson City to meet with the Department of Taxation, but she wanted to do that once the budget cycle was over. From the processing standpoint, Mrs. Webster emphasized everything was still processing and nothing had shut down. She said in the future they would continue to document processes and coordinate with the new system as well as review and rewrite job descriptions to bring them up to what

26. For Possible Action – Treasurer’s Update-Cont’d.

the new structure would be in the department. She also planned to hire a new chief deputy around the June/July timeframe once the structure was in place.

The Board took a brief recess

9. 10:45 – For Possible Action – Public Hearing, discussion and deliberation to issue an Outdoor Festival License to Live A Little Productions, Inc. for the Monster Truck Insanity Tour to be held on April 21, 2018 at the Petrack Park Arena, 150 Nevada Highway 160, Pahrump, Nevada.

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

Commissioner Koenig opened and closed the public hearing.

The motion to approve passed with 5 yeas.

COUNTY MANAGER

27. For Possible Action – Discussion and deliberation to allow Justice of the Peace Judge Jasperson, as he deems necessary, to invite any available Justice of the Peace, within the confines of NRS 4.340(2), to provide him temporary assistance, until a new Justice of the Peace for the Pahrump Township is elected.

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

28. For Possible Action – Discussion and deliberation to: 1) determine that a public purpose may be served by the acquisition of the real property more particularly described as Assessor’s Parcel Nos. 035-722-27 & 035-722-28 held in trust by the Nye County Treasurer; and 2) consider the application to the Board of County Commissioners for permission to acquire the real property described as Assessor’s Parcel Nos. 035-722-27 & 035-722-28.

Commissioner Schinhofen made a motion to acquire the parcel numbers as listed and consider the application to the Board of County Commissioners for permission to acquire the properties described; seconded by Commissioner Wichman.

Commissioner Wichman asked what the established public purpose was.

Darrell Lacy, Natural Resources Director, explained when subdivisions had problems the parks and other open space areas ended up getting purchased by individuals who came back and tried to put developments on those open spaces. He said one parcel was a park and one was a well site to support Ishani Ridge.

The motion to acquire the parcel numbers as listed and consider the application to the Board of County Commissioners for permission to acquire the properties described passed with 5 yeas.

29. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2018-16: A Resolution directing the transfer of Nye County Treasurer Trust property to Nye County for public purposes.

Commissioner Schinhofen made a motion to approve; seconded by Commissioner Borasky; 5 years.

PUBLIC PETITIONER

42. For Possible Action – Discussion and deliberation regarding Nye County Proclamation No. P2018-01: A Proclamation Recognizing May 2018 as Nevada Wildfire Awareness Month.

Commissioner Schinhofen made a motion to approve the proclamation of May, 2018, as Wildfire Awareness Month; seconded by Commissioner Borasky; 5 years.

43. For Possible Action – Discussion and deliberation regarding Nye County Proclamation No. P2018-02: A Proclamation Recognizing April 8-14, 2018 as National Crime Victims' Rights Week.

Commissioner Schinhofen made a motion to approve the proclamation; seconded by Commissioner Wichman.

Sean Flignor, speaking on behalf of Marsy's Law, thanked the Board for their continued support. He asked everyone to vote yes on Question 1 in November to grant victims' rights for everyone.

The motion to approve the proclamation passed with 5 years.

TIMED ITEMS

10. 11:00 – For Possible Action:

10a. Public Hearing, discussion and deliberation on Special Use Permit Application SU-2018-000049: A request for a Special Use Permit to allow an expansion of an existing marijuana establishment (cultivation), to add 228,000 square feet of new outdoor cultivation areas located at 950 E. Anvil Road, Amargosa Valley, NV. Assessor Parcel Number 019-751-03. Acres Cultivation, LLC – Property Owner/Applicant.

10b. Public Hearing, discussion and deliberation on Waiver Application WV-2018-000067: A request for a Waiver to allow the cultivation of marijuana outdoors, where Nye County Code currently requires all marijuana to be cultivated inside of an enclosed building located at 950 E. Anvil Road, Amargosa Valley, NV. Assessor Parcel Number 019-751-03. Acres Cultivation, LLC – Property Owner/Applicant.

Commissioner Schinhofen said the waiver would have to be done first and this was to allow for outdoor cultivation of marijuana. It was not originally allowed in the County Code because the State did not allow it, but when the State went to recreational they worked in an outdoor grow. He noted he had said before he would not approve outdoor unless the local

10a. Public Hearing, discussion and deliberation on Special Use Permit Application SU-2018-000049-Cont'd.

10b. Public Hearing, discussion and deliberation on Waiver Application WV-2018-000067-Cont'd.

governing board approved it and Commissioner Schinhofen understood Amargosa voted 3-2 to approve this.

Commissioner Schinhofen made a motion to approve waiver WV-2018-000067 and SU-2018-000049; seconded by Commissioner Wichman.

Commissioner Koenig opened the public hearing.

John Mueller from Acres Cultivation explained this was an expansion of the existing business. This motion would add an additional 20 good paying jobs in the area and allow them to add a secondary armed guard on the property.

Commissioner Koenig closed the public hearing.

Commissioner Borasky noted page 3 said the risk level was high for chemical application. That caught his eye as he was familiar with those chemicals and he could not support this item.

Mr. Mueller stated they were pesticide free and he was not sure where Commissioner Borasky got that information. Everything on the property was organic as it was a requirement under the testing results. He said they used lady bugs to kill spider mites along with all kinds of other unique ways because if chemicals that were dangerous to the water were sprayed then the plants were going in the dumpster with the current testing requirements.

Darrell Lacy explained this was a holdover from the resource water protection plan done about five years ago. All agricultural operations would show up as a high risk due to the potential for pesticides and herbicides. That was addressed through the process by seeing what activities they were doing, so part of the annual monitoring was a well to take samples from to make sure there was no groundwater contamination.

Commissioner Schinhofen said they had to abide by the two fence thing as required by the State, and the product was tested, so he was very comfortable.

The motion to approve waiver WV-2018-000067 and SU-2018-000049 passed with 4 yeas. Commissioner Borasky voted no.

COUNTY MANAGER

30. For Possible Action – Discussion and deliberation regarding Bill Draft Requests (BDRs) Nye County submits for the 2019 Legislative Session.

Lorina Dellinger explained the list was what was discussed in 2016 for the 2017 session to give the Board some ideas, but it would be prioritized over the next few months and data would be brought back to the Board.

Commissioner Schinhofen said his first choice was to get rid of government unions as he did not think they should exist.

Commissioner Koenig said he wanted to add changing the language to may instead of shall for the fire district.

Commissioner Wichman asked to have the existing language included with the proposed changes in the back-up, and if it was something new then a piece of paper that gave the concept so the Commissioners knew what was being talked about by the small titles.

Commissioner Schinhofen asked to have this brought back once a month to narrow it down.

Mrs. Dellinger advised the deadline was on or before September 1, 2018.

31. For Possible Action – Discussion and deliberation regarding Nye County Proclamation No. P2018-03: A Proclamation Recognizing April 2018 as National County Government Month.

Commissioner Schinhofen read the proclamation into the record and encouraged the residents to take a look at how many of the services that affect them every day were provided by their local government and local county.

Commissioner Schinhofen made a motion to adopt the proclamation; seconded by Commissioner Wichman.

Lorina Dellinger said Public Information Officer Arnold Knightly would push information out throughout the month about the County programs and services. She also encouraged people to visit the County Web site and sign up for social media accounts. Mrs. Dellinger mentioned during this month the mobile dental program was also happening throughout the rural areas.

The motion to adopt the proclamation passed with 5 yeas.

EMERGENCY MANAGEMENT

32. Presentation regarding the Tonopah Ambulance Service status.

Vance Payne, Emergency Management Director, said the back-up showed an estimate of costs as they were still closing out financials for the month of March. The efforts from his office ended in Tonopah on April 1, 2018. Mr. Payne was happy to report that through sheer tenacity the volunteer responders in Tonopah had significantly improved their

32. Presentation regarding the Tonopah Ambulance Service status-Cont'd.

responses and coverage on the calendar. The class was still going strong and a handful of drivers had been picked up so the overall picture was a lot better. The new ambulance had been in service and showed great results on its very first day with a snowfall. Crews were going to Washington on Monday to take delivery on the next two units and should be home by the following Friday. Lastly, Mr. Payne advised the deputies in Tonopah had on several occasions now assisted the crews in driving a rig out to the airport when short personnel. He said they were literal lifesavers and he thanked the Sheriff's Department.

Commissioner Wichman asked about REMSA's activities with the paramedics.

Mr. Payne said they were pretty much on track. They were hoping for April 1, 2018, but that was slightly delayed. REMSA issued a calendar showing three paramedics in town in the next week or so on 24 hour shifts, so they were working 48/96, and they were already scheduled all the way out to the end of December.

Dave Stevens said that was great news.

FINANCE

34. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2018-15: A Resolution Authorizing the Granting of Funds to Nonprofit Organizations to Facilitate Adoption of Animal Events and Spay and Neuter Clinics.

Commissioner Schinhofen made a motion to adopt Resolution 2018-15; seconded by Commissioner Wichman; 5 yeas.

HEALTH & HUMAN SERVICES

35. For Possible Action – Discussion and deliberation for approval of Amendment Number 1 to the Interlocal Agreement between Clark County and Nye County for the Ryan White RFQ No. 604274-16 for Medical, Core and Support Services for HIV/AIDS Infected and Affected Clients in the Las Vegas, Ryan White, Transitional Grant Area. The Amendment is to renew and extend the agreement for a one-year period from 03/01/2018 to 02/28/2019. This grant is administered out of Project G17061 and there is no County match required.

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

PLANNING/BUILDING/CODE COMPLIANCE

36. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Annual Renewal Application MM-2018-000055: A request for annual renewal (pro-rated to June 30, 2019) of a Medical Marijuana Establishment License for a medical marijuana establishment (cultivation) located at 9680 S. Oakridge Avenue, Pahrump, NV. Assessor Parcel Number 044-851-30. Fortress Oakridge, LLC – Property Owner. CW Nevada, LLC – Applicant.

37. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Annual Renewal Application MM-2018-000056: A request for annual renewal (pro-rated to June 30, 2019) of a Medical Marijuana Establishment License for a medical marijuana establishment (production) located at 301 S. Oxbow Avenue, Pahrump, NV. Assessor Parcel Number 038-244-09. Eugene & Nelda Fay Toy Trust – Property Owner. CW Nevada LLC – Applicant.

38. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Annual Renewal Application MM-2018-000057: A request for annual renewal (pro-rated to June 30, 2019) of a Medical Marijuana Establishment License for a medical marijuana establishment (cultivation) located at 9680 S. Oakridge Avenue, Pahrump, NV. Assessor Parcel Number 044-851-30. Fortress Oakridge, LLC – Property Owner. Nye Natural Medicinal Solutions, LLC dba NuVeda LLC – Applicant.

39. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Annual Renewal Application MM-2018-000058: A request for annual renewal (pro-rated to June 30, 2019) of a Medical Marijuana Establishment License for a medical marijuana establishment (production) located at 301 S. Oxbow Avenue, Pahrump, NV. Assessor Parcel Number 038-244-09. Eugene & Nelda Fay Toy Trust – Property Owner. Nye Natural Medicinal Solutions, LLC dba NuVeda LLC – Applicant.

Commissioner Schinhofen made a motion to approve MM-2018-000055, CW Nevada; approve MM-2018-000056, CW Nevada; approve MM-2018-000057, Nye Natural Medical Solutions; and approve MM-2018-000058, Nye Natural Medical Solutions; seconded by Commissioner Wichman.

John Bosta requested his comments be reflected in the minutes and submitted a statement for inclusion with the minutes [see attached]. He said it was important to realize the Board had chosen the license tax of 2(c) which was a combination of a flat fee and a percentage of the gross revenue of medical marijuana establishment for cultivation and production. In the back-up there was monthly business license payment information which said each establishment shall pay a 2% fee to the County of the total value of the gross production. Mr. Bosta pointed out that nowhere in any documentation before the Board had that ever been approved. If the County was collecting that, Mr. Bosta asked what the amount of money collected over this time was and what account it had been deposited in. He thought there was a flat fee for the license permit on each one of these and since the Board selected the tax of 2(c) that was an excise tax which was an indirect type of taxation imposed on the manufacture, sale and use of certain items. Mr. Bosta thought these items

36. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Annual Renewal Application MM-2018-000055-Cont'd.

37. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Annual Renewal Application MM-2018-000056-Cont'd.

38. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Annual Renewal Application MM-2018-000057-Cont'd.

39. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Annual Renewal Application MM-2018-000058-Cont'd.

should be tabled until there was a disclosure of the amount of money the 2% had accumulated as there was no record of where the tax was collected and deposited.

The motion to approve MM-2018-000055 CW Nevada; approve MM-2018-000056, CW Nevada; approve MM-2018-000057, Nye Natural Medical Solutions; and approve MM-2018-000058, Nye Natural Medical Solutions passed with 4 yeas. Commissioner Borasky voted no.

40. For Possible Action – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2018-08: A Bill proposing to amend Nye County Code Chapter 17.04, the Zoning Ordinance of the Pahrump Regional Planning District, by removing the 40-acre minimum area requirement of the Suburban Estates Residential (SE) zoning district; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.

Commissioner Schinhofen made a motion based on staff recommendation to set the date, time and location as May 15, 2018, at 11:00 a.m. in Pahrump; seconded by Commissioner Wichman; 5 yeas.

Commissioner Schinhofen read the title of the bill into the record.

41. For Possible Action – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2018-09: A Bill proposing to amend Nye County Code Section 17.04.200.A.3 Building Separation, relating to the requirement to have a minimum of ten (10) feet of separation between all buildings on a single parcel in a residential zoning district; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.

Commissioner Schinhofen made a motion based on staff recommendation to set the date, time and location as May 15, 2018, at 11:00 a.m. in Pahrump; seconded by Commissioner Wichman; 5 yeas.

Commissioner Schinhofen read the title of the bill into the record.

PUBLIC PETITIONER

44. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2018-17: A Resolution providing for the Transfer of the County's 2018 Private Activity Bond Volume Cap to the Director of the Department of Business and Industry and other matters properly related thereto.

Commissioner Wichman made a motion to adopt Resolution 2018-17; seconded by Commissioner Schinhofen; 5 yeas.

45. GENERAL PUBLIC COMMENT (second)

Horace Carlyle encouraged the County to think about economic development at the Tonopah airport. He said approximately 20 years ago Tonopah Public Utility did a preliminary engineering report for developing there, and over the last ten years the town had invested \$10 million to \$15 million to update the water infrastructure from the well fields. He said it was one of the best airports in central Nevada and the point was how to develop something there.

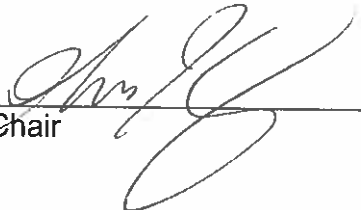
John Bosta asked the County to disclose what accounts the marijuana taxes were going into so the public could trace the money and said he would like someone to e-mail that information to him.

46. ADJOURN

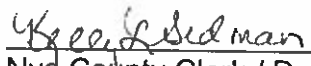
Commissioner Koenig adjourned the meeting.

APPROVED this 1st day ATTEST:

Of May, 2018.



Chair



Nye County Clerk / Deputy

I request that my comments are reflected in the minutes and I submit a copy of my prepared written remarks for inclusion in the minutes also.

The request for the annual renewal (pro-rated to June 30, 2019) of a Medical Marijuana Establishment License MM-2018-000057 for a medical marijuana establishment (cultivation) located at 9680 S. Oakridge Avenue, Pahrump, NV, APN 044-851-30 by Nye Natural Medicinal Solutions, LLC dba NuVeda LLC is in violation of SB487 which amends NRS Chapter 244 by adding thereto a new section to read as follows:

- 1. Except as otherwise provided in this section, a board of county commissioners shall not fix, impose or collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county.*
- 2. Except as otherwise provided in subsection 3, a board of county commissioners may fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns as a:
 - (a) Flat fee;*
 - (b) Percentage of the gross revenue of the marijuana establishment or medical marijuana establishment; or*
 - (c) Combination of a flat fee and a percentage of gross revenue of the marijuana establishment or medical marijuana establishment.**

The BoCC has chosen the License Tax as 2(c) - Combination of a flat fee and a percentage of gross revenue of the medical marijuana establishment.

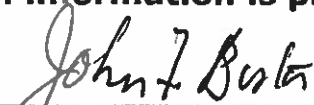
The backup provides the following information.

- 1. Monthly Business License Fee Payment Information:** Every medical marijuana establishment shall pay a monthly business license fee to Nye County equivalent to two percent (2%) of the total value of all medical marijuana or medical marijuana products that were produced, manufactured, sold or distributed by the medical marijuana establishment for the previous month.
- 2. CW Nevada (cultivation): Past 12 Month's payment history:** CW Nevada was late 3 times in the past 12 months. All payments have been paid.
 - **The BoCC has not divulged the total amount received.**
 - **The public has not received this information. WHY?**
- 3. The Renewal (pro-rated to June 30, 2019) of a Medical Marijuana Establishment License for medical marijuana cultivation facility has been paid.**
 - The Cultivation Facility Annual rate is \$2,500
 - + \$486 Pro-rated for a **Total Fee = \$2,986**

Excise tax refers to an indirect type of taxation imposed on the manufacture, sale or use of certain types of goods and products.

CONCLUSION: This agenda item does not list or disclose the true amount of revenue received from this applicant's excise license tax pursuant to SB487 Sec. 15(2)(c), therefore the item should be tabled until such information is provided in the backup.

Respectfully,
John F. Bosta



I request that my comments are reflected in the minutes and I submit a copy of my prepared written remarks for inclusion in the minutes also.

The request for the annual renewal (pro-rated to June 30, 2019) of a Medical Marijuana Establishment License MM-2018-000055 for a medical marijuana establishment (cultivation) located at 9680 S. Oakridge Avenue, Pahrump, NV, APN 044-851-30 by CW Nevada, LLC is in violation of SB487 which amends NRS Chapter 244 by adding thereto a new section to read as follows:

- 1. Except as otherwise provided in this section, a board of county commissioners shall not fix, impose or collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county.*
- 2. Except as otherwise provided in subsection 3, a board of county commissioners may fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns as a:*
 - (a) Flat fee;*
 - (b) Percentage of the gross revenue of the marijuana establishment or medical marijuana establishment; or*
 - (c) Combination of a flat fee and a percentage of gross revenue of the marijuana establishment or medical marijuana establishment.*

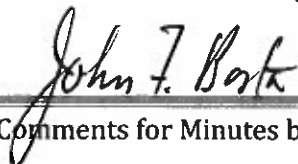
The BoCC has chosen the License Tax as 2(c) - Combination of a flat fee and a percentage of gross revenue of the medical marijuana establishment. The backup provides the following information.

- 1. Monthly Business License Fee Payment Information:** Every medical marijuana establishment shall pay a monthly business license fee to Nye County equivalent to two percent (2%) of the total value of all medical marijuana or medical marijuana products that were produced, manufactured, sold or distributed by the medical marijuana establishment for the previous month.
- 2. CW Nevada (cultivation): Past 12 Month's payment history:** CW Nevada was late 3 times in the past 12 months. All payments have been paid.
 - **The BoCC has not divulged the total amount received.**
 - **The public has not received this information. WHY?**
- 3. The Renewal (pro-rated to June 30, 2019) of a Medical Marijuana Establishment License for medical marijuana cultivation facility has been paid.**
 - The Cultivation Facility Annual rate is \$2,500
 - + \$801 Pro-rated for a **Total Fee = \$3,301**

Excise tax refers to an indirect type of taxation imposed on the manufacture, sale or use of certain types of goods and products.

CONCLUSION: This agenda item does not list or disclose the true amount of revenue received from this applicant's excise license tax pursuant to SB487 Sec. 15(2)(c), therefore the item should be tabled until such information is provided in the backup.

Respectfully,
John F. Bosta



I request that my comments are reflected in the minutes and I submit a copy of my prepared written remarks for inclusion in the minutes also.

The request for the annual renewal (pro-rated to June 30, 2019) of a Medical Marijuana Establishment License MM-2018-000056 for a medical marijuana establishment (production) located at 301 S. Oxbow Avenue, Pahrump, NV, APN 038-244-09 by CW Nevada, LLC is in violation of SB487 which amends NRS Chapter 244 by adding thereto a new section to read as follows:

- 1. Except as otherwise provided in this section, a board of county commissioners shall not fix, impose or collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county.*
- 2. Except as otherwise provided in subsection 3, a board of county commissioners may fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns as a:*
 - (a) Flat fee;*
 - (b) Percentage of the gross revenue of the marijuana establishment or medical marijuana establishment; or*
 - (c) Combination of a flat fee and a percentage of gross revenue of the marijuana establishment or medical marijuana establishment.*

The BoCC has chosen the License Tax as 2(c) - Combination of a flat fee and a percentage of gross revenue of the medical marijuana establishment.

The backup provides the following information.

- 1. Monthly Business License Fee Payment Information:** Every medical marijuana establishment shall pay a monthly business license fee to Nye County equivalent to two percent (2%) of the total value of all medical marijuana or medical marijuana products that were produced, manufactured, sold or distributed by the medical marijuana establishment for the previous month.
- 2. CW Nevada (cultivation): Past 12 Month's payment history:** CW Nevada was late 3 times in the past 12 months. All payments have been paid.
 - **The BoCC has not divulged the total amount received.**
 - **The public has not received this information. WHY?**
- 3. The Renewal (pro-rated to June 30, 2019) of a Medical Marijuana Establishment License for medical marijuana cultivation facility has been paid.**
 - The Cultivation Facility Annual rate is \$2,500
 - + \$486 Pro-rated for a **Total Fee = \$2,986**

Excise tax refers to an indirect type of taxation imposed on the manufacture, sale or use of certain types of goods and products.

CONCLUSION: This agenda item does not list or disclose the true amount of revenue received from this applicant's excise license tax pursuant to SB487 Sec. 15(2)(c), therefore the item should be tabled until such information is provided in the backup.

Respectfully,
John F. Bosta

