

Pursuant to NRS a joint meeting of the Nye County Board of Commissioners, Nye County Board of Highway Commissioners, Nye County Licensing and Liquor Board, the Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District, was held at 10:00 a.m. in the Commissioners' Chambers, 101 Radar Road, Tonopah, Nevada 89049.

John Koenig, Chair  
Debra Strickland, Vice-Chair  
Lorinda Wichman, Commissioner  
Donna Cox, Commissioner  
Leo Blundo, Commissioner  
Sandra L. Merlino, Ex-Officio Clerk of the Board  
Chris Arabia, District Attorney  
Sharon Wehrly, Sheriff  
Tim Sutton, County Manager

Also Present: Lorina Dellinger, Assistant County Manager; Kelly Sidman, Deputy Clerk; Samantha Tackett, Administrative Manager; Savannah Rucker, Comptroller; Marla Zlotek, Chief Deputy District Attorney; Bradley Richardson, Deputy District Attorney

Not Present: Chris Arabia, District Attorney

### **1. Pledge of Allegiance**

The Pledge was recited.

### **2. Roll Call**

Roll call was taken.

### **3. Ex-Parte Communications and Conflict of Interest Disclosure Statements**

Commissioner Strickland stated she was a Nye County Commissioner and owner of Strickland Construction, T&M Group Realty and Lakeside Storage. As the owner of those companies she was a licensed well drilling, septic tank and pump setting contractor as well as a realtor who brokered in water rights and the drilling of water wells. She saw no conflicts that would disallow her to participate in any of the items on the agenda.

### **4. Presentation by the Director of Emergency Management regarding the status of the COVID-19 outbreak.**

Emergency Management Director Scott Lewis advised the command post remained open at the EOC. They were monitoring 65 total confirmed cases. There were 23

**4. Presentation by the Director of Emergency Management regarding the status of the COVID-19 outbreak-Cont'd.**

cases open, one antibody positive test, 39 recovered, two deaths, and two patients in Las Vegas hospitals. There were 1,600 tests completed and there were an additional 2,500 tests received for distribution. There were under 9,000 confirmed cases in Nevada with an increase of 1,000 since the last meeting and over 420 deaths. Chief Lewis said the leadership task force team remained committed to the Governor's plan for reopening and social distancing remained paramount.

**5. Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**

Commissioner Koenig said when it came time for public comment people should stay in their seats and raise their hand. He would call someone to come down and the chair and table would be cleaned for the next person. He would then ask if anyone on the phone wanted to have public comment, then he would go to Tonopah, and then back to Pahrump. He announced that tomorrow the library would reopen with limited services and enforced social distancing. He also took a moment to congratulate all 2020 high school graduates in the County.

Commissioner Cox said she would like to have the resolution regarding the wild horse round-ups done by helicopter on the next agenda. She then told Sam Merlino that she was notified by some people yesterday who had not received their ballots yet that they were told they could not get a ballot mailed to them if they only had mailboxes.

Mrs. Merlino stated that was absolutely not true and those people needed to call her office immediately as today was the last day her office could mail out any replacement ballots. After today the voters would have to come into the office to get a ballot and update their registration.

Commissioner Wichman said she would like to revisit the licensing procedures the County was currently operating under. She thought using a full forensic accounting was way above and beyond the intent. She knew a credit check could be done on-line in seconds and that was all the County was really interested in. Commissioner Wichman asked that those sections of the licensing be brought back to the Board to come up with something more reasonable so it did not take six months to get a license to operate.

Commissioner Strickland said as the Liquor and Licensing Board Chair she was currently working on those procedures. She then mentioned vacancies on the Town of Pahrump advisory boards as well as the five upcoming vacancies on the Nye County Water District Governing Board.

Commissioner Blundo advised Golden Gaming would reopen on June 4, 2020, at 12:00 a.m. He said the Workforce Connections Board developed a layoff diversion program, which a couple of businesses were benefiting from, and later today he would present a

**5. Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)-Cont'd.**

check to Romero's. Commissioner Blundo said he would like to see an item come to the Board regarding reducing the signing authority of the County Manager to \$20,000.00 and he would also like to see under the consent agenda items a list of everything that was signed.

Commissioner Koenig said at the transportation committee meeting a few weeks ago they made a point that the Southern Nevada Transportation Committee had cut back on a lot of their rides during the crisis. He stated the transportation committee in Pahrump did not cut back at all. It did over 22,000 rides last year and it needed to be kept going.

**6. Approval of the Agenda for June 2, 2020 (Non-action item)**

Tim Sutton said items 17-22 could be removed from the agenda. He explained there was an issue with item 20 and the item to reduce the Commissioners' salary would be brought back on another agenda.

**7. GENERAL PUBLIC COMMENT (up to 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)**

John O'Brien read a statement about the District Attorney's Office's poor performance, lack of leadership, and failure to prosecute cases. He asked that his statement be included in the minutes [see Attachment 1].

**8. For Possible Action – Discussion and deliberation regarding meeting minutes from the April 28, 2020 joint teleconference, May 5, 2020 joint regular meeting and May 11, 2020 joint teleconference of the Nye County Board of Commissioners, Board of Highway Commissioners, Nye County Licensing and Liquor Board, Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District.**

Commissioner Strickland said paragraph two on page three should read well driller, not licensed welder.

Commissioner Strickland made a motion to approve as corrected; seconded by Commissioner Cox; 5 years.

## TIMED ITEMS

**9. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2020-09: A Bill proposing to amend Nye County Code Title 5, Business Licensing and Regulations, Chapter 5.32 entitled Marijuana Establishments; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.**

Commissioner Koenig opened and closed the public hearing.

Commissioner Blundo said he would like to continue this item for a minimum of 30 to 60 days.

Commissioner Blundo made a motion to continue this item; seconded by Commissioner Wichman.

Commissioner Wichman believed there was an action taken by this Board in the past to move all fees to a resolution rather than having them in the ordinance because every time those changed the ordinance had to be revised. She asked to have it brought back in that manner.

Commissioner Blundo amended his motion to have this item brought back in 60 days; Commissioner Wichman amended her second.

Commissioner Blundo said there was an underlying issue he wanted to address with the County Manager.

The motion to have this item brought back in 60 days passed with 5 yeas.

**10. 10:00 a.m. – For Possible Action – Discussion and deliberation pursuant to Nye County Code 17.04.860 J-N regarding a show cause hearing on unhealthful nuisance conditions located at 5908 E. Badlands Ln., Pahrump, NV, Assessor's Parcel Number 046-011-13, owned by Mosley, Jorja Faye Shrouder Trust to determine: 1) If said conditions still exist on the property; or 2) If there are no unhealthful nuisance conditions associated with the property; and 3) Possible direction to staff to abate and/or remove the nuisance conditions.**

Commissioner Strickland disclosed she was a licensed real estate broker due to the back-up about the sale even though she was not a party to that sale.

Code Compliance Officer Amanda Marshall explained this process started on May 19, 2020. There had been a couple of follow-up inspections and as shown in the photographs in the back-up the home was found in that condition. She received notice of the situation from the homeowners' association (HOA) and other complainants.

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Commissioner Strickland made a motion that in accordance with Nye County Code Section 17.04.860 the County Commission found the condition constituted unhealthful nuisance conditions and a menace to the health, safety or welfare of the residents of the Pahrump Regional Planning District on the above-described parcel and orders the same to be repaired, abated and/or removed within 30 days or any other period of time determined to be reasonable by the Board with all costs being levied and collected with other taxes on the assessment roll in the same manner as other County taxes; seconded by Commissioner Blundo.

Jorja Mosley stated she was confused when the police showed up twice for a welfare check when she was outside of her house all the time. They kicked the door in, took all of her animals, and she was living in her car right now because of this. The HOA told her she could not have the sheds she built and had to put everything in the house so she had been going through boxes every day determining what could go in the house as well as going to school for the last two years full-time. However, the compliance officer told her she did not care if it was in the back yard and the HOA just did not want to see it.

Commissioner Wichman asked Ms. Mosley if she had hot and cold running water in her home.

Ms. Mosley said there was a while when she did not, but she did now as well as power.

Commissioner Cox asked Ms. Mosley if she receive the certified notice of the letter sent to her regarding the condition of the property from Nye County, to which Ms. Mosley responded no.

Commissioner Cox felt entering the house was completely improper without a warrant and that Ms. Mosley should file a complaint with the Sheriff's Office. Commissioner Cox thought the problem was between the HOA and Ms. Mosley as she did not see how it was hurting the public.

Commissioner Strickland said she knew the property was currently in escrow and asked Ms. Marshall if that was a viable purchase.

Ms. Marshall said as far as she knew yes; however, she let the buyer and Cow County Title Company know that per the International Property Maintenance Code the purchase or sale would be unlawful if the conditions remained in the home and the violations were

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current or a memo would have to take the liability to the buyer in order for that sale to proceed. In her last conversation with the buyer he said he would not follow through with escrow if the homeowner did not get the situation taken care of.

Commissioner Strickland said she was not just concerned with the abatement of the filth but also more torn down sheds.

Ms. Marshall advised Code Compliance was not concerned with the sheds.

Brett Waggoner said this was the first time he heard of the sheds, which would not be what Code Compliance was there for. That visit purely had to do with the hazardous conditions and health code conditions. He thought this item was to determine if a show cause hearing was needed where it could be discussed in more detail. Mr. Waggoner said the concerns were the used potty pads littered all over along with bowls of what appeared to be urine as shown in some of the pictures of the back yard.

Commissioner Blundo did not believe the shed had anything to do with the scope of what was trying to be accomplished. After listening to everything today he felt the process needed to start.

Ms. Marshall said the staff report went through the appropriate motions of what needed to happen. As to the certified mailing issue, she explained it was mailed certified and also posted to the property so Ms. Mosley was aware and did receive those notices. Also, Ms. Marshall pointed out the last set of pictures showed the egress path which would not allow emergency services into the property.

Commissioner Cox did not believe this was properly noticed since it did not go through the Clerk's Office. She asked if the green card came back, to which Ms. Marshall responded it was not required as the notice was posted on the property.

Commissioner Cox said if this was continued she would like someone to address the fact there was a forced entry without a warrant, who gave the order and why was it done.

Mr. Waggoner believed that would be discussed during a show cause hearing, which was the purpose of this item.

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Captain David Boruchowitz stated dumping trash in other people's dumpsters was illegal. Regarding the forced entry, he said there would be witnesses to discuss that further at the show cause hearing, but they were willing to take that complaint. He explained entry was made based on exigent circumstances concerning the safety and well-being of Ms. Mosley.

Richard Goldstein said he had a problem with the forced entry and the explanation made no sense. He wanted to hear from the chief as to why there was a full response to the house and why Ms. Mosley was forced to go to the hospital as that made no sense either.

Karyn Smith, Health and Human Services Director, said this was all done due to a welfare check. Elder Protection had been brought in due to numerous complaints of a resident not having water or power. They had been out two or three times previously and Ms. Mosley did not answer the door and she did not answer or return phone calls.

John O'Brien had concerns for the safety of the adjoining residents as well as fire service and medical people responding because of the conditions of the residence. Finding high fire loads in the interior and not being able to extinguish the fire was a great concern as well as the ability to exit the building. Mr. O'Brien thought the Board needed to pursue a show cause hearing and look at the conditions.

Sheriff Wehrly explained that even though it was a welfare check, when the deputies arrived they knocked on the door and there was absolutely no response. Since it was a welfare check they kicked the door in and found her, and Ms. Mosley was taken to the hospital for medical reasons.

Chief Scott Lewis said he was there as part of the team for the evaluation on the welfare check. As they developed on the scene it became apparent they were going to need additional resources because of all the personal property at the residence. There was an infestation in the garage and it became apparent from Ms. Mosley's unwillingness to open the door that it needed to be broken into. Medical transported her from the scene based on observations and good medical advice.

The motion that in accordance with Nye County Code Section 17.04.860 the County Commission found the condition constituted unhealthful nuisance conditions and a menace to the health, safety or welfare of the residents of the Pahrump Regional Planning District on the above-described parcel and orders the same to be repaired,

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abated and/or removed within 30 days or any other period of time determined to be reasonable by the Board with all costs being levied and collected with other taxes on the assessment roll in the same manner as other County taxes, passed with 5 years.

Commissioner Strickland made a motion to have a show cause hearing on Tuesday, July 21, 2020, at 10:00 a.m.; seconded by Commissioner Blundo; 5 years.

**SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS**

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

**11. For Possible Action – Discussion and deliberation regarding General Road Report by Public Works Director on General Road Maintenance, Gravel Road Maintenance, Asphalt Patching, Weed Mowing and direction regarding public work projects.**

Public Works Director Tim Dahl said he had received a 1,000 gallon portable storage tank for the durapatcher and before the end of the week he would get some oil. The Leslie paving was completed late last night, but there was still a lot of work to do to clean it up. Mr. Dahl did not have an update for the improvements to the intersection at Homestead and Highway 372 on Highway 160 as the contractor had no update as far as software and materials he was waiting on. Proposals for Powerline Road should be submitted tomorrow. As to the Belmont Road repair Mr. Dahl said he had received some complaints that convinced him to pull some guys to address the repairs.

Commissioner Cox noticed Wilson had gotten really bad lately between Lola and the highway. She asked if there was a plan to do anything with that in the near future.

Mr. Dahl said Wilson Road from Linda to Highway 160 was ranked number three on the PRPC capital improvement plan, Public Works evaluation matrix, and project priority ranking list. There was some other development along that same section of road that they hoped to work in conjunction with the CIP plan to work on that section of road. Basin and Charleston Park were ranked one and two.

Commissioner Cox said she had received a request for replacement of a sign in Crystal as some tourists stole one in the area of the Love Ranch. She also wanted to set up a meeting with Mr. Dahl and Steve Johnson as he was sending her angry emails

**11. For Possible Action – Discussion and deliberation regarding General Road Report by Public Works Director on General Road Maintenance, Gravel Road Maintenance, Asphalt Patching, Weed Mowing and direction regarding public work projects-Cont'd.**

regarding Blosser Ranch. Lastly, Commissioner Cox said there was a big pothole at the corner of Quarter Horse and Turner which was about twelve inches deep.

Commissioner Koenig thanked Mr. Dahl for patching the north end of Leslie, but said the area needed an overlay or something since it was falling apart. Last week Commissioner Koenig sent Mr. Dahl a question regarding the status of Homestead and Deacon and he asked if Mr. Dahl had anything on that.

Mr. Dahl said he struggled to get a second quote from another contractor. He was still finalizing getting that so he could make sure it was fair. Once that was received he would put in for funding to take care of that.

Commissioner Blundo said the RTC set the date to review the budget, but he cautioned the public that since people were not driving for the last couple of months due to COVID the expected funds would not be at the normal levels.

Mr. Dahl said the projections were lower than previous RTC budgets, but he was confident projects could still be completed.

Pat Minshall from the Amargosa Town Board asked for a status of the street signs as some had been updated and others had not. She also asked Mr. Dahl to not forget Amargosa with the durapatcher.

John O'Brien said either a flashing left turn lane or two left turn lanes was needed on Homestead Road. The traffic backed up and people ran the turn signal red light which he felt would lead to some serious accidents.

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

**SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP**

**12. For Possible Action – Discussion and deliberation regarding the Debt Management Policy Statement and Capital Improvement Plan for the Town of Pahrump for Fiscal Year 2020-2021 pursuant to NRS 350.013.**

Commissioner Cox asked who put this list together as far as the recommendations for the capital improvement plan.

Savannah Rucker said she reached out to the departments and asked what they needed, but the capital improvement plan did not guarantee that they would be performed in the year they were listed.

**12. For Possible Action – Discussion and deliberation regarding the Debt Management Policy Statement and Capital Improvement Plan for the Town of Pahrump for Fiscal Year 2020-2021 pursuant to NRS 350.013-Cont'd.**

Commissioner Strickland made a motion to accept; seconded by Commissioner Blundo; 5 years.

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

**BEATTY**

**13. For Possible Action – Discussion and deliberation regarding the Debt Management Policy Statement and Capital Improvement Plan for the Town of Beatty for Fiscal Year 2020-2021 pursuant to NRS 350.013.**

Savannah Rucker advised she reached out to the Beatty town administration and their capital listing was included in the back-up.

Commissioner Strickland made a motion to accept the debt management policy statement and capital improvement plan for the Town of Beatty; seconded by Commissioner Wichman; 5 years.

**GABBS**

**14. For Possible Action – Discussion and deliberation regarding the Debt Management Policy Statement and Capital Improvement Plan for the Town of Gabbs for Fiscal Year 2020-2021 pursuant to NRS 350.013.**

Savannah Rucker said the capital improvement plan included the needs for improvements to the sewer system in Gabbs.

Commissioner Strickland made a motion to accept the debt management policy statement and capital improvement plan for the Town of Gabbs; seconded by Commissioner Blundo; 5 years.

**MANHATTAN**

**15. For Possible Action – Discussion and deliberation regarding the Debt Management Policy Statement and Capital Improvement Plan for the Town of Manhattan for Fiscal Year 2020-2021 pursuant to NRS 350.013.**

Savannah Rucker said she reached out to Public Works regarding the utility in Manhattan and had budgeted the funds accordingly.

**15. For Possible Action – Discussion and deliberation regarding the Debt Management Policy Statement and Capital Improvement Plan for the Town of Manhattan for Fiscal Year 2020-2021 pursuant to NRS 350.013-Cont'd.**

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

**SITTING AS THE BOARD OF TRUSTEES FOR THE PAHRUMP POOL DISTRICT**

**16. For Possible Action – Discussion and deliberation regarding the Debt Management Policy Statement and Capital Improvement Plan for the Pahrump Pool District for Fiscal Year 2020-2021 pursuant to NRS 350.013.**

Savannah Rucker said Buildings and Grounds provided the needs for the Pahrump Pool District.

Commissioner Strickland made a motion to accept the debt management policy for the Pahrump Pool District; seconded by Commissioner Blundo; 5 yeas.

**SITTING AS THE BOARD OF COUNTY COMMISSIONERS**

**BOARD OF COMMISSIONERS**

**17. 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.

**18. 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.

**19. 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.

**20. For Possible Action – Discussion and deliberation to consider the Nye County Commissioners and Elected Officers voluntarily electing to reduce their compensation for Fiscal Year 2020-2021 pursuant to NRS 245.043(4).**

This item was removed from the agenda.

**21. For Possible Action – Discussion and deliberation to determine if sufficient financial resources are available to pay the annual salary increase for elected officers for Fiscal Year 2020-2021 pursuant to NRS 245.043(5).**

This item was removed from the agenda.

**22. For Possible Action – Discussion and deliberation to request and allow individuals with a current Nye County public defender contract to voluntarily reduce their contractual compensation by 2.25% for Fiscal Year 2020-2021.**

This item was removed from the agenda.

**CLERK**

**23. For Possible Action – Discussion and deliberation to appoint one member to the Pahrump Regional Planning Commission due to one expiring term from the following list of applicants: John Stavish and Walt Turner.**

Commissioner Koenig made a motion to appoint Walt Turner; seconded by Commissioner Strickland.

Commissioner Blundo said he had a conversation with the County Manager and would entertain reducing the size of this board to five with each Commissioner getting an appointment to vet the individuals more.

The motion to appoint Walt Turner passed with 5 yeas.

**24. For Possible Action – Discussion and deliberation to appoint two members to the Amargosa Valley Town Board due to two resignations from the following list of applicants: John Bosta and Richard Claessens.**

Commissioner Wichman asked the Clerk to re-advertise this.

Commissioner Wichman made a motion to do nothing at this point to see if more applicants could be found; seconded by Commissioner Strickland.

Commissioner Cox asked why when there were two openings and two applicants.

Commissioner Wichman explained she did not want to have to remove someone from a board like she had done in the past so she would like more applicants to choose from. There was also an election coming so the voters could determine who would take the seats.

Pat Minshall said she understood the hesitancy, but she did not think putting it out again would make a difference.

**24. For Possible Action – Discussion and deliberation to appoint two members to the Amargosa Valley Town Board due to two resignations from the following list of applicants: John Bosta and Richard Claessens-Cont'd.**

Sam Merlino said one of the candidates had moved.

The motion to do nothing at this point to see if more applicants could be found passed with 5 yeas.

**SHERIFF**

**26. For Possible Action – Discussion and deliberation to: 1) Accept the Grant Agreement for the First Responder Protective Equipment Program offered by the State of Nevada Office of the Attorney General in the amount of \$82,604.50 for the purpose of purchasing equipment for the protection of Nye County Sheriff Special Weapons Team (SWAT); 2) Execute the Grant Agreement; and 3) Fund from 10340 Grants.**

Commissioner Wichman made a motion to accept the grant, execute the contract and fund from 10340; seconded by Commissioner Blundo; 5 yeas.

**27. For Possible Action – Discussion and deliberation to issue a Display Fireworks Event Permit to the Town of Round Mountain for an Aerial display at their Annual Fourth of July Event on Saturday, July 4, 2020. This event is being held in the Hadley Subdivision in Round Mountain, NV. Pearl Olmedo – Applicant.**

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

**28. For Possible Action – Discussion and deliberation to issue a Display Fireworks Event Permit to the Town of Amargosa for an Aerial display at their Annual Fourth of July Event on Saturday, July 4, 2020. This event is being held at the Amargosa Community Park in Amargosa Valley, NV. Pat Minshall – Applicant.**

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

**COUNTY MANAGER**

**29. For Possible Action – Discussion and deliberation to allow the County Manager to voluntarily reduce his salary for Fiscal Year 2020-2021 or take furlough leave to help address the budget deficit.**

Tim Sutton said he would reduce his salary by 2.25% or take a furlough in the equivalent amount and asked that this be revisited on September 30, 2020.

**29. For Possible Action – Discussion and deliberation to allow the County Manager to voluntarily reduce his salary for Fiscal Year 2020-2021 or take furlough leave to help address the budget deficit-Cont'd.**

Commissioner Wichman made a motion to allow the County Manager to reduce his salary by 2.25% or the equivalent by furlough and to revisit this in September; seconded by Commissioner Strickland.

Commissioner Blundo said this was to be heard with the other items. He had trouble with a previous item as the way he read it was to permanently reduce and that was not the intent.

The motion to allow the County Manager to reduce his salary by 2.25% or the equivalent by furlough and to revisit this in September passed with 5 yeas.

Commissioners Wichman, Strickland and Koenig instructed staff to do the same with their salaries.

**30. For Possible Action – Discussion and deliberation on a request from the Nevada Department of Health and Human Services, Division of Public and Behavioral Health, Rural Clinics to defer the rent for May in the amount of \$688.91 for leased space at 100 Frankie Street in Tonopah, NV.**

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

**EMERGENCY MANAGEMENT**

**31. For Possible Action – Discussion and deliberation to accept the donation of a 2006 International Type 3 Brush Fire Engine from the Department of the Interior, Bureau of Land Management.**

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

Fire Chief Scott Lewis said there was no cost associated. The truck was in very good condition and was available for use throughout the County. He believed the mileage was under 100,000.

The motion to approve passed with 5 yeas.

**32. For Possible Action – Discussion and deliberation to accept the donation of a 2009 GMC Yukon XL from the State of Nevada, Department of Public Safety.**

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

**32. For Possible Action – Discussion and deliberation to accept the donation of a 2009 GMC Yukon XL from the State of Nevada, Department of Public Safety- Cont'd.**

Fire Chief Scott Lewis described the vehicle.

The motion to approve passed with 5 yeas.

**FINANCE**

**33. For Possible Action – Presentation and direction to staff regarding the current and future financial condition of Nye County as related to the COVID-19 outbreak.**

Savannah Rucker said the first page of back-up summarized the revenues by type and the expenditures by function. She received confirmation today that the proceeds of mining materials fell short of the \$1.69 million budgeted and the County received \$1.578 million. She would have an updated item for the Commission at the next meeting to reflect that update. Overall the revenues were falling short compared to expenditures by \$1.268 million not including the \$41,000.00 shortage for net proceeds. The last page of the back-up was the consolidated tax comparison. The initial projection was a 12.5% loss, but it came in at 6.7% and the impact was a loss of \$102,000.00 for March's sales. Mrs. Rucker felt April would be a better indication of where the sales would land, but at this point in time CTAX was projected at a \$1 million shortfall in just that revenue source alone in FY20.

**34. For Possible Action – Discussion and deliberation regarding the Debt Management Policy Statement and Capital Improvement Plan for Nye County for Fiscal Year 2020-2021 pursuant to NRS 350.013.**

Savannah Rucker said on page 5 of the back-up was a chart stating outstanding general obligation debt. The Department of Taxation (DTAX) required the County to segregate the medium-term obligation debt and the general obligation bond debt. The ambulance replacement loan on the top was for the Nye County ambulance service and she would will clarify that on future debt management policies. Appendix B was the five-year capital improvement plan by fund and Appendix C was the indebtedness report.

Commissioner Blundo made a motion to accept; seconded by Commissioner Strickland; 5 yeas.

## PLANNING/BUILDING/CODE COMPLIANCE

### **35. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2020-15: A Resolution Amending the Dust Control Plan Fee Schedule for the Pahrump Regional Planning District.**

Commissioner Strickland made a motion to adopt; seconded by Commissioner Blundo.

Planning Director Brett Waggoner explained the fees were going up to stay more in line with what they were seeing in costs for administrating the permit fees.

Commissioner Blundo felt going from \$50.00 to \$75.00 was a pretty big jump. He was also bothered by the disparity between the lower end and the higher end.

Mr. Waggoner explained quite a bit of research was done on other jurisdictions similar to the County to try to come up with something comparable. He said it was still a lot less than other jurisdictions charged and the increase was based on the data collected.

Commissioner Blundo stated he had a difficult time raising fees given the current situation and withdrew his second.

Commissioner Strickland withdrew her motion. She disclosed she was a licensed general contractor who pulled dust control permits and recused herself.

Commissioner Wichman made a motion to approve.

Commissioner Cox said she would like to do a compromise and felt a \$10.00 increase would be more reasonable than \$25.00.

Commissioner Wichman amended her motion to approve raising it by \$12.50.

Commissioner Wichman asked Mr. Waggoner if that would cover his costs.

Mr. Waggoner said in his opinion on certain projects even the \$25.00 did not cover the cost. It all depended on how diligent the contractor was.

Commissioner Wichman withdrew her motion.

Commissioner Wichman made a motion to adopt.

The motion failed for lack of a second.

## PUBLIC WORKS

**36. For Possible Action – Discussion and deliberation to: 1) Enter into a Memorandum of Agreement with Nevada Federal Lands Access Program (NV FLAP) to conduct an assessment for the scope of work to complete the Nevada Federal Lands Access Program Bell Vista and Bob Ruud Memorial Highway Grant Application; 2) Execute the Memorandum of Agreement; and 3) Fund \$10,000.00 to assess the scope of work from 10205 Roads.**

Commissioner Blundo made a motion to enter into the memorandum of agreement, execute the memorandum of agreement, and fund \$10,000.00 to assess the scope of work from 10205, Roads; seconded by Commissioner Strickland.

Tim Dahl explained this was a project that the County applied for in the past. The first year the County applied it did not get on the short list, but this year the County made it to that short list.

Commissioner Cox said she would like to see the road get done but wondered why the County had to spend \$10,000.00 to assess the issue when it already knew what needed to be done.

Commissioner Wichman said it was a requirement of the grant.

Commissioner Blundo commented there was no way the County would have the money to do this \$24 million project.

Commissioner Wichman added it helped to have them come out to review the scope because sometimes there were some major misconceptions.

Grants Administrator Samantha Kramer said the estimated cost for the scope of work was \$60,000.00. Nye was responsible for the \$10,000.00 while NFLAP was paying the other \$50,000.00 to process the paperwork.

The motion to enter into the memorandum of agreement, execute the memorandum of agreement, and fund \$10,000.00 from 10205, Roads, passed with 5 yeas.

## CLERK

**25. For Possible Action – Discussion and deliberation pursuant to NRS 244.360(1) and 244.360(2), to direct the Clerk to set a public hearing not less than 30 nor more than 40 days subsequent to the filing of a nuisance complaint at 5 Warrior Road, Tonopah, Nevada, Assessor's Parcel Number 008-291-07, owned by Hubert C. Newberry.**

Commissioner Wichman made a motion to direct the Clerk to set the public hearing on June 24, 2020; seconded by Commissioner Blundo.

**25. For Possible Action – Discussion and deliberation pursuant to NRS 244.360(1) and 244.360(2), to direct the Clerk to set a public hearing not less than 30 nor more than 40 days subsequent to the filing of a nuisance complaint at 5 Warrior Road, Tonopah, Nevada, Assessor’s Parcel Number 008-291-07, owned by Hubert C. Newberry-Cont’d.**

Commissioner Blundo asked for clarification as to why this one went through the Clerk’s Office and a previous item did not.

Bradley Richardson explained this was another method to deal with nuisances in the County different than proceeding under Section 17.04, which was what the earlier agenda item dealt with.

The motion to direct the Clerk to set the public hearing on June 24, 2020, passed with 5 yeas.

**37. GENERAL PUBLIC COMMENT (up to 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. (SECOND)**

Regarding the Commissioners taking a pay cut, Pat Minshall said the secretaries of Amargosa were paid better than the Commissioners. She hoped when the item was brought back that the Commissioners decided to not take a cut in pay as they did not deserve to have to.

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

Commissioner Cox pointed out the pay cut for the Commissioners would be about \$3,000.00. She said she footed her own bill and did not think they even made scale.

Commissioner Strickland said sometimes the Commissioners had to stand united. She could afford to take a cut and stated if she could help in any way she would because it was not about the money.

Commissioner Blundo asked everyone to keep the Las Vegas officer who was shot in their thoughts and prayers.

Commissioner Koenig said \$12.80 was about what the Commissioners made. When he was elected to this position he knew what the pay was and it did not bother him. If he made his people do something he should be prepared to do it himself, so if he was asking the people working for the County to take a slight cut in pay or a couple of days off without pay then he should raise his hand and do the same thing.

**39. ADJOURN**

Commissioner Koenig adjourned the meeting.

APPROVED this 7<sup>th</sup> day

ATTEST:

Of July, 2020.

Chair



Nye County Clerk / Deputy

I come before you the Nye County Board of Commissioners with a complaint. I know many of you have discussed this topic numerous times about other issues you are facing in day to day operations. The subject is your District Attorney's office. I say this honestly Angela Bellows ran a better office, and it had problems.

When you think about this issue, it has been with us long time. Long before Bob Beckett, Art Wehrmeister, Brian Kunzi, Angela Bellows, and now Chris Arabia. It stems from a lack of leadership leading to prosecution, convictions and cases plea bargained within the office. Poor performance is all I can personally see. Poor leadership in the past lead to a lot of poor press including drunk driving, and county vehicles being lost to alcohol during business hours. I personally responded during my fire career to four such incidents. Only two made it to print. Three different individuals of the DA's office were involved.

We have a back log of cases most of which never make it to court. Not because of lack of evidence or poor cases but because there are issues within this office. After reviewing Transparent Nevada your staff within this office earn well over \$100,000 a year before benefits. You leader, Chris Arabia, is often seen in street clothes while in the office. He has a door which leads directly out of the building without going through the offices to the parking lot. Most staff don't know if he is in or out. I attempted to set an appointment to discuss a case. I waited over two and a half months with four rescheduled appointments. During this time three more Pahrump residents fell victim to the same four individuals I was trying to get off of the streets. And you wonder why crime happens in this community?

In most jurisdictions, criminals are detained, and the District Attorney decides before they are released if charges should be filed while they are detained. Charges are filed and you are arraigned before a judge and you post bail to gain release. Your Sheriff and her staff have their hands tied because case after case goes un-punished. Criminals are released without charges faster than the officers can do the paperwork. Only the cases where there is public outcry for justice make it to trial. Maybe our news services should make a bigger deal out of every criminal activity. Maybe then we will see this office do its due diligence to thwart crime and make examples of those committing the offences. More time is spent on charging a citizen with mis-demeanor traffic violation, setting hearings, and the county sees no moneys from all of this effort. Oh, I believe people should be

ATTACHMENT # 1

given citations for driving violations and causing accidents but why at the District Attorney's office are these types of offences handled. Why not a separate level of office?

Sharron Wehrly was an investigator in the District Attorney's office. This was a job she held before being elected Sheriff. She investigated and processed a person for Bank Fraud where they wrote many checks on an account with insufficient funds and then closed out their account without ever honoring or making restitution on these checks. I received three such checks from this individual. I have this person dead to rights guilty of Felony Bank Fraud and your District Attorney has yet to have this individual, a resident of this community, appear before a judge. I have visited Vanessa Maxfield in this office hundreds of times asking why this office can't handle something so simple as a felony Bank Fraud case. As a business owner in this community I need this office to prosecute and handle cases such as this one without errors and lack of performance. We all need this office to perform its duty to serve and enforce our laws. You have multiple individuals who work very hard to make a living only to have criminals take everything away. I lost one month of earnings to this person.

You wonder why people go off the deep end against government. It is more often individuals within the targeted institution who abuse their powers or simply don't perform their duties properly that cause these reactions.

You need this office to keep crime at bay. The Sheriff can only make the arrest, the District Attorney is the bad leg in your system.

I gave the District Attorney another case in April of 2019. There are four individuals that can be charged with 17 felony charges each. There are three other complaints filed by other citizens also aggrieved by these individuals. The investigation was completed by your Nye County Sheriff's office over a year ago. The files were downloaded into the Nye County District Attorney's office computer system. In my visit with Chris Arabia and Christi Kindel, neither were aware of the files and no one in the District Attorney's office ever pulled the case or read the pages of documents submitted by the Sheriff's office. This discussion was held three and a half months after the Sheriff's office sent it to them. Now after another ten months of no action on this case, the same four individuals have perpetrated another felony crime against another Nye County resident.

How many citizens of this county, injured by criminal activity, will it take to put an end to the lack of prosecution of criminals? How bad must the situation in this community become before others become as outraged as I am with excuses and lack of performance within this poor excuse of a judicial service? Either find a way to improve this office or get rid of the dead weight. I have had more work done from Bryce Shields, the District Attorney for Pershing County than your money pit here. He runs an office with only two others. One assistant DA and one staff administrator.