

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, 2100 E. Walt Williams Drive, Pahrump, 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; Savannah Rucker, Comptroller; Samantha Tackett, Administrative Manager; Marla Zlotek, Chief Deputy District Attorney

Sheriff Wehrly was not present at this time.

1. Pledge of Allegiance

The Pledge was recited.

2. Approval of the Agenda for April 17, 2018 (Non-action item)

Tim Sutton said items 5 and 23 could be removed from the agenda.

Kenny Bent said item 39 was brought forward by the Nye County Water District (NCWD) and was inappropriately agendized under Public Petitioner. He believed the item needed to be properly agendized and brought back at the next Pahrump meeting.

Commissioner Koenig advised it was the opinion that it was properly agendized.

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).

Walt Turner said on December 11, 2017, the NCWD voted to send a letter to Jason King which led to the creation of Order 1293 largely based on information from a 50 page report prepared by Mr. Wichman. That information led to the conclusion that 8,500 lots should be required to have two acre feet of water rights before allowing a well to be dug and that would protect the water table. Since that order was issued realtors had been sending inquiries regarding the water rights for various lots. Mr. Turner

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)-Cont'd.

advised that earlier this month Debra Strickland received an e-mail from Levi Kryder at the Nevada Division of Water Resources (DWR) stating they had identified 4,700 parcels where there was a record of water rights being relinquished. Mr. Turner stated that meant that the report providing the information on which the order was based was over 55% incorrect and only 3,800 lots did not have water rights already allocated to them. He suggested the Board send a letter to Jason King advising his order was based on information that was only 55% accurate and asking him to amend that portion of Order 1293 that required the water rights purchase or at least suspend it until a more accurate report could be provided.

Richard Goldstein said 4:00 p.m. today was the deadline for veteran banner applications. Also, the Boy Scouts would hold a pancake breakfast on Saturday during the Wild West Extravaganza.

Chris Irwin from the Pahrump Valley Chamber of Commerce thanked the Board for their support. He said the town had been supporting the Chamber and their events. The Chamber took over the fall festival and was growing the balloon festival. Mr. Irwin said they were working closely with the non-profits and if anyone knew of any looking for fundraisers to send them to the Chamber.

Buddy Krebs from the high school rodeo also thanked the Board for their support. He said a couple of the kids were going to nationals this year and for their first year being back they were doing pretty good.

Michele Marquette let everyone know that the Discovery Park Earth and Arbor Day celebration would be April 21, 2018, from 10:00 a.m. to 3:00 p.m. at 1500 Red Butte and open to the public.

Tye Hardy thanked the Board for helping the high school rodeo and said he was heading to the nationals this year.

Annette Fuentes invited everyone to come out to Patch of Heaven on Friday where there would be an awareness, free food, and guest speakers.

Lynn Shirky, representing Nevada Western Heritage Foundation, said along with the Wild West Extravaganza there would be little britches rodeos on Saturday and Sunday open to the public along with a barrel race.

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 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 teleconference on March 16, 2018.

Commissioner Wichman made a motion to approve; seconded by Commissioner Cox; 5 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 Koenig asked staff to work on coming up with an ordinance for distilleries as there were some coming in. The wineries were stuffed under liquor and licensing and he thought something more specific was needed for distilling liquor.

Commissioner Schinhofen said his thoughts were with Art Bell and his family.

Commissioner Borasky wanted to know what was going on at the corner of Homestead Road and Highway 160. The Kingdom Club was barricaded off, which looked bad and interfered with traffic. He would like to force someone to finish it up.

Regarding comments made at a previous meeting about Solar Reserve and their emissions, Commissioner Wichman stated she received the last report late last week. Currently their daily emissions were less than what a mid-size diesel truck would produce while idling.

Sam Merlino advised the new voter registration system would go live this Friday and asked everyone to bear with her office with a few ID card issues as they might be a little late going out. Also, next Thursday she would hold a demonstration at the senior center for the new election equipment, and on May 2, 2018, she would hold election training in Pahrump for the workers. After 5:00 p.m. on that day Mrs. Merlino planned on staying open until 7:00 p.m. or 8:00 p.m. to show the public the new system. On another note, Mrs. Merlino advised all voting in Pahrump would take place at the Bob Ruud Community Center, including early voting.

H/R AND RISK MANAGEMENT

37. For Possible Action – Discussion and deliberation to authorize the advertising and filling of a temporary Law Clerk in the District Court. This request is not budgeted and would require budget augmentation.

Commissioner Wichman pointed out that Savannah Rucker had signed off on it, which Mrs. Rucker confirmed.

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

TIMED ITEMS

7. 10:00 – Presentation of certificate and/or plaques to four (4) employees honored for their years of service.

Certificates and/or plaques were presented to the following employees for their years of service:

5 Years: Lynette Atkinson; Britton Hoffman; Krystle Johnson

8. 10:15 – Presentation on the Nevada National Security Site (NNSS) mission and economic impact.

Mark Martinez, president of Mission Support and Test Services (MSTS), said they were the management and operating contractor for the site operated by the Nevada National Security Field Office. They were entirely located within Nye County and offered a remote, spacious and highly secure outdoor laboratory, unmatched capabilities, and technical expertise to advance nuclear deterrence, global security and fundamental science and technological solutions.

Mr. Martinez reviewed the history of the NNSS and outlined his company's current mission, which was to help ensure the security of the United States and its allies. From an economic impact perspective, Mr. Martinez said he oversaw a \$600 million budget. Additional contractors brought in another \$100 million for a net economic benefit to southern Nevada of \$690 million and that money stayed there. That funding supported nearly 3,000 jobs with \$7.1 million in taxes and fees paid along with more than \$30 million spent on procurement in Nevada. The total direct, indirect and induced economic impact was more than \$1 billion annually.

Specific to Nye County, Mr. Martinez advised there were 187 MSTS employees who lived in Nye County producing \$16 million in annual payroll and annual taxes of \$2.3 million. Additional funding went from DOE out to the communities to support emergency response with more than \$2.5 million funded to Nye from FY00 to FY16. Mr. Martinez also discussed the mutual aid agreement with Nye County and how NNSS averaged 65 mutual aid calls annually.

8. 10:15 – Presentation on the Nevada National Security Site (NNSS) mission and economic impact-Cont'd.

Commissioner Wichman prefaced her remarks by stating that under no circumstances did she want any of her observations to be taken as if she was not a proud patriot. She was proud that the facility was located 100% in her district, but she noted that the naval air station in Fallon was also expanding into her district. From that point of view she pointed out that back in 1991 the special Nevada congressionally ordered report was put out under the Military Land Withdrawal Act of 1989 and the cumulative impacts to Nye County as the host of the security site was considered to be \$152 million in gross national product, so it had reduced Nye County's GDP by 9%. Part of that was made up through various other taxes, but the County was still losing about \$2.2 million. Also, the NTTR's 2017 EIS pointed out the County had missed out on \$682,000.00 a year in PILT payments. Commissioner Wichman said in property taxes alone Nye County lost the opportunity for \$1.6 million.

Commissioner Wichman further pointed out that while Nye County was 18,159 square miles or 11.6 million acres, the security site took up 1.9 million acres which was 16% of Nye County's land mass. She understood everything Mr. Martinez was pointing out about what they contributed to Nye County, but noted that of the 3,000 jobs provided in Nevada only 6% of those were in Nye with the rest in Clark.

Regarding emergency services, Commissioner Wichman stated the County had been struggling since 2015 to get hospital services back in the northern end of the County. She thought it would be great if the County and MSTS could work closer together and bring MSTS closer together with the communities where they were hosted and provide some of the benefits Mr. Martinez mentioned throughout Nye County rather than just the small south end. She said she would like to sit down with Mr. Martinez and talk about ways to help with the situation.

Commissioner Wichman told Mr. Martinez that if he had any concerns about anything she said they were all in the comments that went back to him on the expansion plans. However, just so it was on the record if she had to pick one of the alternatives Commissioner Wichman said it would be alternative 2.

Commissioner Schinhofen reminded Mr. Martinez there were two museums in the County and he hoped MSTS would consider donating to the one in the community.

9. 10:30 – Quarterly report from the Public Administrator.

The report was in the back-up. Public Administrator Ginger Stumne was present along with Jose Ramirez, a family member for a case the Public Administrator's Office would be handling who wanted to say some things to the Commissioners about what her office did.

Mr. Ramirez expressed his gratitude to the office. He said his stepdad passed away which was witnessed by his mother who was not coping well. He was surprised at what

9. 10:30 – Quarterly report from the Public Administrator-Cont'd.

Ms. Stumne would do for a stranger and said she and the police saved his mother's life. He could not thank everyone enough for what they did.

Ms. Stumne commented that when she could not make the meeting a lot of times this was the reason why.

10. 10:45 – For Possible Action – Public Hearing, discussion and deliberation to approve the Nye County Association of Sheriff's Supervisors Agreement (NCASS).

Tim Sutton said he would like to address items 10 and 11 after the closed session was held.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

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

17. General road report by Acting Public Works Director.

Commissioner Koenig said the northern portion of Highway 160 used to have a nice transition off of Highway 160 onto the side roads, but now that NDOT had redone it there was about a one inch roll. He asked why.

Tim Dahl, Acting Public Works Director, explained those were sections where the new pavement was an overlay and they did not grind the side streets into the existing elevations. He said it was very common for them to use that along the majority of roads they were putting that overlay on now.

Commissioner Schinhofen said that would be added to the next review with them.

Commissioner Borasky asked if the corner of Highway 160 and Homestead by the Kingdom Club would ever be cleaned up and done.

Mr. Dahl advised they had continued going through the motions of trying to evaluate the soils there. Once they had that he assumed they would provide a plan to move forward with correcting the damage done by the water leak.

Commissioner Borasky asked Mr. Dahl to contact NDOT to see if there was any way they could change coming up on Homestead to Highway 160 to two left hand turn lanes instead of one as some days the traffic backed up all the way down to Dandelion. He then commented on the big trees that were growing in his neighborhood in the easements close to the edge of the road and offered to take Mr. Dahl around to show him.

Mr. Dahl said he would ask the Road Department guys to address that.

17. General road report by Acting Public Works Director-Cont'd.

Commissioner Wichman asked if there was an update on the sign requested on Highway 376.

Mr. Dahl said he talked to MacKenzie at the mine and Sami Yousuf with NDOT along with some residents in Round Mountain. Mr. Dahl suggested putting another sign next to the current sign that said "Round Mountain Mine Road 3 Miles Ahead." He had not seen it go up yet and would contact Mr. Yousuf to see what was going on.

Commissioner Schinhofen reminded Mr. Dahl of the big hole on Dandelion and Homestead because people cut the corner. Also, he knew the delay with UICN was them coring to find what damage might have happened underneath, so all of that would be put in an ordinance to avoid that kind of delay in the future.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

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

12. 11:00 – For Possible Action:

12a. For Possible Action – Public Hearing, discussion and deliberation on Special Use Permit Application SU-2018-000047: A Special Use Permit to allow a marijuana establishment (cultivation), located at 3171 E. Tillman Street, Pahrump, NV. Assessor Parcel Number 045-441-15. Daniel Seid & S. Settlemyer Trust – Property Owner. MJ Distributing, Inc. – Applicant. Civilwise Services, Inc. – Agent.

12b. For Possible Action – Public Hearing, discussion and deliberation on Special Use Permit Application SU-2018-000048: A Special Use Permit to allow a marijuana establishment (production), located at 3171 E. Tillman Street, Pahrump, NV. Assessor Parcel Number 045-441-15. Daniel Seid & S. Settlemyer Trust – Property Owner. MJ Distributing, Inc. – Applicant. Civilwise Services, Inc. – Agent.

Commissioner Schinhofen explained this property had an SUP with a different company that the Board approved. He saw no reason to not approve this pending them getting the State license.

Commissioner Schinhofen made a motion to approve SU-2018-000047 and SU-2018-000048 with the caveat that they work with Public Works and realize some of this would make them participate in road and flood control; seconded by Commissioner Wichman.

Commissioner Koenig opened the public hearing.

John Bosta asked that his comments be included in the minutes and submitted a written statement [attached]. He pointed out the amount of money collected by the County for marijuana totaled \$669,991.00. Out of that \$654,788.00 should go to the Town of

12a. For Possible Action – Public Hearing, discussion and deliberation on Special Use Permit Application SU-2018-000047-Cont'd.

12b. For Possible Action – Public Hearing, discussion and deliberation on Special Use Permit Application SU-2018-000048-Cont'd.

Pahrump and not to the County because of SB487. Additionally, this permit was being applied for underneath BO and the RH-4. Mr. Bosta pointed out that RH-4 was for single family dwellings, not marijuana businesses. Further, the Assessor was assessing the property as a single family dwelling under the caveat of 3.320 for a single family dwelling. Mr. Bosta pointed out this was not a single family dwelling and was a marijuana operation. He said the zoning was inappropriate and the item should be tabled and brought back under the correct item under the Pahrump Regional Planning District (PRPD).

Commissioner Koenig agreed it was RH-4.5 but explained it had a business opportunity overlay that allowed for businesses in that zone.

Michael Augustine, representing the Richards Family Trust, said they had over 1,100 frontage foot of Homestead, including the intersection of Homestead and Silver. He believed it would be a positive effect and the County would benefit from it. He had some concerns though because along with this notice they received one for last week's Regional Planning District meeting which included another assortment of 16 acres there. Mr. Augustine said they went to the meeting and it got cancelled, but they came across the applicant of that who mentioned there was someone in Nye County either in Planning or on the Board that was taking an individual action or agenda to convert all 40 of the one-acre commercial lots into residential lots. He said that was what they were going to oppose last week. They were also concerned if the Board denied these SUPs that would be based on what he interpreted as a change of heart by the County or Planning to leave that as commercial down there.

Commissioner Koenig advised that would be on the RPC agenda next week since the last meeting was cancelled as the agenda was not prepared correctly.

Commissioner Koenig closed the public hearing.

Commissioner Cox asked if there were any letters or anything from people who owned the properties around the area that were opposed.

Brett Waggoner, Planning Director, said one letter was received which had to do with a complaint from 2013 and a suspicion of people doing work at the Tillman property that was part of the SUP, but that had nothing to do with this application. Nothing else was received.

The motion to approve SU-2018-000047 and SU-2018-000048 with the caveat that they work with Public Works and realize some of this would make them participate in road and flood control passed with 5 yeas.

13. 11:00 – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2018-02: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, relating to Temporary Use Permits; providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.

Commissioner Schinhofen made a motion to adopt Bill 2018-02 with an effective date of May 7, 2018; seconded by Commissioner Wichman.

Commissioner Koenig opened and closed the public hearing.

The motion to adopt Bill 2018-02 with an effective date of May 7, 2018, passed with 5 years.

PUBLIC PETITIONER

40. Presentation regarding the Mobile Showers Program in Pahrump, NV.

John Walker, founder of the non-profit Mobile Showers, thanked the County for its help straightening him out. He had bad PTSD and this program and the County's support helped him become a better person. He explained his program started with a truck, tent and generator, and a lot of hope. He currently did 2,400 gallons of water a week in the summer. Mr. Walker said Mobile Showers was a 501(c)(3) non-profit and he was trying to expand. He was also working with Nevada Outreach and the banner program to get more stuff out for the homeless and the veterans.

Sheriff Wehrly was present.

FINANCE

35. For Possible Action – Presentation, discussion and deliberation to: 1) read into the minutes the approval from the Department of Taxation for the Medium-Term obligation to replace fleet vehicles from Enterprise for Nye County; 2) approve the Master Lease Agreement with Enterprise; 3) execute the Lease Agreement and; 4) delegate authority to the County Manager to execute the quote for year 1 lease/purchases.

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

Savannah Rucker gave a quick summary of the fleet management program noting that 81% of the County vehicles were ten years old or older and predated safety features like air bags, anti-lock brakes, and electronic stability control. Work order costs for light duty vehicles since FY15 were in excess of \$250,000.00 annually. The goal of the program was to reduce costs with fleet replacement. She said the new fleet would not utilize the Enterprise maintenance program. There was an option to enter into that agreement at a future point, but Mrs. Rucker said that was not the recommendation at

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this time and she would like to keep maintenance work in-house. Additional savings would be gained with a fueling card which would replace Flyers and was accepted at 90% of fueling stations; GeoTab, a program offered by Enterprise that plugged into the vehicle and improved driver safety, accident detection and notification, as well as lower maintenance costs with mechanic notification of vehicle alerts; and auto insurance rates as the reduced fleet count would reduce the liability coverage. Mrs. Rucker also reviewed the replacement criteria and discussed the lease and purchase options.

Commissioner Koenig asked how much money was in the Capital Projects Fund 10401.

Mrs. Rucker advised there was a \$2 million capital expenditure budget in FY18, and cash in the bank was \$11 million.

Commissioner Koenig asked if part of that \$2 million budget was part of this or in addition to.

Mrs. Rucker advised the \$900,000.00 was the fleet vehicle replacement cost over the five years. The annual payment would be less than \$200,000.00.

Regarding section 4 in the maintenance agreement, which said they agreed that during the term they would pay for or reimburse lessee for payments of all costs and expenses, Commissioner Koenig asked if that meant for instance when his vehicle had the oil changed they would reimburse that.

Mrs. Rucker said if the County entered into the maintenance agreement that would be the case and it would be an additional cost the County would incur, but it also meant the maintenance would be done at an authorized dealer that could do the Enterprise service. She advised it was not the recommendation at this point to enter into the maintenance agreement as they would like to have the vehicles serviced at the local shops.

Commissioner Koenig then asked for an explanation of item C in the master equity lease agreement, which said lessee agreed to pay lessor within 30 days at the end of the term additional rent equal to the excess, if any, of the book value of such vehicle.

Mrs. Rucker said that essentially meant if the County took the lease to lease option there would be a residual amount due at the end if the County wanted to purchase that vehicle outright.

Commissioner Wichman asked if there was an additional cost if 15,000 miles a year was exceeded.

35. For Possible Action – Presentation, discussion and deliberation to: 1) read into the minutes the approval from the Department of Taxation for the Medium-Term obligation to replace fleet vehicles from Enterprise for Nye County; 2) approve the Master Lease Agreement with Enterprise; 3) execute the Lease Agreement and; 4) delegate authority to the County Manager to execute the quote for year 1 lease/purchases-Cont'd.

Mrs. Rucker advised if that was anticipated she would do a lease to purchase option and not worry about the mileage. Commissioner Wichman's vehicle was one of the ones recommended for purchase.

Dave Stevens wanted to know where the auctions for the old vehicles would occur.

The motion to approve passed with 5 yeas.

Commissioner Schinhofen read the approval letter from the Department of Taxation into the record.

BOARD OF COMMISSIONERS

29. 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.

Commissioner Schinhofen made a motion to go into closed session; seconded by Commissioner Wichman; 5 yeas.

30. 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.

The Board was in a closed meeting.

31. For Possible Action – Discussion and deliberation on labor negotiations, issues and other personnel matters presented in closed meeting.

There was no action taken.

The Board was in recess until 1:30 p.m.

TIMED ITEMS

14. 11:00 – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2018-04: A Bill proposing to amend Nye County Code Title 15 Building and Construction, Chapter 15.32 Pahrump Regional Planning District Impact Fees, pertaining to the Impact Fee Deferral Option and the Early Payment Incentive; providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.

Commissioner Schinhofen made a motion to adopt Bill 2018-04 with an effective date of May 7, 2018; seconded by Commissioner Wichman.

Commissioner Koenig opened the public hearing.

Gerald Schulte from Factory Home Center said the County adopted the rule to discount the impact fees up front because it was getting that money in advance of the house being developed. He said all of his impact fees were paid up front, but he received a letter from Planning Director Brett Waggoner which he felt showed discrimination against manufactured homes as Mr. Waggoner said it did not apply to them. Mr. Schulte stated he wanted his money back and also suggested an agenda item to extend the three minutes for public comment.

Shawn Jablonski, the office manager for Factory Home Center, said she went to the zoning department with a list of 29 instances where they paid impact fees in full at the time they purchased the permit. In response to her leaving that information she received a letter from Mr. Waggoner addressing the fact the County did not feel any money was owed back for not giving the discount at the time the fees were paid. Ms. Jablonski said they now had 30 permits pulled and paid impact fees on at that time and the total discount they should have received was over \$11,000.00.

Debra Strickland said eliminating the impact fee discount was probably a good thing to close the gap since there were monies due to anyone who paid the impact fees in advance. She wanted to revisit comments after the Planning Director addressed the letter and would also like to see this tabled until the Board reviewed the letter.

Dave Stevens felt a manufactured home was a better house than a stick built home because it was off the ground.

Commissioner Koenig closed the public hearing.

Commissioner Koenig said the Board had not seen the letter. He asked what the rationale was behind asking the discount to go away if they paid up front.

Brett Waggoner explained this was prompted by the request for 29 discounts to be done after the fact for permits starting in 2014 when the Board voted the discount option in. After reading the minutes from the meeting and the way it was written in the Code it was his perception the intent of the discount was to provide some relief to a developer that

**14. 11:00 – For Possible Action – Public Hearing, discussion and deliberation to:
1) Adopt, amend and adopt, or reject Nye County Bill No. 2018-04-Cont'd.**

was building a stick built home due to the time it took to build the home. A lot of substantial expenses came out of pocket at the permit stage that they could not recoup until a C of O was issued. Mr. Waggoner explained the distinction between a stick built home construction and a manufactured home installation was there was no substantial time period between permit issuance and a C of O. The other thing with the way the Code was written was it required a refund to be requested at the time of building permit issuance and application at the counter, and that did not happen.

Commissioner Koenig pointed out that Mr. Schulte had a lot of manufactured homes sitting on a lot which he had some money tied up in that he would not get until he put the home on a lot.

Mr. Waggoner disagreed only in the fact they were not paying impact fees to have inventory sitting on a lot.

Commissioner Koenig said he would prefer to put this off until the next meeting.

Commissioner Schinhofen disagreed because Mr. Schulte did not request it at the time he was supposed to. The only thing Commissioner Schinhofen saw being done here was removing the early payment. It was put in place to put incentive into building when times were bad, but that was no longer the situation. Commissioner Schinhofen said his motion stood.

Commissioner Cox was not sure what the correlation between the two was as the Board could not make a law that was retroactive anyway. If this was done today it would be for future homes, but she believed the money was still owed to the gentleman and did not think whether he asked for it at the time mattered. Commissioner Cox said she would support this as long as it was two separate issues and he was still entitled to make his complaint.

Angela Bello said she would look into it, but advised it was off the agenda item.

The motion to adopt Bill 2018-04 with an effective date of May 7, 2018, passed with 3 yeas. Commissioners Borasky and Koenig voted no.

**10. 10:45 – For Possible Action – Public Hearing, discussion and deliberation to
approve the Nye County Association of Sheriff's Supervisors Agreement
(NCASS)-Cont'd.**

Commissioner Schinhofen commented he did not like government unions and thought they created a special class citizen.

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

10. 10:45 – For Possible Action – Public Hearing, discussion and deliberation to approve the Nye County Association of Sheriff's Supervisors Agreement (NCASS)-Cont'd.

Savannah Rucker said page 3 of the back-up showed a total fiscal impact for the NCSS CBA totaling \$957,251.00 in FY19.

Commissioner Koenig opened and closed the public hearing.

The motion to approve passed with 5 yeas.

11. 10:45 – For Possible Action – Public Hearing, discussion and deliberation to approve the changes to the Nye County Law Enforcement Association Agreement (NCLEA).

Commissioner Schinhofen said his earlier comments applied here as well.

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

Commissioner Koenig opened and closed the public hearing.

The motion to approve passed with 5 yeas.

15. 11:00 – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2018-05: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, relating to the requirement that accessory uses are permitted in conjunction with any principal use; accessory uses or structures are allowed prior to installation of the principal residence; providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.

Commissioner Schinhofen made a motion to adopt with an effective date of May 7, 2018; seconded by Commissioner Wichman.

Commissioner Koenig opened the public hearing.

Debra Strickland pointed out that many builders came in and parked their manufactured homes so they could begin construction, but they did not necessarily pull a permit right away. She thought requiring a tentative use permit would be going backwards from the ruralness that needed to be sustained. She did not agree with this change.

Dawn Murphy also thought the Board was taking away from the ruralness and asked the Board to do something for the people and not their own interests. She pointed out that there was not enough staff to deal with this and said the Planning Department was already difficult enough to work with.

**15. 11:00 – For Possible Action – Public Hearing, discussion and deliberation to:
1) Adopt, amend and adopt, or reject Nye County Bill No. 2018-05-Cont'd.**

Dwight Lilly said he talked to people who had difficulties getting through Planning. He noted the County was in transition right now with rural bumping up against developments and it seemed like these Title 17 changes were making Planning somewhat "Californicated." There was currently no dust compliance, but the Board wanted to restrict people's use of their property, which he did not think was right.

Tina Trenner also commented on the dust and how freedom was all about not having to comply with every single rule. She said she was interested in keeping the rural lifestyle.

Dave Stevens said the five Commissioners were the best.

Commissioner Koenig closed the public hearing.

Commissioner Koenig said that unfortunately the people who commented did not have to listen to the phone calls from the neighbors who had RVs sitting on properties with no sewer or water.

Commissioner Cox said she had a motor home which had to be plugged in at all times. She noted a lot of people came in the winter time to enjoy their properties and felt by taking that away the Board was taking away the money they brought in. She did not want people held hostage because they wanted to build a home, but not tomorrow so they lived in their motor home for six or eight months. She was also concerned about Nye County getting a reputation as a police state because of all the rules and regulations and felt the town needed to go backwards.

Commissioner Koenig said the bill dealt with the storage of RVs, not the snow birds coming and staying for six months or so, but he asked that the motion be amended to take out 17.b. as an RV could not be stored without being plugged in.

Commissioner Schinhofen amended his motion to adopt the bill with an effective date of May 7, 2018, taking out the part of 17.b. which stated "and the recreational vehicle has been disconnected from all utilities and is no longer serving as a temporary living facility;" Commissioner Wichman amended her second.

Commissioner Cox said she still did not see any sense in doing this.

The motion to adopt the bill with an effective date of May 7, 2018, taking out the part of 17.b. which stated "and the recreational vehicle has been disconnected from all utilities and is no longer serving as a temporary living facility," passed with 3 yeas.
Commissioners Borasky and Cox voted no.

16. 11:00 – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2018-06: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, relating to the definition of Start of Construction; providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.

Commissioner Schinhofen made a motion to adopt Bill 2018-06 and set an effective date of May 7, 2018; seconded by Commissioner Wichman.

Commissioner Koenig opened and closed the public hearing.

The motion to adopt Bill 2018-06 and set a date of May 7, 2018, passed with 3 yeas. Commissioners Borasky and Cox voted no.

The Board took a brief recess.

SITTING AS THE NYE COUNTY LICENSING AND LIQUOR BOARD

Commissioner Wichman assumed the Chair of the Licensing and Liquor Board. Sheriff Wehrly was not present.

LIQUOR

18. 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.

Detective Christopher Sehnert confirmed everything was good. He knew they had some housekeeping issues with the State Fire Marshal and were required to get a new C of O, which was issued by the State so he did not know if that would hinder them.

Marc Risman, appearing on behalf of the applicant, advised within 48 hours they complied with the outstanding issues with the Fire Marshal and he had correspondence from the Fire Marshal acknowledging that.

Commissioners Wichman and Koenig clarified with Detective Sehnert that they needed a new certificate of compliance, not a C of O.

Commissioner Koenig made a motion to issue a temporary retail liquor license to Area 51 Alien Center; seconded by Commissioner Borasky; 5 yeas.

19. 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.

Detective Christopher Sehnert advised everything was in order and this was just a name change.

Commissioner Schinhofen made a motion to approve a temporary until everything else was finished; seconded by Commissioner Koenig; 5 years.

20. For Possible Action – Discussion and deliberation to issue a Temporary Retail Liquor License to Sullivan’s Pubs 2, located at 2450 Mesquite Ave, Pahrump, NV 89060 pending the processing of an application for a permanent license. Leilani L. Antoine is the Applicant.

Commissioner Borasky made a motion to approve; seconded by Commissioner Koenig.

Detective Sehnert confirmed everything was in order; however, this was new ownership for the establishment so they would be required to get the certificate from the State Fire Marshal’s Office.

The motion to approve passed with 5 years.

21. For Possible Action – Discussion and deliberation to issue a Temporary Retail Liquor License to Nevada Treasure RV Resort LLC s, located at 301 W. Leslie Street, Pahrump, NV 89060 pending the processing of an application for a permanent license. Mark W. Johnson is the Applicant.

Commissioner Schinhofen noted the back-up said all fees were paid and collected, but the local background check on the applicant was still pending and there was no staff recommendation at this time.

Detective Christopher Sehnert said he did not have the bank statements and tax returns for this one, but this was a chef who was overlooking the business as the owner lived in California. Other than that everything was in order and he recommended issuing a temporary.

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

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

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

22. Committee Reports

There were none.

23. For Possible Action – Discussion and deliberation to: 1) Adopt, amend and adopt, or reject Town of Pahrump Bill No. 2018-01: A Bill proposing to amend Town of Pahrump Code Chapter 22 Taxation; by amending Section 19, Definitions, Section 20, Tax Imposition and Rate, Section 24, License and Revocation, Section 29 Administration and Enforcement, and Section 30, Tax Proceeds, and providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; 2) Read the title of the Bill into the record; and 3) Set an effective date.

This item was removed from the agenda.

24. For Possible Action – Discussion and deliberation regarding the approval of 1) The Cooperative Fire Protection Agreement (CFPA); and 2) The Operating Plan (OP), between the Town of Pahrump and USDA, Forest Service Humboldt-Toiyabe National Forest and USDI Bureau of Land Management Southern Nevada District. This agreement shall remain in effect for five (5) years from the date signed, with yearly review of the OP by both parties.

Commissioner Schinhofen made a motion to approve item 24, 1 and 2; seconded by Commissioner Wichman; 5 years.

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.

25. For Possible Action – Approval of Elected Official Collection Report.

Commissioner Wichman made a motion to approve items 25-28; seconded by Commissioner Schinhofen; 5 years.

26. For Possible Action – Approval of Assessor's Office Change Request.

Commissioner Wichman made a motion to approve items 25-28; seconded by Commissioner Schinhofen; 5 years.

27. For Possible Action – Approval to set the date and location for the second meeting in July of the Board of Commissioners for Tuesday, July 17, 2018 in Pahrump, Nevada.

Commissioner Wichman made a motion to approve items 25-28; seconded by Commissioner Schinhofen; 5 years.

28. For Possible Action – Approval to accept a Grant Award from the Aging and Disability Services Division (ADSD) for Nutrition Services Incentive Program (NSIP) to provide commodity food funds for the nutrition program at the Beatty and Tonopah Senior Centers in the amount of \$1,837.00. This grant will be administered out of Fund 10281 Senior Nutrition and there is no county match required.

Commissioner Wichman made a motion to approve items 25-28; seconded by Commissioner Schinhofen; 5 yeas.

BOARD OF COMMISSIONERS

32. For Possible Action – Discussion and deliberation regarding approval of the Memorandum of Understanding with the Bureau of Land Management (BLM) for the purpose of cooperating in conducting an environmental analysis and preparing the draft and final Environmental Impact Statement (EIS) for a potential amendment to the existing Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment.

Commissioner Wichman explained this MOU was on the agenda simply to allow NACO to speak on the County's behalf during the meetings.

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

Commissioner Cox asked why NACO was speaking on behalf of the County instead of staff or a Commissioner.

Commissioner Wichman said because they had been for the last three years. When Natural Resources Director Levi Kryder left the County had no one and no money to put anyone in his place at that time. She was able to get other Commissioners to vote with her and approved a Natural Resources Director under the NACO umbrella so the membership fees each year paid for that. Darrell Lacy was now back working with the County part-time, but NACO staff had been working on sage grouse issues for the last three years for the County. Just to maintain some consistency though the sage grouse issue Commissioner Wichman would like them to stay working on it.

The motion to approve passed with 5 yeas.

CLERK

33. For Possible Action – Discussion and deliberation to appoint two (2) members to the Smoky Valley Library District due to one (1) resignation and one (1) expiring term.

Commissioner Wichman made a motion to appoint Sara Keehfuss and Mallory Barber; seconded by Commissioner Borasky; 5 yeas.

EMERGENCY MANAGEMENT

34. Presentation regarding the Tonopah Ambulance Service status.

Emergency Services Director Vance Payne said they did a final close out on what it cost to keep things open in Tonopah from December 25, 2017, until the end of March, 2018, which totaled \$28,743.39. That made things extremely tight for the ambulance budget, but Mr. Payne advised there were some improvements in performance with the billing system so they were hopeful to recover from this fairly quick. Additionally, the community paramedic went into business yesterday morning at 10:00 a.m.

FINANCE

36. For Possible Action – Discussion and deliberation regarding RFQ #2018-03 – Qualified Environmental Professional for: 1) the response from BEC Environmental, Inc.; and 2) direction to staff to enter into fee negotiations. This project is to be funded from Fund 10340 Grants, using the Grant Award for Brownfields Assessment Grant.

Commissioner Schinhofen made a motion to direct staff to enter into negotiations with BEC Environmental; seconded by Commissioner Wichman.

Commissioner Borasky asked who the second bidder was, to which Savannah Rucker responded Geotech.

The motion to direct staff to enter into negotiations with BEC Environmental passed with 5 yeas.

PLANNING/BUILDING/CODE COMPLIANCE

38. 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. 2018-03: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by adding Chapter 17.12 entitled Special Use Permits; 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 June 5, 2018, at 11:00 a.m. in Tonopah; seconded by Commissioner Wichman.

Debra Strickland asked if some sort of workshop could be done on this prior to it going further. She would also like to see any discussion held in Pahrump instead of Tonopah.

Commissioner Schinhofen asked if this had been through the RPC.

Brett Waggoner said no because it was an SUP for all of Nye County.

**38. 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. 2018-03-
Cont'd.**

Commissioner Schinhofen said at the next hearing all of the discussion needed could be held and he would be happy to speak to anyone between now and then.

Dawn Murphy also believed workshops should be held to include contractors and homeowners to allow public discussion of more than three minutes per person.

Walt Turner also wanted to see a workshop before the date and time where no one was held to three minutes.

Commissioner Wichman said if she read this correctly it already affected people in the PRPD. What this was proposing to do was spread it out through the rest of the County. If people wanted to have workshops to discuss this and how it would affect people, Commissioner Wichman suggested those workshops be done in the north as those were the people this would affect since people in Pahrump already lived by this.

Commissioner Cox asked for an amendment to the motion to include workshops.

Commissioner Schinhofen stated if he did amend it the workshops would be for the northern part of the County. His motion stood.

The motion based on staff recommendation to set the date, time and location as June 5, 2018, at 11:00 a.m. in Tonopah, passed with 5 yeas.

Horace Carlyle said the Tonopah Town Board and northern Nye County fought this several years ago. He hoped it was a better situation than in the past as that one was very restrictive.

Commissioner Wichman added this had come before the people in northern Nye County for six years now and each time this came back to the surface she and Darrell Lacy had taken it to the communities and discussed it at every town board meeting. What brought this back to the surface was that one of the communities absolutely flat refused to have anything to do with an SUP, but they now had a major conflict with a business that went in and built. She said this had been written in such a fashion that in a situation where commercial interests came into an area they would be required to take it to the town, get the buy-in of the community, and then come to the Board of County Commissioners for approval. Commissioner Wichman explained this was the only way anyone could think of to solve that problem.

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

PUBLIC PETITIONER

39. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject the Groundwater Management Plan for the Pahrump Basin (Basin 162) as requested by the Nye County Water District.

John Bosta asked that his comments be reflected in the minutes and submitted his written statement as well [attached]. The introduction of the groundwater management plan stated Pahrump had available deeded land sufficient to support a population of 495,000, which Mr. Bosta thought was unattainable financially as there was not enough water in the valley. This new revision and/or possible adoption of the Pahrump groundwater management plan would eliminate all domestic well use in Basin 162. Domestic wells were real property over which the Water District, Nye County and the State Engineer had no power. The well owner cooperative also had no representation on the groundwater management committee because the State Engineer said a domestic well was not a water right issued by the State Engineer. Mr. Bosta felt the adoption of this plan was not in the best interests of the 11,000 domestic well owners.

David Hall, the current chairman of the NCWD, strongly urged the Commissioners to consider passage of this plan as presented today. He believed the best data and science had been utilized to create an accurate profile of water availability and corresponding potential growth limitations in Basin 162.

Kenny Bent submitted his statement for the record [attached]. He noted the plan promoted a population of 80,000 to 102,000 which would require the domestic well users to reduce their legal allotment of water by at least 75% to facilitate that growth. The new replenishment rate given in 2015 of 20,000 acre feet included 8,000 acre feet which was currently unavailable. The Shaw Report estimated it would take \$68 million to possibly capture 500 acre feet of that 8,000 acre feet of unavailable water. The 20,000 acre foot number was created to avoid the designation of critical management which by law would require the curtailment of over-allocated junior and worthless water rights being banked in utility companies.

Wade Hinden, a private well owner, said there was a water problem in Pahrump. He said the Commissioners should curtail the waste of water in agriculture. He did not think this plan did anything to conserve water.

Dwight Lilly said he would like Commissioner Wichman to recuse herself from this item as her husband was the NCWD manager. He then stated he felt the plan was an incremental destruction of the rural lifestyle, the life of the private well owners and their assets because it took away from one group of people and rewarded another. He did not think this plan would ever work out because of the group of people that were never looked out for.

Dave Stevens suggested piping in the Pacific Ocean and boiling out the salt.

Debra Strickland pointed out there was a 55% discrepancy in the figures presented by Oz Wichman in his letter of December 11, 2016. Table 5 of the plan showed the

39. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject the Groundwater Management Plan for the Pahrump Basin (Basin 162) as requested by the Nye County Water District-Cont'd.

municipalities held 31.169 acre feet of the 59.174 acre feet. Page 11 of the groundwater management plan stated there was nothing in the statutes that expressly prohibited the utility from moving existing dedicated water to other usages. Mrs. Strickland stated over the years those unused acre feet went to the developers (utility companies) who were holding those water rights and had not necessarily allocated them for the parcels that were created. She said all that unallocated water sitting out there needed to be addressed and should be focused on next.

Walt Turner said moving forward with any of the plan based on the numbers provided would be ill advised and only hurt more residents of Pahrump. He said if the Commissioners wanted to solve the water problems this was not the way. Mr. Turner suggested doing reverse parceling and allowing people to combine quarter acres which would reduce water usage and promote the rural lifestyle.

Janet Errett advised a friend of hers sold some commercial water rights to a developer who later sold the same water rights to four other developers, so those water rights were allocated four different times. She said there was a lot of inequity that was unfair to the well owners and felt there had to be another way to do this.

Dawn Murphy wondered what else was wrong if the numbers were off by 55%. She said the plan should not be accepted, the board should be dissolved, and the process started over. She asked the Board to take into consideration how this was affecting her as a land owner, a contractor, and a resident.

Horace Carlyle said he had listened to this for several years and had made a recommendation to the NCWD to increase the parcel taxes in all of Nye County to support what Pahrump needed. He felt everyone should think as neighbors and he had hoped to see a better answer than this plan.

Leo Blundo said the basin was paper over-allocated, not over-pumped, and he urged the Commissioners to not consider adoption of this plan to avoid the conflict of interest pertaining to a Commissioner and her husband as well as avoiding the conflict of adopting this item in litigation. He then disclosed he was a candidate for County Commissioner in District IV, but that did not preclude him from being a concerned citizen.

Gregory Hafen said the Board had required the Burson Ranch Subdivision, which was in their service territory, to follow the conservation ordinance prior to it being adopted. A 21% reduction of water use had been seen in that subdivision just by the water conservation efforts the Board had already implemented and that were part of the plan. He also pointed out that of the parcels that would require domestic wells and never had water rights, the plan stated that in the next 50 years 2,000 more wells would be drilled based on the historical data and there would be a relinquishment of water rights.

39. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject the Groundwater Management Plan for the Pahrump Basin (Basin 162) as requested by the Nye County Water District-Cont'd.

Greg Hafen Sr. discussed the senior water rights issued in the 1950s and 1960s and how there had been 11,000 domestic wells drilled since those were issued. He said there had to be a plan that balanced the basin and got down to a level of equalization where there was no more use than what was coming in. He thought this plan went about that very difficult process and he supported it.

Don Cox thought everyone was being conned by the State and hoped someone went to jail over this.

Since a couple of people had asked her to recuse herself, Commissioner Wichman disclosed her husband worked for the NCWD, which was a separate unit of state government that this Board had no control over and she would not recuse herself.

Commissioner Schinhofen thanked everyone who volunteered for the committee and all the people on the NCWD governing board who did the best they could do in a bad situation. He felt this plan was a first step and would affect things down the road.

Commissioner Schinhofen made a motion to adopt this plan; seconded by Commissioner Wichman.

Commissioner Cox reminded her colleagues there was lawsuit pending on this issue and she was not sure the Board should be doing this. She noted the letter sent to Jason King and Commissioner Koenig from Oz Wichman said "per their many discussions on this subject they were aware of Mr. King's desire that the Board adopt the plan by motion and vote as a solution to over-appropriation in Basin 162." Commissioner Cox read that to mean they did not have the authority to do this without it coming in front of the Commission, but the Commission was not brought into the decision making. Addressing public comments and the number of lots, she thought those owners needed to be notified this was happening as it was affecting every property whether built on or not. She knew the private well owners association was against this and she felt the well owners should also be protected. She also disagreed with the population projection as she believed there would never be infrastructure in place to support it. She commented on how many water rights Yucca Mountain would need and wondered what the real motive was to take water rights away from people. She felt this was committing a crime and would vote against it.

Commissioner Schinhofen said Yucca Mountain was not in Basin 162 and no water rights could be moved there.

The motion to adopt the plan passed with 3 yeas. Commissioners Borasky and Cox voted no.

41. GENERAL PUBLIC COMMENT (second)

Don Cox said there was a petition going around by a man who did the services at last month's meeting to close the brothels under moral issues. That man's son was at the Painted Lady the night they had the drag show and was heard making some very crass remarks. Mr. Cox said the man should not be allowed to do another prayer at the meetings.

John Bosta stated the use of a domestic well was a property right and not a water right issued by the State Engineer. To say the well owners had water rights equal to the senior water rights given to people for agriculture was a police action by the State Engineer. Mr. Bosta said the senior water rights were actually junior to the fact that all of the land in the valley was patented land and the water went with the patent. The water rights the State Engineer issued were water rights on private land and in Mr. Bosta's opinion was a total violation of the law.

Annette Fuentes thought some of the Commissioners forgot who voted them in and why and she found what the Board just did unbelievable.

Dwight Lilly said during the Commissioner debates held at the Bob Ruud Center a question was brought up about whether a ballot measure should be made to vote whether brothels should remain in Nye County. A former town board member told him the former owner of the Chicken Ranch Brothel used to come to the town board meetings using an alias and hand the town board checks for \$10,000.00 and told them to just do something good for Pahrump. That man funded the Ian Deutch Park out of his goodwill and he was a brothel owner, so Mr. Lilly thought it was affirmatively good what the brothels had done for Pahrump. The second point Mr. Lilly made was Art Bell passed away leaving children behind. With all of the goodwill Art Bell's radio shows did bringing tourists and residents to Pahrump, Mr. Lilly would like to see an agenda item that honored Art Bell as a legend in Nye County. He also suggested hanging a plaque in Commission Chambers as well as sending a card to his wife and children.

Commissioner Schinhofen said he sent an e-mail to Tim Sutton about that yesterday.

Dave Stevens felt the brothels should be closed.

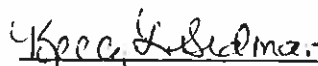
42. ADJOURN

Commissioner Koenig adjourned the meeting.

APPROVED this 15th day ATTEST:

Of May, 2018.


Chair


Nye County Clerk / Deputy

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

Pursuant to A_SB487_R1_1145 Section 15:

1. Nye County 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.

Pursuant to A_SB487_R1_1145 Section 18.5:

1. Except as otherwise provided in this section, the town board or board of county commissioners in any unincorporated town shall not fix or collect a license tax on a marijuana establishment or medical marijuana establishment located within the town.
2. Except as otherwise provided in subsection 3, the town board or board of county commissioners in any unincorporated town may fix and collect a license tax on a marijuana establishment or medical marijuana establishment located within the town.

I requested the Nye County Comptroller, Savannah Rucker to provide the Marijuana License and Business Tax Income collected by the County.

The Nye County Treasurer, Pam Webster provided the following information:

Recreational Marijuana License Fees Fy17 to YTFy18	total \$100,000.00
Recreational Marijuana Business Tax (2%)	<u>total \$125,722.00</u>
Total Recreational (All County)	\$225,722.00
Medical Marijuana License Fees Fy15 to YTD FY18	total \$205,458.00
Medical Marijuana Business Tax (2%)	<u>total \$223,608.00</u>
Total County Medical	\$429,066.00
Amargosa Valley Medical Marijuana Business Tax (2%).....	<u>\$ 15,131.32</u>
Total Medical	<u>\$444,197.32</u>
Total Marijuana License and Business Tax (2%).....	669,919.32

\$654,788 of Marijuana License and Business Tax (2%) money belongs to the Town of Pahrump and not the County of Nye.

Item No. 12 for two Special Use Permit Applications SU-2018-000047 to allow marijuana (cultivation) and SU-2018-000048 to allow marijuana production)

on Assessor Parcel Number 045-441-15 is located within the Pahrump Planning District (PRPD) and this item should be referred to PRPD for approval.

The Nye County Assessors Existing Land Use is 320-(3-4 units-May include mixed Residences & Manufactured Homes).

The Applicant is proposing a zoning land use of BO RH-4.5 for the 13 acre parcel. This PRPD Master Plan Land Use Designation, RH-4.5 is for Low Density Residential Housing on 4.5 acres of land and not for Marijuana production on 13 acres of land.

The PRPD Master Plan 2014 page 47 Table 4.3 ZONING ABBREVIATION, NAMES AND DISTRICT PURPOSES:

BO – Business Opportunity Overlay – Protect existing SFR character of an area while providing opportunity to develop small scale commercial-floor area less than 10,000 sq. ft. and

RH-4.5 –Rural Homestead Residential – is Low density SFR -4.5 ac gross

The PRPD Master Plan 2014 provides no guidance for the regulation of land use for medical marijuana, recreational marijuana or hemp production, therefore the BO RH-4, (PRPD Master Plan Land Use Designations), are not the proper designations for the proposed applications SU-2018-00047 and SU-2018-000048.

The two applications do not accomplish the Nye County Code section 17.06.030:

MARIJUNANA ESTABLISHMENT ZONING REQUIREMENTS that allows location within the light industrial (LI), heavy industrial (HI), general commercial (GC), commercial manufacturing (CM) and business opportunity (BO) zones.

The Nye District Attorney, Angela Bello suggests that **“incorporated city and town”** gives the County the authority to issue **marijuana license and business tax (2%) inside the Township of Pahrump.**

Pahrump is not an “incorporated City and town”.

I believe that the UNINCORPORATED TOWN GOVERNMENTS, Bulletin No. 119, by the LEGISLATIVE COMMISSION OF THE LEGISLATIVE COUNSEL BUREAU STATE OF NEVADA, answers the question about the issue of **“incorporated cities and towns”**.

The 57th Session of the Nevada Legislature manifested its intention, through the Assembly Concurrent Resolution No. 20, to direct the legislative commission “to study unincorporated towns in Nevada and county government as it relates to such unincorporated towns and submit appropriate suggestions and recommendations for necessary legislation to the 58th session of the Nevada legislature.

A subcommittee was appointed to undertake the study and report to the 58th session of the legislature. Bulletin No. 119 containing background

information, recommendations and suggested draft legislation, was approved by the legislative commission on October 16, 1974.

See pages 7 and 8, II. Nevada Towns Examined, discussion of the background of a town in relation to the Nevada Constitution:

"Town government has been an elemental force in Nevada government since the territorial days. The Nevada constitution, by numerous references, bears witness to that. In article 4 the sanction against the passage of certain local or special laws includes, variously, towns and townships.

In article 6, provision is made for the legislature to establish municipal courts within incorporated cities and towns. Article 8 requires the legislature to provide for the organization of cities and towns. The constitutional prohibition against the state's assuming the debts of any county, city, or town is fixed by article 9.

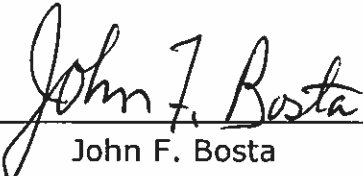
Upon examination, the constitutional language is seen to cradle three sorts of towns, viz., townships, towns, and incorporated towns. The first and last mentioned rate expresses treatment in the constitution. The middle term, "town" can claim no descriptive individuality, **because it is either an associated term, as in "incorporated cities and towns," or it is an enumerative term, as in "any county, town, or city of this state."** (Emphasis added)

Townships are geographic portions of counties, which are created by boards of county commissioners from time to time. These political subunits of a county, taken together, account for the entire county's geographic area, incorporated as well as unincorporated. There is no mistaking the reference and no mistaking the function, whenever the term "township" appears in the written text of the law. The coroner, constable and justice of the peace are commonly associated with this political subunit of the county.

Incorporated towns have the distinction of being frequently mentioned in both the Nevada constitution and Nevada Revised Statutes. **One never encounters an incorporated town, however. The incorporated town, as distinguished from the incorporated city, simply is not a part of the Nevada political scene.** (Emphasis added)

Notwithstanding the fact that there is no constitutionally identified form of local government denominated "unincorporated town," the legislature has provided a political framework for this popular species of local government. Chapter 269 of NRS recognizes the unincorporated town, albeit imperfectly. (Emphasis added)

Respectfully submitted,



John F. Bosta

I was a member of the GWMP committee and quickly came to understand that the whole process was hijacked to promote a long range fraudulent agenda.

The Utility, major water right holders and developer interests tightly controlled the majority vote, keeping many fair and equitable solutions out of this plan. Many conversations were stifled and suggestions negated. The board even created an agenda item to vote on whether I could be seated at the meetings to shut me up.

This plan promotes a population of 80,000 to 102,000 which requires current domestic well owners to reduce their legal allotment of water by 75% to facilitate growth.

Every member of that board and this Commission understands that the new replenishment rate given in 2015 of 20,000 afa includes 8,000 afa that is currently unavailable. The Shaw Report which cost Nye taxpayers \$50,000 last year estimates 68 million dollars to possibly capture 500 afa of that 8,000 afa of unavailable water.

The 20,000 afa number was created to avoid the designation of critical management which by law would require the curtailment of the over allocated, junior and worthless water right permits being banked in Utility Companies.

Mr. Chairman, the majority of the people in your district that supported your election have domestic wells. Voting to adopt this GWMP in its current form is throwing every one of them under the bus. It also establishes your support of State Engineer's order #1293 as it was requested by the creators of this GWMP.

Submitted as testimony for this BOCC meeting of April 17th 2018.

Kerity Bent

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 INTRODUCTION statement; "In addition, the community of Pahrump has available deeded lands in sufficient amount to support a population of 495,000 is a wet "pipe dream", an unattainable or fanciful hope or scheme. There is not enough ground water.

The Board should note that one acre-foot of water is 893 gallon per day.

The overall goal of 198 gallons per person/per day adopted in the 2014 Pahrump Master Plan is **98 million ten thousand gallons/day which is 109,753.64 acre-feet per year which is 6 times the Perennial Yield of 18,000 acre-feet per year.**

The United States Environmental Protection Agency (EPA) estimates the average American family uses more than 300 gallons of water per day at home. Roughly 70 percent of this use occurs indoors. Nationally, outdoor water use accounts for 30 percent of household use yet can be much higher in drier parts of the country and in more water-intensive landscapes. For example, the arid West has some of the highest per capita residential water use because of landscape irrigation. (Official website of the United States government)

Using Table 4, Gallons Per Capta Day (gpcd) using the same 18,000 AFA of water pumping 300 gallons per day can only sustain 52,500 people. Using 446.5 gallons per day can only sustain 35,000 people.

This new revisions and/or possible adoption of the Pahrump Ground Water Management Plan (GWMP) will eliminate all domestic well use of water in the Artesian Pahrump Basin 162.

The regulation of land use based on police power is distinct from the taking of private property by the government through the power of eminent domain.

Domestic wells is use of real property which the Water District, Nye County, and State Engineer has no power.

Eliminating domestic well use and reducing use of two acre feet of water to 198 gallons per day is a taking of real property without using the power of eminent domain to compensate a property owner for eliminating the domestic well and reducing 2 gallons per minute which is 2880 gallons per day down to 198 gallons per person per day.

The adoption of the revisions of the Ground Water Management Plan (GWMP) has no authority of an Ordinance.

The Domestic Well Owner Co-op had no representation on the Ground Water Management Plan Committee because their domestic water use of water is not a Water Right Permit use issued by the State Engineer.

The adoption of the GWMP is not in the best interest of 11200 domestic well owners which is the majority of population in the Artesian Pahrump Basin 162 and the GWMP should not be adopted.

Respectfully Submitted,


John F. Bosta