

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; Michelle Nelson, Deputy District Attorney

Not Present: John Koenig, Chair; Sandra L. Merlino, Ex-Officio Clerk of the Board; Chris Arabia, District Attorney

Commissioner Wichman was present via telephone.

Commissioner Cox was not present at this time.

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 sitting Nye County Commissioner, the owner of Strickland Construction, T&M Group Realty and Lakeside Storage. She was a licensed well drilling, pump setting, septic system contractor, along with a realtor/broker of water rights and other items for homes and had been for the last 26 years.

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

Commissioner Blundo expressed his dismay with the Governor extending phase two until the end of July and said he disagreed with the directive for mandatory face masks.

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

Tim Sutton said there were no changes to the agenda.

**6. 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)**

Jim Petell said he disagreed with the Governor's decision to extend the phase two reopening.

Bradley Richardson reminded the speakers of the rules governing public comment.

Mr. Petell said he saw a picture from the Pahrump Valley Times on Facebook depicting a protest against masks. There was a pact headed by Mrs. Blundo who claimed 100 people showed up, but he did not see anything.

Commissioner Blundo stated he had zero involvement with the No Mask Nevada Pact and no knowledge of it.

Commissioner Cox was present via telephone.

Melissa Blundo said she formed the No Mask Nevada Pact in protest of the Governor's unconstitutional mandate for everyone to wear face masks. More information could be found at nomasknevada.com.

7. 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 \$10,000.00 maintenance deductible and \$1,083,082.50 premium; \$25,000.00 maintenance deductible and \$955,983.80 premium; or \$50,000.00 maintenance deductible and \$822,000.05 premium.

Jarrod Rossi from LP Insurance said he secured quotes at the \$10,000.00, \$25,000.00 and \$50,000.00 deductible levels. He explained the \$10,000.00 deductible was probably the best option for cost containment, although it was the highest premium. The \$25,000.00 option was a hedge bet between the two and was the second-best option. The \$50,000.00 deductible was the best option in an average year and the best year, but in the worst year it was the worst option because as the claims count

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continued to grow it would create a larger total program cost in conjunction with the premium.

Commissioner Blundo said the County had a lot of good practices and asked why everything was going up.

Mr. Rossi said he was seeing a tightening of what would be offered at the reinsurance level, which was where POOL renewed their program. For their renewal POOL had to swap up multiple carriers because of unfavorable renewal results, but that still resulted in a 10% increase to the program. Also, movements in the international community forcing companies to cover COVID claims would cause additional burdens on the reinsurance side.

Commissioner Blundo asked POOL to speak to the limited use of the Sheriff's Office.

Michael Rebaleati, Chief Operating Officer for POOL/PACT, explained 90% of the entire program was accomplished and negotiated before the COVID situation started. They would take great efforts during the next year to address the County's questions and concerns. He said to react to activity changes in a month took some time, but they were addressing it.

Commissioner Blundo said he would entertain the \$25,000.00 or \$50,000.00 deductible as long as the difference was saved to protect the taxpayers' dollars in the future.

Commissioner Blundo made a motion to renew the proposal from POOL/PACT for fiscal year 2020-2021 selecting the coverage package of a \$50,000.00 maintenance deductible and \$822,000.05 premium; seconded by Commissioner Wichman.

Commissioner Blundo said he would like a report every quarter from POOL/PACT.

The motion to renew the proposal from POOL/PACT for fiscal year 2020-2021 selecting the coverage package of a \$50,000.00 maintenance deductible and \$822,000.05 premium passed with 4 yeas.

9. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject the Nye County Association of Sheriff's Supervisors (NCASS) Agreement to include the reporting of the fiscal impact of the agreement.

Savannah Rucker explained per NRS 288.153 the agreement had to be approved at a public hearing and a report of the fiscal impact of the agreement must be read into the minutes of the meeting. The fiscal impact was \$1.533 million.

Commissioner Strickland opened and closed the public hearing.

Commissioner Blundo said his biggest concern was ratifying the captain's position which was contingent on jail funding. He wondered what would happen to that position if the ICE contract was lost and the jail funding went away.

Tim Sutton said he knew the other deputy positions exclusively funded through the jail fund would go away. He had not discussed the issue with Captain Boruchowitz, but if that was a deal breaker for the Board Mr. Sutton could discuss that with him.

Captain Boruchowitz said there was no discussion from a union standpoint. If a position was eliminated because of funding the current collective bargaining agreement stated if there was a layoff due to funding the layoff procedure would be utilized. If the ICE contract was gone and the captain's position was laid off as a result, then that provision would take effect and he would be able to pump a lieutenant of lower seniority. Captain Boruchowitz explained the concessions were giving up of the uniform allowance for this year and each paycheck the membership would write a check to the County to help deal with the COVID anticipated losses. There was a provision however that if things were better than anticipated they would be reimbursed those losses.

Commissioner Blundo made a motion to adopt the Nye County Association of Sheriffs Supervisors agreement and include the reporting of the fiscal impact; seconded by Commissioner Wichman; 4 yeas.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

10. 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.

Jarrod Rossi, LP Insurance, reviewed the coverages for the Town of Pahrump. The premium last year was \$172,320.00 and this year it was \$142,365.00. He noted claims continued to trend down for the town.

10. 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-Cont'd.

Since some of the town employees were under the County's collective bargaining unit, Commissioner Blundo asked if this was solely property insurance and those employees were covered separately.

Mr. Rossi said anyone in the course and scope of their positions in Pahrump would be covered for liability.

Commissioner Blundo made a motion to renew the proposal for the Town of Pahrump from POOL for fiscal year 2020-2021 with a maintenance deductible of \$2,000.00 and a premium in the amount of \$133,053.30; seconded by Commissioner Wichman; 4 years.

11. For Possible Action – Discussion and deliberation to: 1) submit a Notice of Withdrawal for Workers' Compensation Services for Town of Pahrump to Nevada Public Agency Insurance Pool; and 2) submit Application for Authority to Self-Insure for Workers' Compensation for the Town of Pahrump to the State of Nevada Department of Business and Industry Nevada Division of Insurance.

Michael Rebaleati, Chief Operating Officer for POOL/PACT, said he understood the intent and the need for an entity to keep all options available and open. He said they wanted to be part of the discussion and had options as well. They would have extensive meetings next year that may play into many of the options that would be positive for all member entities.

Alan Kalt, Chief Financial Officer for POOL/PACT, welcomed the dialogue and would like to actively sit at the table with management and the Commissioners as part of the due diligence process to be sure everyone had a good understanding of the PACT side.

Commissioner Cox said the County could be insured through the State like everyone else in business which was what she wanted staff to look into and get a quote.

Commissioner Blundo made a motion to submit a Notice of Withdrawal for Workers' Compensation Services for the Town of Pahrump to the Nevada Public Agency Insurance Pool and submit an Application for Authority to Self-Insure for Workers' Compensation for the Town of Pahrump to the State of Nevada Department of Business and Industry Nevada Division of Insurance; seconded by Commissioner Cox; 4 years.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

COUNTY MANAGER

15. For Possible Action – Discussion and deliberation to: 1) submit a Notice of Withdrawal for Workers’ Compensation Services for Nye County to Nevada Public Agency Insurance Pool; and 2) submit Application for Authority to Self-Insure for Workers’ Compensation for Nye County to the State of Nevada Department of Business and Industry Nevada Division of Insurance.

Jarrod Rossi said he looked forward to working on this.

Alan Kalt said PACT just wanted an opportunity to share some numbers when the ultimate recommendation was made comparing both programs to make sure the Board was well informed.

Michael Rebaleati clarified for the coverage year 2020-2021 PACT would be the provider.

Commissioner Blundo made a motion to submit a Notice of Withdrawal for Workers’ Compensation Services for Nye County to Nevada Public Agency Insurance Pool and submit Application for Authority to Self-Insure for Workers’ Compensation for Nye County to the State of Nevada Department of Business and Industry Nevada Division of Insurance; seconded by Commissioner Cox; 4 yeas.

FINANCE

20. For Possible Action – Discussion and deliberation regarding the budget status through May 2020 for Nye County and all sub-entities for Fiscal Year 2020.

Savannah Rucker said the revenue report showed \$32,932,388.00 was collected. The projection was the County would end the fiscal year about \$1 million short of budget due to the COVID-19 crisis, although that may change following receipt of May and June sales tax. Licenses and permits was fairly low compared to budget because in October, 2019, the Board approved giving the towns their licensing fees for past fiscal years and the current fiscal year. She said by the end of the fiscal year that number would grow but it would not exceed the budget. Regarding the departmental report card, Mrs. Rucker discussed the column titled annual percentage of budget spent which provided explanations for those departments that were going to be over in line items but were projected to end the year under budget.

18. For Possible Action – Discussion and deliberation to augment Nye County Animal Control, Buildings and Grounds, District Attorney’s Office, Human Resources, and Sheriff’s Office department’s Fiscal Year 2019-2020 budget from Nye County General Contingency fund for various unbudgeted expenditures by department. The total unbudgeted impact is \$305,500.00.

Savannah Rucker said in the back-up was the schedule of departments affected, what the impact was and the reason for the impact. She clarified this was not an augment because of additional revenues. Contingency budgeted in fiscal year 2020 and fiscal year 2021 was being used and the County could lean on that when things came up that were not budgeted.

Commissioner Blundo asked if anything had been done to recoup the Storm Area 51 funds.

Emergency Management Director Scott Lewis said he authored a letter and it was signed off on by the County Manager. The last pieces of the financial components were being finalized.

Tim Sutton added they were waiting on invoices from other entities that were involved.

17. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject budget transfer of appropriations between functions within Nye County Funds.

Savannah Rucker explained the first page of the back-up was the County's general fund budget status update report, which showed how all departments were projected to end the fiscal year if the budget transfer between functions was approved. No departments were projected to be overspent based on the budget movements. She said since the County had no additional revenues to augment and rectify budget issues, the goal of this item was to have no department over budget, no function over budget, and the use of available funding from departments that ceased operations for many weeks as a result of COVID and had more funding than they typically would at this time of the year.

Treasurer John Prudhont advised the net excess proceeds from tax year sales were held in trust for a year after the sale happened. Once all excess proceeds claims had come in and that year had passed that particular year's net excess proceeds would be deposited into the general fund for the next fiscal year.

Mrs. Rucker reviewed which departments were given funding and which departments were giving up funding. She noted that this was for FY20 only.

Commissioner Blundo said there had been concerns from the courts regarding removing funds from their budget.

17. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject budget transfer of appropriations between functions within Nye County Funds-Cont'd.

Mrs. Rucker advised she contacted Judge Jasperson this morning and explained what was going on with the budget. She thought it was misconception that it was a reduction of funding for the next fiscal year. She told him if he planned on spending the \$45,000.00 today then it would be a problem, however, if he had not utilized it yet and his department was not projected to be over budget the goal was to not have any department or function over budget because then the Board had to explain that to the Department of Taxation. Judge Jasperson seemed amenable to that explanation.

Commissioner Blundo asked about the district court and its budget.

Mrs. Rucker said she had not spoken with Judge Wanker, but she did receive a letter stating that the Board could not direct how the judge utilized the funds as assigned to the department. Mrs. Rucker understood that concern, however, she said that department typically under-utilized the budget they had available to them.

Commissioner Strickland pointed out it was only \$6,500.00, which Mrs. Rucker said was less than 1% of the total budget.

Commissioner Blundo asked staff to contact Judge Wanker to let her know this issue was being discussed if she would like to participate.

Commissioner Blundo made a motion to table the item until Judge Wanker arrived; seconded by Commissioner Wichman; 3 yeas. Commissioner Cox was not present.

SHERIFF

14. For Possible Action – Discussion and deliberation to issue a Display Fireworks Event Permit to the Lund 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 the Currant Creek Community Center, 689 Fire Station Road in Currant Creek, NV. William Hendrix – Applicant.

Commissioner Cox was present.

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

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

TOWN OF GABBS

12. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Town of Gabbs Resolution No. 2020-01: A Resolution to Augment and Amend the 2019-2020 Budget of the Town of Gabbs, County of Nye, State of Nevada.

Commissioner Wichman made a motion to adopt; seconded by Commissioner Blundo; 4 yeas.

13. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject the Fiscal Year 2020-2021 Sheriff's Office Public Safety Sales and Use Tax (PSST) plan for the Town of Gabbs.

Commissioner Wichman made a motion to adopt; seconded by Commissioner Blundo; 4 yeas.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

FINANCE

19. For Possible Action – Discussion, deliberation and direction to staff to repay the temporary Fiscal Year 2019-2020 interfund loan between Nye County Grants Fund and Nye County General Fund totaling \$1,000,000.00

Savannah Rucker explained one of the audit findings in FY18 was the grants fund was operating with deficit cash in bank balances. To deal with that audit finding the County loaned itself \$1 million from the general fund to the grants fund. This action would pay back the loan as directed under NRS.

Commissioner Blundo made a motion to approve and direct staff to repay the temporary interfund loan; seconded by Commissioner Wichman.

Treasurer John Prudhont asked how much of the \$1 million was actually used to cover grants that were waiting reimbursement.

Mrs. Rucker said grants were reimbursed regularly. The value would be the total expenses in the grants fund throughout the fiscal year.

Mr. Prudhont wondered if \$1 million was reasonable based on the past year.

Commissioner Strickland knew of \$650,000.00 in grants the County would get and was sure another \$400,000.00 could be found.

19. For Possible Action – Discussion, deliberation and direction to staff to repay the temporary Fiscal Year 2019-2020 interfund loan between Nye County Grants Fund and Nye County General Fund totaling \$1,000,000.00-Cont'd.

Mrs. Rucker advised \$1 million was the best information they had for this loan.

Commissioner Cox was not present.

The motion to approve and direct staff to repay the temporary interfund loan passed with 3 yeas.

17. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject budget transfer of appropriations between functions within Nye County Funds-Reopened.

Tim Sutton explained this was a shoring up of accounts where some were over or under. Judge Wanker's account was projected to have a surplus of \$45,000.00 and the requested transfer was \$6,500.00. The judge had concerns with interference with operation of her court. Mr. Sutton pointed out that at the end of the fiscal year, which was tomorrow, all that money would go back to the ending fund. Unless that money was committed, which staff did not believe it was, that money was just going to roll over so there was no anticipated impact nor any interference with the court's operations. This was also for the end of this fiscal year, not next fiscal year.

Judge Kim Wanker said she had outstanding bills right now and was still incurring bills. While she worked for the State, the law required the County to pay for her staff. She stated she was a different branch of government and the County could not as an executive branch jump on the judicial branch.

Commissioner Strickland commented all departments were in the same predicament.

Judge Wanker disagreed as they were a different branch of government and the law said the County must fund the judicial branch but not interfere with the operation of the judicial branch as that violated the separation of powers. She did not believe the County could remove any money from the judicial branch.

Commissioner Strickland asked if there was another route to go.

Savannah Rucker said it could potentially be moved to the other judicial department but without further analysis she would be willing to absorb the \$6,500.00 out of her department.

Commissioner Blundo made a motion to amend and adopt with the Comptroller's budget absorbing the \$6,500.00 from the Fifth Judicial Court; seconded by Commissioner Wichman; 4 yeas.

16. For Possible Action – Discussion and deliberation to: 1) Determine if sufficient financial resources are available to increase the compensation of elected county officers pursuant to NRS 245.043(5); and 2) Determine if sufficient financial resources are available to increase the compensation of the Board of County Commissioners.

Tim Sutton explained pursuant to NRS there were automatic raises built in for elected officers as well as the Commissioners which went into effect absent any Board action to the contrary. He said this had been revisited a couple of times for two reasons. One was the “me too” clause in the NCEA agreement, which provided if the Commissioners found there were sufficient resources for the elected officers to get their raise that triggered a reopener for the NCEA to request additional compensation. It was a little different with the Commissioners as they could elect to not take the salary increase and the reopener in the “me too” clause for that stated the NCEA members would receive a cost of living increase based on the CPI not to exceed 3%.

Savannah Rucker said when she prepared the tentative budget staff was still figuring out how to deal with COVID. When the final budget was generated she was unable to budget for the raises because of the structural imbalance of the FY21 budget.

Commissioner Strickland noted it was about \$26,559.00 of an increase and asked what kind of impact it would have with the bargaining unit.

Commissioner Blundo said the Commissioners were the lowest paid employees who did not get steps or COLAs. He expressed his frustration with the “me too” clause and said it needed to come out of the agreements.

Assuming a 3% CPI Mrs. Rucker said the ballpark estimated impact to the general fund alone would be about \$350,000.00.

Mr. Sutton added that was the worst-case scenario as the clause said up to 3%.

Commissioner Blundo asked what the long-term ramifications were if the Board elected to take it as it was automatic.

Mrs. Rucker explained a cost of living increases would compound year over year and it would increase because of step increases and longevity.

Mr. Sutton said that was one of the concerns. The ending fund balance was relatively healthy, but staff did not want to commit to ongoing obligations when the revenue stream was shot.

Treasurer John Prudhont felt it was important to compensate the officials, the Commissioners, and other managers in a competitive manner. Salaries for elected

16. For Possible Action – Discussion and deliberation to: 1) Determine if sufficient financial resources are available to increase the compensation of elected county officers pursuant to NRS 245.043(5); and 2) Determine if sufficient financial resources are available to increase the compensation of the Board of County Commissioners-Cont'd.

officials had been frozen since the 2017-2018 fiscal year. During the past three years there had been a dramatic improvement in the economy and revenue for the County. Mr. Prudhont said it was vitally important to increase compensation for all elected officials to ensure the County did not lose any of them.

Assessor Sheree Stringer echoed Mr. Prudhont's statements. She said this would be the fourth year that the elected officials had not received an increase. She would never begrudge her staff getting their just cause, but she said there came a time when the Board needed to recognize what the elected officials did.

Melissa Blundo said the Commissioners' jobs were 24/7 and it blew her mind that they were the lowest paid employees. She asked if it was a decision of the previous District Attorney in negotiations with unions that the Commissioners could not take their raise because it triggered COLA for the rest of the County.

Mr. Sutton did not think it was accurate that it was the decision of the District Attorney but rather a contract negotiated under the prior District Attorney.

Mrs. Blundo felt it would be prudent to have a Commissioner involved with those negotiations

Commissioner Blundo said the choice was painful and he did not like this item because of poor contract negotiations that happened previously.

Commissioner Cox said she could see it both ways, but she did not like being blackmailed by the unions when the Commissioners were low men on the totem pole. On the other hand, she said the Commissioners took the job knowing it was not great pay.

Commissioner Blundo made a motion to 1) determine there were insufficient financial resources available to increase the compensation of elected County officers pursuant to NRS 245 and 2) determine that insufficient financial resources were available to increase the compensation to the Board of County Commissioners; seconded by Commissioner Wichman; 4 years.

8. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation regarding a request to adopt, amend and adopt, or reject Nye County Resolution No. 2020-21: A Resolution Authorizing a Temporary Interfund Loan for Fiscal Year 2020-2021.

Commissioner Blundo made a motion to adopt Resolution No. 2020-21; seconded by Commissioner Wichman.

Commissioner Strickland opened and closed the public hearing.

The motion to adopt Resolution No. 2020-21 passed with 4 yeas.

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

Emergency Management Director Scott Lewis advised the COVID command post remained operational. There were now 109 cases with 97 in Pahrump, 10 in Amargosa, three in Beatty, four in Tonopah, and one in Smoky Valley. Several were hospitalized in Las Vegas. There had been 2,400 tests completed.

Commissioner Cox asked if there was documentation of the statistics.

Chief Lewis said he had written documentation on contact COVID positive cases which was not for distribution due to HIPPA.

Tim Sutton asked Commissioner Cox to send him an e-mail with what she was looking for to determine if it was feasible.

Commissioner Blundo wished everyone a happy Independence Day.

Commissioner Strickland said on Friday between 11:00 a.m. and 2:00 p.m. Pete's Meats would be at Petrack Park to acknowledge emergency services and the Sheriff and deputies and thank them for their service.

21. 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)

Tim Bohannon, president of Nevada Standardbred Association, talked about a water smart grant they were pursuing with the Bureau of the Interior that had to be conducted with a water district, a tribe irrigation district, or a water power authority. The ceiling was \$1.5 million for FY20-21 and the application date was August 5, 2020.

22. ADJOURN

Commissioner Koenig adjourned the meeting.

APPROVED this 24th day ATTEST:

Of August, 2020.

Linda A. Wichman 8-4-20
Chair

Heely L. Sidman
Nye County Clerk / Deputy