

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 Commissioner Chambers, 2100 E. Walt Williams Drive, Pahrump, Nevada 89048.

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; Michelle Nelson, Deputy District Attorney

Not Present: Chris Arabia, District Attorney; Sharon Wehrly, Sheriff

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 disclosed she was a sitting Nye County Commissioner and a well drilling contractor with Strickland Construction, septic, pump setting, a real estate broker working in real estate, water right sales, brokerage, and owner of Lakeside Storage. She saw no conflicts on the agenda.

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

Emergency Management Director Scott Lewis said the command post for COVID remained open. There were 76 cases in Nye with 27 open, two antibody tests, and

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

three deaths. Of the 76 cases, 59 were in Pahrump, nine were in Amargosa, three were in Beatty, four were in Tonopah, and one was in Smoky Valley. Two active cases remained in Las Vegas hospitals. There had been over 1,800 tests completed in the County and testing continued by appointment as well as target testing. There were 11,000 confirmed cases in the State and over 460 deaths. As a result, the Governor said the State would remain in phase two as Nevada was not ready for phase three implementation. Chief Lewis emphasized the need for social distancing and masks.

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

Commissioner Blundo asked for a moment of silence for Alan Parker, which was held. He said he had received reports of BLM protesters in Pahrump, which was very concerning. He personally had zero intention of defunding the Sheriff's Office but felt a reserve civilian program needed to be implemented. Commissioner Blundo condemned the actions of rioting, looting, graffiti and vandalism in the communities. He then asked the County Manager for a follow-up on the shooter's site and mentioned the law enforcement support rally yesterday.

Regarding Alan Parker, Commissioner Koenig said Mr. Parker was deeply involved in economic development and business training in the County and would be sorely missed. Commissioner Koenig said he would like staff to look into a franchise agreement with Great Basin Water. They were protesting the County's water rights at the landfill right now without talking with the County which would cause delay.

6. Approval of the Agenda for June 16, 2020 (Non-action item)

Tim Sutton said item 26-28 and 40 could be removed from the agenda.

7. 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).

Jim Petell said he had an incident with the Sheriff's Office on June 3, 2020, and his complaint about it to the Sheriff's Office was not investigated. He then advised he and six other people had to wait more than 20 minutes in the heat at the Salvation Army for service.

Captain David Boruchowitz advised Mr. Petell's complaint was under investigation by the Sheriff's Office.

Dave Stevens felt the Commissioners were the best in the country, but he could not say the same about the Sheriff's Office.

7. 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.

Diane Southworth discussed the outreach meetings which were being held on Zoom. Anyone who wanted to participate should contact April Jackson at the NyE Communities Coalition. She said there were concerns about evictions when the moratorium was lifted and there was a new program starting called Rapid Rehousing for people who had recently lost a home or were evicted. People should contact Christina Charles at crcharles@co.nye.nv.us. Some funds were received for homeless and for food deprived. Additionally, NyE Communities Coalition was reopening by appointment only as was RSVP, which needed drivers. People could call 751-7282 if interested. Ms. Southworth said she would like to see the Commissioners come to the meetings.

Tonopah Justice of the Peace Jennifer Klapper announced Patty Galvin, her Court Administrator, was retiring and she publicly thanked Mrs. Galvin for her many years of service to Nye County.

Assessor Sheree Stringer told the Commissioners partitions were placed in the Pahrump office today and the doors would open on Monday morning. She still had to have one placed in Tonopah so that office would stay closed. There was also a drop box outside.

TIMED ITEMS

8. 10:00 a.m. – For Possible Action – Presentation, discussion and deliberation regarding: 1) The renewal proposal for Nye County from the Nevada Public Agency Insurance Pool (POOL) for Fiscal Year 2020-2021; and 2) Select the coverage package with a \$10,000.00 maintenance deductible and \$1,083,082.50 premium or a \$25,000.00 maintenance deductible and a \$955,983.80 premium.

Savannah Rucker said she did not recommend going with the \$25,000.00 deductible at this time. Her recommendation was the \$10,000.00 deductible as staff worked through the risk management of the County.

Commissioner Blundo asked how many claims there were in the past three years.

Jarrold Rossi from LP Insurance said during the 2018-2019 policy period there were 59 claims, 52 claims during the 2019-2020 policy period, and 44 claims during the 2017-2018 policy period.

Commissioner Cox asked how much money the insurance company paid out on the claims over the last two years.

Alan Kalt from POOL/PACT said in 2017 the total incurred claims were \$303,925.00, in 2018 the claims were \$439,395.00, and so far for 2019 they were \$170,449.00. He

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discussed the training programs offered by POOL/PACT the County was participating in which would help reduce claims. He also discussed the property market and how it affected insurance rates. Some of the other things that affected the County's increase were payroll cost increases, increase of police officers and increase in employees.

Commissioner Koenig pointed out with the numbers Mr. Kalt cited the County would pay \$1 million to have POOL pay \$440,000.00. Commissioner Koenig knew there was additional help from POOL/PACT, but not to the extent of \$600,000.00.

Commissioner Cox understood it was a pool and paid a lot of settlements for other entities that contributed to it, but she was not happy with what the County was putting out. She was beginning to think the County should become individually insured. Commissioner Cox felt the item should be put on hold for time to investigate.

Commissioner Cox made a motion to continue this item to the June 24, 2020, meeting; seconded by Commissioner Blundo.

Commissioner Strickland asked for loss runs from POOL/PACT on claims for five years and said the figures needed to be adjusted down if POOL/PACT wanted to stay with the County.

Commissioner Blundo mentioned the \$75,000.00 commission which was not included in the premium and wondered what the County was getting for it.

Commissioner Wichman said the County's claims had been going down, but the personnel and property had increased which also needed to be weighed.

Jim Petell commended Commissioner Cox for saying this was a lot of money.

Diane Southworth thought self-insured may be the way to go.

The motion to continue this item to the June 24, 2020, meeting passed with 5 yeas.

9. 10:00 a.m. – For Possible Action – Nevada Clean Water State Revolving Fund (CWSRF) Public Meeting: 1) Overview of the Nevada CWSRF Program; 2) Summary of Past Performance by Nye County with Nevada CWSRF; and 3) Invite the public to provide input on the potential project.

Grants Administrator Samantha Kramer explained today's discussion was to solicit public comment for the Gabbs sewer project. This was the third and final phase of replacing the collection system in Gabbs. A principal and interest loan forgiveness program had been applied for through the Clean Water State Revolving Fund (CWSRF).

Commissioner Wichman stated her support of this item. She said there was no way the town would ever be able to collect enough money to pay for it on its own and the Board was responsible for the health, safety and welfare of that town.

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

Savannah Rucker said she called into the Gabbs meeting for public comment, but there was no quorum so there was no public comment.

Jim Petell said he supported the item.

The motion to approve passed with 5 yeas.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

BOARD OF COMMISSIONERS

32. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution 2020-08: A Resolution Opposing BLM's Round-Up of Wild Horses and Burros by Helicopter in Nye County, Nevada.

Commissioner Cox said her name was on this item because Priscilla Lane asked her to help with it.

Priscilla Lane said BLM was to manage the wild horses and burros, not remove. The BLM stated a helicopter was the most humane way to gather horses. If that was true Ms. Lane wanted to know why they were they left to die, foals were left behind, and why they were run until they went through the barbed wire fencing. Ms. Lane said the abuse had been documented and asked the Commissioners to consider the request to stop all round-ups using helicopters in Nye County.

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

32. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution 2020-08-Cont'd.

Jim Petell told the Commissioners to be sure BLM adhered to their wishes as they were the bosses of Nye County, not the BLM.

Ken Pyle said he had seen babies run so into the ground they could not walk anymore. He said the last time they did a round-up they took off a lot of mares and left a lot of stallions and he noticed the stallions were getting more aggressive toward humans because there were no mares around.

Laura Leigh, founder of Wild Horse Education based out of Reno, said since 2010 she had to litigate multiple times to shut down round-ups where she documented horrific abuse. In 2015 that litigation led to BLM creating something called the Comprehensive Animal Welfare Policy (CAWP) which was to be reviewed every year based on their matrix and input from the public. Ms. Leigh said from 2015 to today she had continued to document the deterioration of the improvement of that document and BLM had not responded to her requests for copies of those reviews. This resolution would help spur the federal government to fulfill their requirements to taxpayers and manage the wild horses humanely. Ms. Leigh asked the Board to adopt the resolution and continue monitoring. She also asked that the County Commission itself require that the BLM provide them with their annual reviews on the CAWP so it could see the BLM was not taking this responsibility seriously.

Eddie Jim from the Pahrump Paiute Tribe said these horses were something dear to his heart and needed to be protected. He pointed out the helicopters were disrespectful to landowners as they chased the horses through private property.

Tim Bohannon from the Nevada Standardbred Association advised they were working with UNR on a proposal to deal with wild horses including safe handling.

Tina Wilson said she had been fighting BLM about the horses for ten years and said the Commissioners needed to not allow BLM to have full rein in everything they wanted to do.

Priscilla Lane mentioned that in 2019 President Trump signed into law the bipartisan Preventing Animal Cruelty and Torture Act making it federally illegal to engage in cruelty to animals and those found guilty of violating the act could be federally prosecuted, fined and jailed up to seven years.

Commissioner Wichman said she absolutely agreed with anyone who was against inhumane treatment of animals and she would go along with this simply because it did require humane treatment of all animals. However, she pointed out the tools for the BLM to use since 1971 had been increasingly diminished through amendments so every time there was an outcry because of one of these incidents more tools were removed from their toolbox to manage the herds. Commissioner Wichman's other

32. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution 2020-08-Cont’d.

concern was that with the wild horses allowed to procreate as they did and double their numbers every four years all of that range land was being reduced for other species. She reminded the Commissioners the County had no authority over the BLM or the federal government and how they did their job.

The motion to adopt passed with 5 yeas.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

17. 10:00 a.m. – For Possible Action – Presentation, discussion and deliberation regarding the renewal proposal for the Town of Pahrump from the Nevada Public Agency Insurance Pool (POOL) for Fiscal Year 2020-2021 with a maintenance deductible in the amount of \$2,000.00 and a premium in the amount of \$133,053.30.

Commissioner Blundo made a motion to continue this item to June 24, 2020; seconded by Commissioner Strickland; 5 yeas.

TIMED ITEMS

11. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation on ZC-2019-000042: A (Conforming) Zone Change application to change 5.00 acres from the Village Residential (VR-20) zone to the Rural Homestead Residential (RH-4.5) zone, located at 351 W. Bunarch Road, Pahrump, NV, Assessor’s Parcel Number 029-642-19, further known as T19S, R53E, S28, Lot 6, Blagg Road Estates, NHF, LLC. – Property Owner, Alex De Jong – Applicant.

Commissioner Strickland disclosed her husband was a certified hemp grower, but that would not affect her decision.

Commissioner Koenig opened and closed the public hearing.

Alex De Jong, the applicant, said they were going to grow hemp.

Commissioner Blundo asked Mr. De Jong if he had adequate water rights, to which Mr. De Jong responded yes.

Commissioner Strickland made a motion to approve this conforming zone change for this property; seconded by Commissioner Wichman; 5 yeas.

10. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation on AP-2020-000025: An Appeal of the Pahrump Regional Planning Commission’s denial of the following applications:

10a. CU-2020-000092: An application for a Conditional Use Permit to allow a Recreational Vehicle Park in a Neighborhood Commercial (NC) zoning district, on 0.83 acres (36,000 square feet) located at 1060 E. Second Street, Pahrump, NV, Assessor’s Parcel Number 035-308-02. Property Owner/Applicant – Constance Allison (Appellant).

10b. WV-2020-000109: An application for a Waiver from Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, NCC 17.07.780 Recreational Vehicle Parks, to waive the site development standards, parking, landscaping, internal street paving, minimum RV Park site area of ten (10) acres, accessory building and RV setback requirements, and required distance between RVs, on 0.83 acres (36,000 square feet) located at 1060 E. Second Street, Pahrump, NV, Assessor’s Parcel Number 035-308-02. Property Owner/Applicant – Constance Allison (Appellant).

Commissioner Koenig opened the public hearing.

Commissioner Koenig asked the Planning Department representative to address the notice of hearing for the record.

Planning Director Brett Waggoner confirmed notice was given for this item.

Commissioner Koenig asked for a motion to accept the back-up documents into the record.

Commissioner Blundo made a motion to accept the back-up; seconded by Commissioner Strickland; 5 yeas.

Constance Allison said she was appealing the entire decision of the RPC. She purchased the property in 2015 thinking she was purchasing an RV park. It had seven spaces and she owned all of the units on the property and rented them to seniors.

Commissioner Blundo asked if she had documentation when she purchased it that it was an RV park.

Ms. Allison said she had nothing in writing, just an understanding of it being an existing RV park. It was an old property that had been there at least 20 years and used as an RV park.

Commissioner Blundo asked if there were any commercial water rights attached to the property.

10. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation on AP-2020-000025-Cont'd.

Ms. Allison said not that she knew of. Research revealed nothing and that was why she wanted to achieve the grandfather status.

Commissioner Wichman commented that even if grandfathering were established somehow it would not make a difference with a lack of commercial water.

Ms. Allison advised her well was 200 feet deep and she had not had any negative issues with it since she had owned the property.

Commissioner Wichman said a domestic well sunk on the property for use for a residence was not considered appropriate for multiple residences.

Ms. Allison stated the water people in Carson City told her she was okay with the well.

Commissioner Strickland pointed out the grandfather expired with the transaction. She said her greatest concern was the septic system which was bound to fail with the amount of effluent going into it.

Bradley Richardson cautioned the discussion was off the agenda item, which was strictly consideration of whether there were grounds to deny the appeal or not.

Commissioner Koenig also had a problem with the water and sewer as there was no commercial well and there really was not a commercial septic system.

Commissioner Blundo asked Ms. Allison how often she pumped and cleared out the septic.

Ms. Allison said she had done it twice since 2015. She said one of the issues Mr. Waggoner pointed out when they first started discussing this was the electrical work needed on the property. She hired a licensed electrician and he went through the systems and brought them up to par. She cleaned up the property and had tried to do everything the County required of her within her capabilities. For the sake of her tenants Ms. Allison asked the Board to help.

Mr. Waggoner said this case started well before his time in 2015. When he met with Ms. Allison the life safety concerns were addressed while trying to work with her on a resolution. Ms. Allison did hire an electrician and had the electrical work done. As far as the property being cleaned, Mr. Waggoner said that came forward because complaints were received from tenants of the property about septic issues. The property did look clean and no one was disputing that. Regarding her compliance, Mr. Waggoner disagreed with that and said right from the beginning he told her the biggest thing that needed to be addressed before she even tried to get the CUP or the waiver

10. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation on AP-2020-000025-Cont'd.

were the septic system and the well. The septic system was a 1,250-gallon domestic tank meant for a single-family residence and possibly a guest house. Also, with the buildings scattered throughout the property it was hard to determine where the septic and leach lines were. To date Mr. Waggoner had not seen anything from NDEP or DWR to back-up what Ms. Allison stated or an engineer's report on the septic system.

Commissioner Blundo asked Darrell Lacy, the previous Planning Director, to speak to a comment at the RPC meeting that "Ms. Allison stated she was told by Darrell Lacy that if she could get into compliance with the health department, building another bathroom. She would have it done but did not have the money together to complete the project."

Mr. Lacy said he was not certain what she was mentioning as there were many problems with the property and the development. He explained an RV park was required to have a permit from the State Department of Health, which this project did not have, in addition to building permits. While Mr. Waggoner said some of the electrical problems had been brought into compliance, from looking at the aerial photos Mr. Lacy doubted all of the problems had been addressed. Mr. Lacy also understood there was a domestic well and a domestic septic system on site, neither of which were acceptable for the type of activity Ms. Allison was trying to perform.

Commissioner Strickland added the courtesy notice stated Ms. Allison needed five acres or more with a maximum of 15 RVs per acre, so this was well beyond what was allowable per the ordinances for uses of an RV park.

Commissioner Cox asked Ms. Allison if she received any letters from the State about the water and sewer issues.

Ms. Allison said she did, but she did not have it with her. The letter said she would be fine because she did not exceed the number of people using the water than what was required, which she believed was 12.

Mr. Waggoner said he was familiar with the letter. It said if there were 15 connections or more it was considered a public water system at that point and would fall under the regulations of compliance testing, etc. That letter said if she had a well with only 12 connections she was not required by the State to have the certificate of safe drinking water. It did not say the well itself was adequate for any more than a single-family home and possibly a guest residence.

Commissioner Cox asked Ms. Allison if she hired an engineer.

Ms. Allison said yes. She gave them documents which they reviewed and said it was an impossible situation to approach from the engineer standpoint as they wanted her to get rid of everything on the property.

10. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation on AP-2020-000025-Cont'd.

Commissioner Cox said she would like to see Ms. Allison hook up to the town's water and sewer.

Mr. Richardson advised the discussion was straying far from the agenda item, which was to review the record and determine if the denial of the RPC should be affirmed, modified or reversed.

Mr. Waggoner said when this was presented to the planning commission there were findings listed in the back-up that they had to make in order to support it. The denial was voted on and approved based on them not being able to make those findings.

James Petell told the Board their job was to help the citizens develop taxable income from properties and suggested the Board do something to help.

Robert Thiboult said he had a lot of trouble finding somewhere to live when he moved to Pahrump. He had been at Ms. Allison's property for almost a year. It was a quiet area with no trouble around and Mr. Thiboult said housing at this price was needed in this area.

Linda Dotsyn stated Ms. Allison had turned the property around to make it someplace nice, comfortable and quiet. Ms. Allison offered a needed service in the community and wanted to continue to do that.

Priscilla Lane said she had been at the establishment and it was very clean. She felt the Commissioners should do something to help Ms. Allison.

Esther Ponticello stated Ms. Allison's property was immaculate and it would be a severe hardship for Ms. Ponticello if the Board shut it down.

Commissioner Koenig closed the public hearing.

Commissioner Strickland made a motion to affirm the denial by the RPC based on the following findings and conclusions to be entered in the minutes of the Board as follows: 1) notice was given in compliance with Nye County Code Title 16; 2) a conditional use permit was required to allow a recreational vehicle park in a neighborhood commercial zoning district and on .83 of an acre this requirement cannot be met; 3) the RV park was already existing and was illegally constructed in the first place; 4) the applicant was seeking to waive the site development standards, parking, landscaping, internal street paving, and minimum RV park site area of 10 acres and the accessory buildings and RV setback requirements as required for distances between RVs; and 5) the appellant had not presented evidence that the decision by the RPC was not supported by substantial evidence; seconded by Commissioner Wichman.

10. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation on AP-2020-000025-Cont'd.

Commissioner Cox stated she did not agree with any of the findings the RPC had to make and could not support the motion.

Commissioner Blundo said water rights and/or hooking up to Great Basin Water would alleviate one part and hooking up to septic would alleviate that part. He asked Mr. Waggoner what he saw as a challenge to get it into compliance.

Mr. Waggoner stated the well and the septic were the biggest concerns. Additionally, there were structures that were not meant for human habitation. RVs were not meant to be permanently affixed to the ground like these were. Land size was also another issue.

Mr. Richardson cautioned the discussion was getting far afield of the record below.

Commissioner Blundo wondered if the motion could be modified to provide a six-month window and spell out exactly what the County was looking for as he had a hard time displacing people.

Commissioner Cox said she would be agreeable to telling Ms. Allison to connect to water and sewer and give her six months to do so.

Commissioner Strickland said the appellant had 25 days to make a grievance to the District Attorney's Office so she had been given that much time.

The motion to affirm the denial by the RPC based on the following findings and conclusions to be entered in the minutes of the Board as follows: 1) notice was given in compliance with Nye County Code Title 16; 2) a conditional use permit was required to allow a recreational vehicle park in a neighborhood commercial zoning district and on .83 of an acre this requirement cannot be met; 3) the RV park was already existing and was illegally constructed in the first place; 4) the applicant was seeking to waive the site development standards, parking, landscaping, internal street paving, and minimum RV park site area of 10 acres and the accessory buildings and RV setback requirements as required for distances between RVs; and 5) the appellant had not presented evidence that the decision by the RPC was not supported by substantial evidence, passed with 3 yeas. Commissioners Cox and Blundo voted nay.

The Board was in recess until 2:15 p.m.

ASSESSOR

24. For Possible Action – Discussion and deliberation to approve the readdressing of Crystal, NV to conform with the addressing standards in Amargosa Valley, NV.

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

Mapping and Addressing Administrator Byron Foster explained this item and item 25 were because the postal service wanted Amargosa Valley, Crystal, Nevada, readdressed. Amargosa was addressed one way and Crystal was done another way. There were also two street names, one exactly the same in Pahrump as it was in Crystal. The bigger problem was they also potentially could fall into the same address range. Instead of changing the street name because that required a hearing and everything else they were just going to continue on with the addressing from Amargosa Valley all the way through Crystal. Mr. Foster explained that went against the County standard for addressing and he needed Board approval to do this.

Sam Merlino reminded the individuals in Crystal to change their voter registration to their new address. She said her office had a horrible time with the Round Mountain and Smoky Valley residents whose ballots all came back undeliverable and her office had to work with the post office to get them back out.

The motion to approve passed with 5 yeas.

25. For Possible Action – Discussion and deliberation to approve the readdressing of Manhattan, NV to utilize a block range instead of the Nye County Rural Addressing Code requirements.

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

Byron Foster explained the postal service had contacted him and said Manhattan had a post office which was open for two hours a day so they were looking to have mail delivered from the Round Mountain post office to Manhattan. The way Manhattan was laid out did not fit into the County Code so Mr. Foster needed Board approval.

The motion to approve passed with 5 yeas.

TIMED ITEMS

15. 10:15 a.m. – For Possible Action – Discussion and deliberation regarding the Treasurer’s Report by Nye County Treasurer on bank reconciliation, Department of Taxation recommendations, and the balance in each county, state and, special fund, together with a statement of all money on deposit, outstanding checks against that money and cash on hand pursuant to NRS 354.280.

Treasurer John Prudhont said the Treasurer reports for March and April as well as the bank reconciliation reports were in the back-up. He explained they were delayed because his office had been working on continued clean-up due to some adjustments the outside auditor thought needed to be made but were not needed.

Jim Petell asked for a copy of the Treasurer’s report.

SHERIFF

35. For Possible Action – Discussion and deliberation to issue a Display Fireworks Event Permit to the Beatty Volunteer Fire Department for an Aerial display at their Annual Fourth of July Event on Saturday, July 4, 2020. This event is being held at Cottonwood Park at 301 S. Third St. in Beatty, NV. Applicant – Mike Harmon.

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

36. For Possible Action – Discussion and deliberation to issue a Display Fireworks Event Permit to Zambelli Fireworks for an Aerial display at their Annual Fourth of July Event on Saturday, July 4, 2020. This event is being held at Petrack Park at 150 Highway 160 in Pahrump, NV. Applicant – John O’Brien.

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

TIMED ITEMS

12. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2020-04: A Bill proposing to amend Nye County Code Title 17, titled Comprehensive Land Use Planning and Zoning by adding Chapter 17.12, titled Craft Distillery, Brewery, Brew Pub, Cidery, Meadery and Winery Zoning Requirements, to establish the zoning, land use and development requirements applicable to distilleries, micro-distilleries, cideries, microbreweries, brew pubs, meaderies and wineries within Nye County, including those areas within the Pahrump Regional Planning District; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

Commissioner Koenig opened the public hearing.

Commissioner Blundo disclosed he held a Nye County privilege liquor license which would not affect his voting on this item.

Jack Sanders said he had been speaking with the Planning Director about this. He had pointed out a few discrepancies that would have put everyone in jail and the Planning Director had changed every one of those. Mr. Sanders gave the Planning Director a series of exhibits on the history of winemaking in the town and the State and entertainment. Mr. Sanders felt the bill needed to be amended.

Jennifer Arledge, an attorney with Sgro and Roger in Las Vegas representing Kathy Trout and the Pahrump Winery, said they had no opportunity to review the proposed ordinance. She had concerns about constitutional issues it raised as well as the need for further investigation and public comment. Ms. Arledge suggested a liquor consultant would be appropriate under the circumstances. She also agreed it was premature to adopt this today especially since Ms. Trout and the Pahrump Winery had not had an opportunity to review and make substantive comments on what was being proposed. She asked that the matter be tabled for further investigation and discussion.

Brett Waggoner confirmed for Commissioner Koenig that Ms. Trout had not been involved. He advised Mr. Sanders and Tim Burke reached out to him.

Dr. Christopher Perez, managing member of Stonewise, LLC, read a letter into the record stating their opposition to the bill and its numerous contradictions to NRS and State regulations [see Attachment 1].

Shawna Perez finished reading Dr. Perez's letter in opposition to the bill and asked the Board to reject it outright or alternatively table it.

Commissioner Koenig closed the public hearing. He asked Mr. Waggoner if he would prefer the Board deny it and start over or put it off.

12. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2020-04-Cont'd.

Mr. Waggoner did not want it to be denied because a lot of work had gone into it, but he did not think it was a problem postponing any action for more input.

Commissioner Blundo made a motion to continue the public hearing for 90 days; seconded by Commissioner Strickland.

Commissioner Koenig reopened the public hearing.

Kathy Trout from the Pahrump Valley Winery and Nevada Wine Cellars said she was appalled no one brought this to their attention as they were the only commercial winery in the valley. She suggested the County hire liquor consultants as none of the provisions were in line with the State or the TTB.

Commissioner Koenig closed the public hearing.

Commissioner Blundo amended his motion to continue this item to September 15, 2020, in Pahrump chambers at 10:00 a.m.; Commissioner Wichman amended her second; 5 years.

13. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2020-05: A Bill proposing to amend Nye County Code, Title 5, titled Business Licenses and Regulations, Chapter 5.04.020, titled Definitions by changing the definitions for Special Event Permit and modifying Wholesale Delivery Liquor License and Wholesale Liquor License within Nye County, including those areas within the Pahrump Regional Planning District; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

Commissioner Blundo disclosed he held a privilege liquor license which would not impede him from participating or voting on this item.

Commissioner Koenig opened the public hearing.

Robert E. Thomas, III, asked the Board to either reject this or send it back for a number of reasons. The back-up presented on the Web site did not show any justification for the proposed amendments. The back-up also had several different versions attached so it was impossible to tell which one was the preferred version. Most troubling to Mr. Thomas was although the language of each of the proposed alternatives was neutral in the wording, it appeared to address only one server in this County and that was the Catholic Church.

13. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2020-05-Cont'd.

Captain David Boruchowitz stated Sheriff Wehrly objected to the language under the special event liquor license that it be specifically limited to one applicant per calendar year. She recommended deleting that and the Board be given the authority to make those decisions. There were also concerns with the 72-hour liquor licenses for non-profit clubs which was limited to two consecutive calendar months or two events per calendar month as there could be more than two events a month. Lastly, Captain Boruchowitz pointed out the special event liquor license part said that it was approved by the Board, however, in the other portions there was no reference as to who would approve those.

Joe Burdzinski asked that the Board either amend or delete this. He was a member of the Lady of the Valley Catholic Church and the Knights of Columbus and objected to the language that it shall not exceed two consecutive calendar months as they did fish fries and seven weeks of Lent. Mr. Burdzinski said he had talked to a number of other ministers in different churches with similar concerns.

Attorney Jennifer Arledge, appearing on behalf of Kathy Trout and the Winery, said they shared the concerns with respect to religious organizations or non-profits who wished to serve alcohol. Most importantly, she said the regulation of liquor licenses was handled at the State level and this was an inappropriate, unconstitutional attempt to circumvent NRS. Ms. Arledge asked that the Commission reject this proposal.

Commissioner Wichman said she had some of the same concerns. She felt restricting events and limiting how often someone could get an event permit was not conducive to promoting business and activities that brought in economic positives. She was told there was a concern about having used the temporary event permit to circumvent getting an actual license. Commissioner Wichman thought an easy fix for that was to establish a fee for the event permit and once the applicant had reached whatever the Board thought was appropriate then it started to compete with the price of getting a business license to sell liquor.

Jack Sanders from Sanders Family Winery also had questions about the special event permit. He said the issue was what a special event was versus an event and what constituted a special event liquor license. Mr. Sanders asked the Board to either postpone this or cancel it.

Kathy Trout from the Pahrump Valley Winery had concerns with the wholesale delivery liquor license and wholesale liquor license. Those were overseen by NRS and there could not be competing entities working against the other. They were very heavily regulated based on the gaming industry and the Board was inviting problems if they got in the middle of that. Wholesale delivery liquor licenses were already assigned to anyone who had a liquor license prior to 2015, so wholesale delivery liquor licenses could not be given to something not in existence prior to 2015 in the County.

13. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2020-05-Cont'd.

Rick Mench, Deacon at Lady of the Valley Roman Catholic Church and also a fourth degree Knight of Columbus, said their fish fry was a 20+ year institution in Pahrump. Part of the fundraising for the event was the sale of beer and wine. Mr. Mench said the language in the proposed ordinance would inhibit their ability to raise funds to do God's work and he hoped the Board would reject the bill.

Bill Rettig asked why this was even necessary and what the Board was trying to regulate. The only thing they were doing was harming the church's ability to help others. He asked the Board to vote it down.

Commissioner Koenig closed the public hearing.

Commissioner Blundo made a motion to continue this item until September 15, 2020, at Pahrump chambers at 10:00 a.m. to address concerns and have stakeholder involvement; seconded by Commissioner Strickland.

Commissioner Blundo said he wanted to incorporate Captain Boruchowitz's changes and find a solution for the churches. As to the comments made about how the State had processes and laws, Commissioner Blundo stated the Board was the regulatory body so it was their prerogative to do this.

Commissioner Cox said she did not want to make this so restrictive that it would scare people away

The motion to continue this item until September 15, 2020, at Pahrump chambers at 10:00 a.m. to address concerns and have stakeholder involvement passed with 5 yeas.

14. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2020-06: A Bill proposing to amend Nye County Code Title 5, titled Business Licenses and Regulations, Chapter 5.04.060, titled Classes by reclassifying and defining classes of business licenses within Nye County, including those areas within the Pahrump Regional Planning District; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

Commissioner Koenig said this item would be continued and there was no reason to make the same points over and over.

Commissioner Koenig opened the public hearing.

Commissioner Blundo disclosed he held a Nye County privilege license and a business license which would not have a negative effect on his participation in this item.

14. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2020-06-Cont'd.

Jim Petell said there was no back-up and felt it was very vague as to what business licenses would change.

Jennifer Alredge clarified the issue was not whether Nye County had the ability to pass ordinances that addressed and dealt with specific local issues. The concern was the way some of them were written were in conflict with NRS which made them impossible to follow and they could not be interpreted. She asked for it to be tabled for 90 days to allow for a workshop.

Kathy Trout said a liquor license was already issued to someone who had a winery and brewery in the same location which was not allowed by the State or TTB and that needed to be undone as soon as possible.

Commissioner Koenig closed the public hearing.

Commissioner Blundo made a motion to continue this item until September 15, 2020, in Pahrump chambers at 10:00 a.m.; seconded by Commissioner Strickland; 5 years.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

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

16. 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 advised the crews were catching up on weed mowing and tree trimming. Several areas were being worked on with cold mix patch. He still did not have duraptacher oil and was working with the supplier. Mr. Dahl had a meeting with NDOT on SR160 and Postal Road. NDOT had let out a contract and was waiting for materials to be manufactured for putting in the crosswalk. He was also waiting for materials to be manufactured for Homestead and SR160.

Commissioner Cox mentioned the streetlight on the corner of Dandelion and Unicorn was going on and off. There were also a lot of potholes in the general area. She asked if someone had looked at the intersection of Pahrump Valley and Gamebird since it was so bad.

Mr. Dahl said he looked at it and instructed his maintenance supervisor to get that on his list. A grinder would be taken to it and better material would be put down.

16. 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.

Commissioner Koenig said the area of Leslie and SR160 where the holes were patched was still really bumpy and asked to have something done there.

Commissioner Blundo asked for a status on the speed limits on Pahrump Valley Boulevard, the stop signs, and the bumps over the railroad tracks on Mount Charleston and Pahrump Valley Boulevard.

As to the speed limits, Mr. Dahl said he would provide an update to Commissioner Blundo in the next couple of days and would probably have to come back to the Board. He was waiting for traffic to return to normal before addressing the stop signs, but he was putting early warning signs there to try to get people's attention. Lastly, Mr. Dahl said he looked at the railroad tracks and he did not see it being horrible. It was old pavement that had lost some of its surface material, but it was not in bad enough shape to have cold patch stick to it. He said it was probably a candidate in the near future for grinding and replacing with cold mix.

Commissioner Blundo said he would like a presentation to the Board on the chip seal program.

Jim Petell said there were several potholes in commercial areas that destroyed his bike and car, one of which was at Commissioner Blundo's business. He mentioned the road in Crystal on which he almost flipped his motorcycle as well as a pothole at Basin and Irene.

Commissioner Blundo disclosed he owned Carmelo's Bistro and the potholes brought to his attention in a privately-owned parking lot were not the County's responsibility to maintain

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

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

18. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Town of Pahrump Resolution No. 2020-05: A Resolution Authorizing the Town of Pahrump to Establish a Fall Festival Checking Account Through Nevada State Bank.

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

19. For Possible Action – Discussion and deliberation to approve the purchase of a Ladder Truck in an amount not to exceed \$250,000.00 from Fund 25401 Town of Pahrump Capital Projects.

Commissioner Blundo made a motion to approve the purchase of a ladder truck in an amount not to exceed \$250,000.00 from Fund 25401, Town of Pahrump Capital Projects; seconded by Commissioner Strickland.

Commissioner Cox thought the town already had a water truck.

Fire Chief Scott Lewis said yes and explained it was from 1991, refurbished in 2004, and was at the end of its life span. It would be put into a reserve status.

The motion to approve the purchase of a ladder truck in an amount not to exceed \$250,000.00 from Fund 25401, Town of Pahrump Capital Projects, passed with 5 yeas.

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

BEATTY

20. For Possible Action – Discussion and deliberation to: 1) Approve \$14,000.00 for the purchase of fireworks from Lantis Fireworks and Lasers for the 2020 4th of July Fireworks show for the Town of Beatty; and 2) Fund \$7,000.00 from Fund 24101 Beatty Town and \$7,000.00 from Fund 24220 Beatty Room Tax.

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

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.

21. For Possible Action – Approval of the Elected Official Collection Report regarding fees collected from elected county departments for services rendered by or provided to county citizens.

Commissioner Blundo made a motion to approve items 21-22; seconded by Commissioner Strickland; 5 yeas.

22. For Possible Action – Approval to set the date and location for the second Board of Commissioners meeting in September for Tuesday, September 15, 2020 in Pahrump, Nevada.

Commissioner Blundo made a motion to approve items 21-22; seconded by Commissioner Strickland; 5 yeas.

ASSESSOR

23. Presentation of Projected Expenditures of money in the Assessor's Technology Fund to be used in the 2020-2021 Fiscal Year.

The presentation was in the back-up.

SHERIFF

37. For Possible Action – Discussion and deliberation regarding a renewal of a Wholesale/Retail Fireworks Permit for Blackjack Fireworks Located at 1181 S. Highway 160, Pahrump, NV. Applicant – Robert Dodge.

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

38. For Possible Action – Discussion and deliberation regarding a renewal of a Wholesale/Retail Fireworks Permit for D & T Imports, Inc dba Area 51 Fireworks located at 1381 E. Highway 372, Pahrump, NV. Applicant – Tim McKoy.

Commissioner Blundo asked Justin Steinhart if the complaints and issues the Board was made aware of last year had been rectified.

Brett Waggoner explained Area 51's biggest thing was their parcel on Arrowhead that had shipping containers storing fireworks. That parcel was vacated as per the condition on the CUP, but they were using it as an egress point due to the amount of traffic out front. Area 51 had been working with Public Works to maintain the street and keep the dust down. Area 51 had also offered to cover any expenses the County incurred to help keep the dust down and keep the neighbors at bay.

Commissioner Blundo asked the applicant how they were mitigating things.

Justin Steinhart, representing Area 51 Fireworks, said when they took everything off of that property they had to get an easement permit, put in bigger gates, and make sure the compaction was right. It was never the intention to have people leave out the back. The idea was trucks would deliver and go out the back.

Commissioner Strickland read a public comment submitted by Dann Weeks, representing MML, Inc., and Lands of Nevada, the adjacent property owners, which he

38. For Possible Action – Discussion and deliberation regarding a renewal of a Wholesale/Retail Fireworks Permit for D & T Imports, Inc dba Area 51 Fireworks located at 1381 E. Highway 372, Pahrump, NV. Applicant – Tim McKoy-Cont'd.

wanted included in the minutes [see Attachment 2]. Mr. Weeks stated Area 51 promised they would not use the lot located on Arrowhead as an entry and exit point, but they were still using that lot as shown in the picture he submitted.

Jim Petell pointed out no one was following the Governor's order for PPE and the Governor would close it all down again.

Michael Lach, the owner of the property that Dann Weeks' statement was about, said this was the third time he had come to the Board on this particular issue. This property was a multi-family property not to be used as an ingress/egress for large trucks, or for a 12-foot fence not compliant with the code, or anything else related to a commercial business. That was what was agreed upon last time. The lot should have been sealed on the back side, the fence should have been removed, and it should have been like every other residential lot at that time. Mr. Lach did not understand why the Board continually allowed this applicant to be out of compliance.

Commissioner Blundo made a motion to approve the renewal; seconded by Commissioner Strickland; 5 years.

39. For Possible Action – Discussion and deliberation regarding a renewal of a Wholesale/Retail Fireworks Permit for Phantom Fireworks Showrooms, LLC dba Phantom Fireworks located at 921 S. Hwy 160, Suite 501, Pahrump, NV. Applicant – William Weimer.

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

COUNTY MANAGER

40. For Possible Action – Discussion and deliberation regarding a Memorandum of Understanding (MOU) between Nye County and the Nye County Management Employees Association (NCMEA) regarding employee concessions.

This item was removed from the agenda.

BOARD OF COMMISSIONERS

26. 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.

27. 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.

28. 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.

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

Commissioner Blundo asked if there was a statutory requirement that this item be heard today.

Michelle Nelson said this was an issue that was for the upcoming fiscal year which should be considered and taken care of prior to that.

Commissioner Blundo asked for an answer in writing to the question of whether giving the 3% increase triggered the "me too" clause or the reopener.

Commissioner Blundo made a motion to continue this item to June 30, 2020; seconded by Commissioner Strickland.

Commissioner Koenig said if this passed at the time he would like all the contingencies and what ifs in black and white.

The motion to continue this item to June 30, 2020, passed with 5 yeas.

30. For Possible Action – Discussion and deliberation to reconsider the authorization delegated to the County Manager to approve filling budgeted positions providing the accruals are realized before filling the position and to revert back to board approval.

Commissioner Blundo explained he requested this item as he believed the Board should be making these decisions and could take them on a case by case basis. He said he would be amenable to having them on the consent agenda.

Commissioner Wichman felt that was what the budget was for and the Board approved the budget. She said bringing these items back in front of the Board was reiteration.

Commissioner Koenig agreed with that especially with the condition that the accruals were realized. He said he personally could not go with this one.

30. For Possible Action – Discussion and deliberation to reconsider the authorization delegated to the County Manager to approve filling budgeted positions providing the accruals are realized before filling the position and to revert back to board approval-Cont'd.

Commissioner Strickland made a motion to have it remain the same as it was currently; seconded by Commissioner Wichman.

Commissioner Cox said she liked the idea of the elected using the powers they had to make some of these decisions. She would like to have interviews for jobs during a Board meeting.

Commissioner Blundo disagreed with that as he just wanted to know about the positions being filled via a list on the consent agenda.

Commissioner Wichman suggested asking the Human Resources Manager to include a report similar to what the Comptroller did with the monthly financial update.

Tim Sutton asked Commissioner Blundo if he was requesting a report of positions hired or requesting final approval of those positions.

Commissioner Blundo said he was asking for final approval but clearly there was no appetite for that. He would still like to be in the loop.

Assessor Sheree Stringer agreed with Commissioner Blundo because in her hand right now she had job descriptions for open positions although the County had a hiring freeze. She did not think the Commissioners knew what was going on behind the scenes and felt it should be up to the Board again.

Tim Sutton explained there were two hiring freezes. One ended at the end of the fiscal year, which was all positions except for essential which was why those were coming through. Starting on July 1, 2020, the recommendation was a hiring freeze for all positions except for people coming to the Board.

The motion to have it remain the same as it was currently passed with 4 yeas. Commissioner Blundo voted nay.

31. For Possible Action – Discussion and deliberation to modify the delegation of authority permitting the County Manager to approve, upon consultation and acceptance by the District Attorney, and execute contracts.

Commissioner Blundo said he asked for this item. The County Manager could execute contracts and spend up to \$50,000.00 and Commissioner Blundo would like to reduce that to \$20,000.00. He also asked that a list of what the County Manager signed come before the Board under the consent agenda.

31. For Possible Action – Discussion and deliberation to modify the delegation of authority permitting the County Manager to approve, upon consultation and acceptance by the District Attorney, and execute contracts-Cont'd.

Commissioner Koenig pointed out the agenda item did not talk to \$20,000.00.

Tim Sutton explained a specific dollar amount was not put in in case another Commissioner wanted another amount.

Michelle Nelson said it did appear that the phrasing of the agenda item was too vague for what was being proposed by Commissioner Blundo.

Commissioner Blundo suggested taking no action and he would bring back an item with further clarification.

There was no action taken on this item.

DISTRICT ATTORNEY

33. For Possible Corrective Action – Discussion and deliberation to rescind action and discussion of voluntary reduction of Commissioners salary as it exceeded the scope of item 29, of the Board of County Commissioners meeting of June 2, 2020. Item 29 agenda topic was to allow County Manager to voluntarily reduce his salary.

Commissioner Wichman said when she first made the direction to staff she was corrected by the District Attorney's Office because that was not part of the agenda item. She restated the motion made on the agenda item, the vote was taken, public comment was held, and as soon as that was done Commissioner Wichman directed staff to reduce her salary by the same 2.25% being asked of the employees. She found nothing in the NRS that said there was anything wrong with that. She also pointed out that the Commissioners discuss during agenda items and after agenda items all the time.

Commissioner Koenig wanted to direct this back to the District Attorney's Office.

Michelle Nelson explained agenda item 29 was specifically related to the County Manager reducing his salary for the fiscal year. There was some discussion regarding the Commissioners doing that as well. In addition to going off the agenda because that was not the agenda item there was possible action taken for which three of the Commissioners had voiced their approval to vote in a specific manner. Ms. Nelson advised those statements were outside of the agenda specifically relating to the County Manager. She asked that the action and discussion regarding the Commissioners voluntarily reducing their salary be rescinded.

33. For Possible Corrective Action – Discussion and deliberation to rescind action and discussion of voluntary reduction of Commissioners salary as it exceeded the scope of item 29, of the Board of County Commissioners meeting of June 2, 2020. Item 29 agenda topic was to allow County Manager to voluntarily reduce his salary-Cont'd.

Commissioner Wichman made a motion to strike or correct any conversation that took place on that date about the Commissioners reducing their salary; seconded by Commissioner Strickland.

Commissioner Wichman directed staff to reduce her salary by 2.25%.

Marla Zlotek said the motion needed to use the word rescind.

Commissioner Wichman amended her motion to rescind any conversation that took place on that date about the Commissioners reducing their salary; Commissioner Strickland amended her second; 5 yeas.

PUBLIC ADMINISTRATOR

34. Presentation regarding the quarterly report from the Public Administrator on deceased person cases that are open, closed, pending, NCPA Creditor Claims, non-cases or cases that have been turned over to family.

The report was in the back-up.

EMERGENCY MANAGEMENT

41. For Possible Action – Discussion and deliberation to: 1) Determine that excess Nye County Department of Emergency Management vehicles and/or equipment are no longer required for public use; and 2) Determine it is in the best interest of Nye County to dispose of excess vehicles and/or equipment through public auction with any resulting proceeds deposited into Fund 10401 or 10402 Capital Projects based on Comptroller determination upon receipt of the funds.

Commissioner Blundo made a motion to determine the excess Nye County Department of Emergency Management vehicles and/or equipment were no longer required for public use and it was in the best interest of Nye County, the public and its constituents to dispose of the excess vehicles and/or equipment through public auction with any resulting proceeds deposited into 10401 or 10402, Capital Projects, based on Comptroller determination; seconded by Commissioner Strickland.

Jim Petell asked what kind of equipment it was.

Commissioner Koenig referred Mr. Petell to the back-up.

41. For Possible Action – Discussion and deliberation to: 1) Determine that excess Nye County Department of Emergency Management vehicles and/or equipment are no longer required for public use; and 2) Determine it is in the best interest of Nye County to dispose of excess vehicles and/or equipment through public auction with any resulting proceeds deposited into Fund 10401 or 10402 Capital Projects based on Comptroller determination upon receipt of the funds- Cont'd.

Mr. Petell stated he was stuck at Big Dune and got no response from the Sheriff's Office Search and Rescue.

The motion to determine the excess Nye County Department of Emergency Management vehicles and/or equipment were no longer required for public use and it was in the best interest of Nye County, the public and its constituents to dispose of the excess vehicles and/or equipment through public auction with any resulting proceeds deposited into 10401 or 10402, Capital Projects, based on Comptroller determination passed with 5 yeas.

FINANCE

42. 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 National Bureau of Economic Research determined the peak end monthly economic activity occurring in the U.S. economy was February, 2020, which marked the end of the expansion that began in June, 2009, and the beginning of a recession. As the Board was aware there were massive applications for unemployment and since the first case of coronavirus over 42 million Americans had lost their jobs, but the U.S. Department of Labor identified Nevada was in the top ten states showing the largest decline in average weekly unemployment claims largely due to the casinos reopening. As of yesterday, the Federal Reserve published its economic forecast summary and the U.S. economy was predicted to shrink 6.5% this year, but the Fed was expecting the economy to return to growth in 2021 with unemployment falling to 9.3% and gross domestic product increasing by 5%. That growth was expected to continue into 2022 by 3.5%. To help offset that and continue stimulating the economy the Feds were cutting interest rates to near zero and expected to maintain those interest rates until 2022.

Mrs. Rucker then advised the County received CARES Act Funding and the State of Nevada was passing through \$8.496 million. Those funds could not be used for revenue recovery. They could be used to cover expenses realized between March 1, 2020 through December 30, 2020, and the funding must be spent by December 30, 2020, with any unused funds to be returned. County expenses must not be budgeted expenditures. They must be unforeseen. Preliminary research showed eligible uses would be COVID response activities; new programs to address ongoing needs related to COVID; and subgrants to non-profits, community organizations and other local

42. 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-Cont'd.

governments within Nye County, including possibly to the hospital, for COVID-19 related costs, and to small business impacted by COVID.

Commissioner Blundo disclosed he held a privilege license and a liquor license and operated a small business in the community.

Tim Sutton said once the guidelines were clear they would be brought back to the Board for decisions on distribution.

43. For Possible Action – Discussion and deliberation to: 1) Ratify the County Manager's acceptance of the FAA Cares Act Grant Award for the Beatty Airport for the purpose of offsetting lost revenue to airports due to COVID-19 in the amount of \$20,000.00; and 2) Deposit funds to 10340 Grants. There is no County match required.

Commissioner Wichman made a motion to ratify the County Manager's acceptance of the grants for the Beatty Airport, the Gabbs Airport and the Tonopah Airport and deposit funds into 10340, Grants; seconded by Commissioner Blundo; 5 years.

44. For Possible Action – Discussion and deliberation to: 1) Ratify the County Manager's acceptance of the FAA Cares Act Grant Award for the Gabbs Airport for the purpose of offsetting lost revenue to airports due to COVID-19 in the amount of \$20,000.00; and 2) Deposit funds to 10340 Grants. There is no County match required.

Commissioner Wichman made a motion to ratify the County Manager's acceptance of the grants for the Beatty Airport, the Gabbs Airport and the Tonopah Airport and deposit funds into 10340, Grants; seconded by Commissioner Blundo; 5 years.

45. For Possible Action – Discussion and deliberation to: 1) Ratify the County Manager's acceptance of the FAA Cares Act Grant Award for the Tonopah Airport for the purpose of offsetting lost revenue to airports due to COVID-19 in the amount of \$20,000.00; and 2) Deposit funds to 10340 Grants. There is no County match required.

Commissioner Wichman made a motion to ratify the County Manager's acceptance of the grants for the Beatty Airport, the Gabbs Airport and the Tonopah Airport and deposit funds into 10340, Grants; seconded by Commissioner Blundo; 5 years.

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

HUMAN RESOURCES

46. For Possible Action – Discussion and deliberation regarding advertising and funding a fulltime Law Clerk position for Judge Wanker, District Court, Department 1.

Commissioner Koenig made a motion to advertise and fund a full-time law clerk position for Judge Wanker, District Court, Department 1; seconded by Commissioner Blundo; 5 years.

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

INFORMATION TECHNOLOGY

47. For Possible Action – Discussion and deliberation to: 1) Approve entering into a refresh, upgrade and support agreement with Motorola for our Vesta 911 systems in Pahrump and Beatty including optional system spares in the amount of \$307,009.75, and software support and 24x7 onsite maintenance for years 2-5 from Motorola in the amount of \$55,333.75 (FY22), \$56,994.00 (FY23), \$58,704.00 (FY24) and \$60,465.00 in (FY25) to be invoiced and payed annually in years 2-5; 2) Execute the agreement; and 3) Fund from 10213 Emergency Systems.

Commissioner Blundo made a motion to approve as stated on the agenda item; seconded by Commissioner Strickland; 5 years.

PLANNING/BUILDING/CODE COMPLIANCE

48. Presentation of the quarterly report from the Planning Department regarding the status of Code Compliance cases.

Brett Waggoner said they had been making a lot of progress. There were only nine open cases from 2017 now instead of over 200. The cases were down for 2018 as well and they were working cases from 2019 and 2020. He said they had referred about 42 cases to the District Attorney's Office.

Commissioner Koenig asked about the lack of dates on the report. Halfway down the second page the last action date was May, 2019, and he wondered what had been done since then. He said he would like to see more detail.

Code Compliance Officer Amanda Marshall said it was an error in marking it closed.

Commissioner Blundo said he had submitted a complaint about a hemp facility operating without proper water, a business license, etc., on Quail Run Road and asked for an update on the complaints he had submitted.

49. 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. 2020-12: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by amending Section 17.04.770 entitled Signage Requirements; 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 Blundo pointed out this only changed mobile billboards.

Commissioner Blundo made a motion to set the date and time as July 21, 2020, at 10:00 a.m. in chambers; seconded by Commissioner Wichman; 5 yeas.

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

50. 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. 2020-13: A Bill proposing to approve a Development Agreement between Nye County and Cedar Trees, LLC, for the North Canyon Homes Subdivision; 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 Blundo made a motion to set the date and time as July 21, 2020, at 10:00 a.m. in chambers; seconded by Commissioner Strickland; 5 yeas.

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

PUBLIC WORKS

51. For Possible Action – Discussion and deliberation to 1) Award Bid 2020-06 – East Anvil Road and South Powerline Road Paving to Wulfenstein Construction. The amount of the bid is \$ 1,299,360.43; 2) Execute the contract; and 3) Fund from 10205 Nye County Road Fund; or 4) Reject all bid responses received for Bid 2020-06 pursuant to NRS 338.1385 and direct staff on how to proceed.

Commissioner Blundo commented this was a significant investment in Amargosa Valley.

Commissioner Blundo made a motion to award Bid 2020-06 to Wulfenstein Construction in the amount of \$1,299,360.43, execute the contract and fund from 10205, Nye County Road Fund; seconded by Commissioner Wichman; 5 yeas.

52. 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)

There was none.

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

Commissioner Koenig said he would like to see a report once a month on any requests for open positions and whether the accruals were met. He also said to reduce his pay by 2.25% through September.

Commissioner Cox asked Tim Sutton for an update on the all in one building.

Mr. Sutton said there was a lead who was running the project with the help of inmates, but the inmates could not be used due to COVID-19 and the lead took another job. Inmates had been authorized again and staff was in in the process of or already had hired the project lead.

Commissioner Strickland said to reduce her salary too.

Commissioner Wichman also said to reduce her salary by 2.25% through the tenure of her time on the Board. She then explained she was not traveling to Pahrump due to the budget issues and it was more beneficial to the County for her to stay in Tonopah for the meetings.

Commissioner Blundo asked for a status of the convention center at the fairgrounds as well as the animal shelter.

54. ADJOURN

Commissioner Koenig adjourned the meeting.

APPROVED this 21st day ATTEST:

Of July, 2020.

Loisinda A. Wichman
Chair

Keecy L. Sedman
Nye County Clerk / Deputy

Commissioners,

I am Dr. Christopher Perez, Managing Member of Stonewise LLC, a Pahrump winery specializing in the production of low-ABV craft wines. Thank you for the time to provide public comment on Proposed Bill 2020-04.

Without getting mired in the nuances of this bill, let me summarize our opposition by highlighting just a few key points.

1. Definitions within 17.12.010 have been copied and modified from so many different sources that many are so inaccurate, irrelevant, and/or inconsistent with State and Federal law that they render remaining aspects of this bill self-contradictory and unenforceable, and may expose businesses and the County to unnecessary legal liability. For instance, "Mead" is defined as possibly containing grain despite grain being expressly prohibited by both State and Federal regulations. Additionally, "Spirits" are defined as containing "not more than ten percent of alcohol by volume" despite Federal regulations requiring Spirits to be at least 40% alcohol by volume.
2. Section 17.12.030 is copied almost entirely from NCC 17.06.040 (i.e., Nye County Marijuana Establishments code), often simply replacing the term "marijuana establishments" with "Liquor Sales Establishments." By accepting this bill, Nye County would choose to treat "liquor manufacturers, distributors, importers, and wholesalers" in nearly the same manner as those who work with Schedule 1 Narcotics (which cannabis remains at the Federal level)! In fact, while marijuana facilities are required to maintain surveillance recordings for 30 days, this bill would require Liquor Sales Establishments to keep recordings for 60 days, thereby holding winemakers, distillers, and brewers to even stricter standards than pot dealers!
3. Brew Pubs and Breweries (17.12.045(A)(2) and 17.12.050(A)(2), respectively) would be limited to manufacture and sell beer only "as an ancillary activity to the activities permitted by the primary license." This wording seems to forbid true, standalone Brew Pubs and Breweries from opening in Nye County, allowing only those who have another, primary business (such as a restaurant) to brew beer.
4. This bill requires that applicants present proof of State licensure prior to County licensure, which presents a Catch-22 because NRS 369.200 requires the Board of County Commissioners to approve or disapprove a liquor manufacturing application before the State will begin its own investigative process and/or issue a State license (this is true for Brew Pubs, Breweries, Craft Distilleries, and Wineries under proposed Sections 17.12.045(A)(3), 17.12.050(A)(3), 17.12.055(A)(1), and 17.12.060(A)(1), respectively).
5. In contradiction of State regulations that allow wineries to "sell at retail or serve by the glass [...]" for onsite consumption (NRS 597.240), Section 17.12.060, seemingly based on Las Vegas Ancillary Craft Distillery law, would limit wineries to only serve samples and sell packaged wine for off-site consumption. This would fundamentally alter the business models of all Nye County wineries.

With that being said, it is the official position of Stonewise LLC that this bill is fatally flawed and cannot simply be amended, altered, or modified into an acceptable bill. Rather, any proposal to further regulate the craft alcohol industry beyond the heavy regulation already imposed by both the State and Federal government MUST be drafted with knowledge of these regulations, respect for the unique characteristics of our industry, and a coherent plan for how agritourism should fit into the future of our County.

ATTACHMENT #1

Unfortunately, as written, this bill does nothing to clarify a path to success for aspiring entrepreneurs; instead, we believe it creates an obstacle course of roadblocks that will almost certainly repel new businesses from our County and push current businesses, including ours, to relocate.

Respectfully, we implore each commissioner to reject Proposed Bill 2020-04 outright in order to allow stakeholder involvement in the drafting of future regulations. At the very least, this bill must be postponed in order to first consider a myriad of concerns not discussed here today.

Again, we thank you for your time and thoughtful consideration.

Christopher Perez, Ph.D.
Shawna Perez, M.Ed.
Managing Members
Stonewise LLC (dba Stonewise)

4/16/20

Public Comment Item # 38

Submitted By Dann Weeks, Nye County resident representing both MLL Inc. and Lands of Nevada who are adjacent property owners to the license holder in question. I ask that these comments be reflected in the record of the Written Minutes for this meeting.

Last year this board was promised that Area 51 Fireworks would not use the Multi-Family lot located at 1380 E Arrowhead as an entry and exit point for the business located on Hwy. 372. This body repeatedly questioned and warned the manager of the business who emphatically denied the property was being or had ever been used as a regular access point for commercial purposes. This was obviously a lie.

Here we are a year later and this privilege license holding business is still being allowed to operate outside the letter of the law and in so doing, has diminished our property values and viability of development. I have submitted recent photographic evidence with this document that the lot is indeed still being used in this non-conforming manner. I ask that the board find the courage to deny this renewal until such time as compliance from this scoff-law business owner is confirmed.

We have planning and zoning in place for a reason. When our laws and regulations are ignored and then go unenforced by our elected and appointed officials then our laws and regulations are reduced to simply being good ideas and intentions.

Thank you for your time.

ATTACHMENT # 2



