

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; Bradley Richardson, Deputy District Attorney; Michelle Nelson, Deputy District Attorney

1. Pledge of Allegiance

The Pledge was recited.

2. Roll Call

Roll call was taken.

3. Ex Parte Communications and Conflict of Interest Disclosure Statements.

Commissioner Strickland stated she was a sitting Nye County Commissioner as well as the owner of Strickland Construction, T&M Group Realty and Lakeside Storage. They brokered in water rights, well drilling, contractor, well and septic tank contracting. They also built steel buildings. She saw no conflicts, but if something came up she would disclose again.

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

Emergency Management Director Scott Lewis first announced the death of Louis Waters, the older brother of Dr. Waters, who passed away Saturday from the effects of COVID-19. The COVID trajectory in the County continued upward since the last report, but the good news was there were fewer double-digit days. There were 431 total cases in the County with 410 in Pahrump. Within the last week and a half many of the cases

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

were reconciled to a recovered status, which was now 204. Chief Lewis advised a written plan was recently submitted to reopen businesses outside of the Pahrump borders. Lastly, he noted the prolonged and historical heat wave with no end in sight. Valley Electric sent an e-mail last evening stating there was a possibility of brownouts.

Commissioner Cox asked if the people passed directly because of COVID or if there were other issues and they contracted the virus.

Chief Lewis explained COVID was listed as an associated reason or as a direct contributing factor.

Commissioner Blundo asked if there were any cases of staph infections from wearing the mask. He would also like to see the pre-existing conditions on the report.

Chief Lewis said he was not aware of any staph infections. He did not feel pre-existing conditions would be appropriate for a report purpose, but he would try to capture the essence of it.

Commissioner Koenig said the COVID team had been frustrated in efforts to reopen parts of the County. Three weeks ago the Governor alluded to instead of closing a whole County he might do it by zip code, which would mean Gabbs would be treated differently than Pahrump. Commissioner Koenig said the County's plan was presented last week at a meeting with the Governor's team and they would get back to the County next Thursday. Commissioner Koenig said the Board could not just open things because the Governor would shut it down and OSHA would issue penalties.

Commissioner Cox said she wanted a legal opinion on the law that said the Governor was not supposed to take over the County as long as the Board stayed in control of it since the Board was the law in Nye County.

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

Commissioner Blundo said he got the same e-mail from VEA and found it very concerning. He invited VEA to look at other options to secure and strengthen the electrical network. He told Tim Sutton he would like to draft a thank you letter to Officer Branske from NHP, who did patrols in District IV. He also wanted to draft letters to both the Sheriffs' unions stating his support and thanking them for doing what they were doing during these times. Commissioner Blundo then expressed his frustration with the Governor's office during the COVID crisis and the inability to communicate with him.

Commissioner Wichman talked about the rail plan for Nevada, which could be a huge opportunity for Nye, but their planners needed to have input from the County planners.

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

She advised her term on the State Land Use Planning Advisory Council (SLUPAC) expired in 2021. Since the nominations for a representative did not need to be a member of the Board, if the Board was so inclined before December she would seek the Board's nomination to be re-appointed as the County's representative to continue the work. Commissioner Wichman then advised Ken Ivory, a former Utah legislator, provided her with legislation relate to the PILT shortfalls. She needed an agenda item on an upcoming agenda as soon as possible so she could present some information and have an open discussion. She explained Utah found a way to assess each acre of land within their counties using satellite and they were sending the federal government a tax bill. Commissioner Wichman said she would like to follow suit.

Commissioner Koenig acknowledged the presence of Commissioner-Elects Dick Gardner and Frank Carbone. He asked if the \$8 million in CARES had been received yet.

Grants Administrator Samantha Kramer advised the 50% allocated to the County was received on Friday.

Commissioner Koenig said the quarterly meeting with the Treasurer and CLGF last week was cordial, but the County was still on fiscal watch. His guess was it would be December or January before they would release the County.

Samantha Tackett said there was an issue with the Web site. It looked like people who were subscribed to receive the Commission agendas were unsubscribed due to a glitch. She encouraged everyone to make sure their subscription was still there and re-subscribe if it was not.

Treasurer John Prudhont announced 60,000 property tax bills went out. There were a lot of phone calls as well as walk-in traffic and he asked the public to be patient with his office.

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

Tim Sutton said items 8 and 27-32 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).

Maury Aguiar from VFW Post 10054 expressed appreciation to the Board for its support of the military members and their families. He discussed the various ways they assist the veterans in the community as well the improvements they had been able to make to their facility with the grant from the Board and donations from the community.

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 held on the second Wednesday of the month at 11:00 a.m., which anyone could attend. They were done on Zoom and people could go to the Nye Communities Coalition Web site to get the information to join. She said there would be a stand down this Saturday at the Nye Communities Coalition to help the homeless. Vet Trans was up and running and the senior center was working to get people to and from places. There was a dementia group starting through the Nye Communities Coalition and the SAP was working on getting grants set up to help the homeless get new places to live. Ms. Southworth then asked if the ballots could be dropped off at the Clerk's Office or elsewhere due to the slowdown of the post office and encouraged everyone to vote.

Commissioner Koenig said ballots could be dropped off at the Clerk's Office.

Reverend Darrell James Lackey said he invented a way to eliminate homelessness by inviting people to build their own homes and develop skills at the same time.

Ammie Nelson talked about the cloud seeding program which was discussed at the Nye County Central Republican Committee and said there was tremendous support for that program. She advised Jim Marchant and Gregory Hafen would have a meet and greet this afternoon at 2:00 p.m. Ms. Nelson then expressed concern about how long it would take to count the ballots and felt it could take months. As to disclosures, she felt every Commissioner should do a disclosure, but not make it an ad for a personal business.

Melissa Blundo read a statement about the Evangelicals for Trump event which Governor Sisolak expressed his dismay at being held. Her response to him touched on his continued inconsistencies and non-sensical directives, the economic impact of his actions, and how he had failed to protect her rights.

Vernon Van Winkle from KPVM said the station in Las Vegas was doing well with 2.75 million people watching the meeting right now. He then talked about a new network called America's Voice News Network, which he encouraged people to watch on channel 25.3.

Dave Stevens said he got a \$520.00 ticket for trespassing on the highway. He went to pay it and was told he had to get something from the Sheriff's Department. He did not understand why he was ticketed as he always thought it was a public road.

8. For Possible Action – Emergency Items

This item was removed from the agenda.

9. For Possible Action – Discussion and deliberation regarding meeting minutes from the July 7, 2020 joint regular meeting of the Nye County Board of Commissioners, Board of Highway Commissioners, Nye County Licensing and Liquor Board, Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District.

Commissioner Strickland made a motion to accept the minutes as written; seconded by Commissioner Blundo; 5 yeas.

TIMED ITEMS

10. 10:00 a.m. – For Possible Action – 2nd Community Development Block Grant (CDBG) Public Meeting: 1) Presentation of potential projects; and 2) Invite the public to participate by providing ideas, comments and suggestions concerning the proposed projects.

Grants Administrator Samantha Kramer explained this second meeting was an opportunity for the public and County to present proposed projects to the Commission for eligibility. All projects submitted would be sent to CDBG for eligibility and Ms. Kramer would present that list to the Board on November 3, 2020, to see what took priority.

Pat Minshall from the Amargosa Town Board presented their emergency generator for the community complex project for a cost of \$50,000.00.00. She explained at a LEPC meeting the loss of electricity was felt to be the biggest disaster that could happen in Amargosa and having a community center for people to go to shelter in place would be very important.

Commissioner Strickland asked if any of the \$8.4 million could be used for that project or another source of funding as she did not think it should wait for CDBG.

Chris Mulkerns from the Town of Tonopah presented their Union Plaza and convention center parking lots project for a cost of \$350,000.00. The Union Plaza parking lot was within the Tonopah Main Street District and served multiple purposes. The convention center parking lot served as public parking for all private and public events held at the convention center, which also served as the community center for the town. Mrs. Mulkerns explained it would be a two-phase project for both areas and both areas were in a designated slum and blight area.

Dr. Russell Pillers presented the Nye Regional Medical Center demolition project for an overall cost in the range of \$700,000.00, which included removal of hazardous material. He explained the Northern Nye County Hospital District (NNCHD) just received a preliminary architectural review, which determined the most economical path forward in

10. 10:00 a.m. – For Possible Action – 2nd Community Development Block Grant (CDBG) Public Meeting: 1) Presentation of potential projects; and 2) Invite the public to participate by providing ideas, comments and suggestions concerning the proposed projects-Cont'd.

implementing a new healthcare facility in northern Nye was to demolish the old facility and build new rather than remodeling the old facility and bringing it up to code.

Ms. Kramer then presented the projects the County wanted to do. One was the sewer/wastewater system on the fairgrounds, which would allow the County to move forward on the development, with an estimated cost of \$500,000.00. Another project was the fairgrounds field lighting which would allow the County to continue with development with an estimated cost for all eight fields of \$3,460,600.00, which would need to be phased out resulting in \$865,150.00 for two fields.

Commissioner Blundo talked about the positive economic impact to the County of having the fields lit and suggested reaching out to NCREDA.

Richard Goldstein felt the fairgrounds development was too important to keep putting off.

Ammie Nelson mentioned cloud seeding and how rain would lower the temperatures and bring water to the basin. She thought CDBG could fund a cloud seeding program which would cost between \$26,000.00 and \$42,000.00.

Harley Kulkin said his vision was to see the fairgrounds developed in a manner that brought jobs and commerce to the community and he was glad to see the Board moving forward with it. He suggested contacting the former town manager for information to make sure things were not paid for that were already done.

11. 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 his office was up to date. He thought the meeting with CLGF went well and that they were waiting for the audit for this year before removing the County from fiscal watch.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

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

12. 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 provided an update on a constituent that had concerns with some upcoming road improvements to some County right-of-way in Amargosa. He was going to invite those property owners to a community meeting at the Amargosa community center on August 24, 2020, at 6:00 p.m. Anvil Road was complete. The contractor was grading and compacting the surface and once that was done the plan was to try to initiate paving on Monday, August 24, 2020. Striping was being done at Highway 372 and Blagg and Highway 372 and Pahrump Valley Boulevard. Mr. Dahl said he still had no news on the improvements for Homestead, Highway 372 and Highway 160 as the contractor was still waiting for the software to be manufactured.

Commissioner Cox said the light at Dandelion and Unicorn was still coming on and going off when it felt like it, and it was dark most of the time at night. There was also a light out at Gamebird and Highway 160, which was not visible even when it was on.

Commissioner Blundo asked for a status on Cabo and Quail Run as Mr. Dahl had said publicly it would be done by the end of summer.

Mr. Dahl said it was on the RTC chip seal list which was on the agenda today.

Commissioner Blundo said he had concerns with Blagg Road. After the cold mix overlay was done there was a yellow double lane which he thought might be illegal. He would follow up on that with a separate item but wanted to put it on Mr. Dahl's radar.

Ammie Nelson complimented Mr. Dahl on the work he did. More had been done in Pahrump since he had been in that position than before.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

PUBLIC WORKS

42. For Possible Action – Discussion, deliberation, and direction to staff to consider the roads that are scheduled for chip seal repair or overlay as approved by the Regional Transportation Commission (RTC), and to initiate a bid package for the repair and overlay project.

Commissioner Koenig asked why Linda was not on the list again.

Tim Dahl explained because this item was continued from a previous meeting. The back-up for today's meeting was due on August 7, 2020, but there was no RTC meeting until August 13, 2020. He asked the Board to accept additional back-up with an updated list from the results of the RTC meeting.

42. For Possible Action – Discussion, deliberation, and direction to staff to consider the roads that are scheduled for chip seal repair or overlay as approved by the Regional Transportation Commission (RTC), and to initiate a bid package for the repair and overlay project-Cont'd.

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

This item was tabled until later in the meeting to allow distribution of the additional back-up to all locations.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

16. For Possible Action – Discussion and deliberation of activity reports provided by Town of Pahrump Committees: Pahrump Arena Advisory Committee, Nuclear Waste and Environmental Advisory Committee, Pahrump Parks and Recreation Advisory Committee, Pahrump Public Lands Advisory Committee, Pahrump Tourism Advisory Committee, or Pahrump Veterans Memorial Advisory Committee, and direction from the Board regarding the activity reports.

John Pawlak, chair of the Nuclear Waste and Environmental Advisory Board, said since he submitted the letter in the back-up their first meeting was moved out to December 4, 2020, instead of September 4, 2020, for safety reasons.

Robert Adams from the Pahrump Public Lands Advisory Committee discussed the Pahrump south side multi-use trail head. They had re-prepared last year's RDP application and hoped to resubmit that on August 24, 2020. They were working with NDOW on the west side guzzlers. They were also working with the Nye County Natural Resources Department and BLM to establish permanent off-road routes between Carpenter Canyon Road and South Wheeler Pass Road to replace the routes that would be closed by the Spring Mountain Motorsports expansion. Lastly, Mr. Adams advised they were working with several agencies on mapping and meeting the requirements, obtaining permits and grant funding for the Beatty portion of the Pahrump to Tonopah off-road trail.

PUBLIC WORKS

42. For Possible Action – Discussion, deliberation, and direction to staff to consider the roads that are scheduled for chip seal repair or overlay as approved by the Regional Transportation Commission (RTC), and to initiate a bid package for the repair and overlay project.-Reopened.

Commissioner Koenig pointed out Linda was on the list subject to right-of-way acquisition.

42. For Possible Action – Discussion, deliberation, and direction to staff to consider the roads that are scheduled for chip seal repair or overlay as approved by the Regional Transportation Commission (RTC), and to initiate a bid package for the repair and overlay project.-Reopened-Cont'd.

Tim Dahl advised he was drafting letters to the property owners to acquire those rights-of-way and was preparing an SF299 application to submit to BLM for a right-of-way on the west side.

Commissioner Blundo made a motion to direct staff to consider the roads scheduled for chip seal repair overlay as approved by the RTC, initiate a bid package for repair and overlay, and fund from 10208; seconded by Commissioner Strickland.

Commissioner Cox said she had an issue with asking staff to consider them.

Commissioner Blundo withdrew his motion; Commissioner Strickland withdrew her second.

Commissioner Blundo made a motion to direct staff to put this chip seal repair package together as approved by the RTC and initiate a bid package for repair and overlay; seconded by Commissioner Strickland.

Harley Kulkin said Linda was added to the list, but he was not quite sure what the status of that meant as he heard some talk about easements. Since Linda had been there well over 60 years he found that ludicrous and did not think anyone would get upset now that it was being chip sealed. He also did not understand the vote on his street.

Commissioner Koenig advised it was not on the list because the District Attorney's opinion was the road had to be dedicated.

Ammie Nelson noted some of the roads were close to her road, which was in disrepair, and she wondered how long it would be to get the other jobs done so hers could be added.

Mr. Dahl thought it was the RTC's and the Commission's plan that a chip seal program would be done annually so future chip seal lists would be compiled.

The motion to direct staff to put this chip seal repair package together as approved by the RTC and initiate a bid package for repair and overlay passed with 5 yeas.

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

SITTING AS THE NYE COUNTY LICENSING AND LIQUOR BOARD

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

LIQUOR

13. 10:00 a.m. – For Possible Action – Hearing to Show Cause, discussion and deliberation to: 1) Consider reinstatement or revocation of the Conditional Retail Liquor License that is suspended due to noncompletion of application requirements for JEH, LLC., Nevada Wine Cellars, Inc. dba, Pahrump Valley Winery; or 2) Allow additional time for applicant to become compliant.

Commissioner Strickland opened the show cause hearing.

Samantha Tackett, Licensing Department Administrator, advised notice of the show cause hearing was approved by the Chairman and served by the Sheriff's Office to the applicant on August 7, 2020.

Commissioner Blundo disclosed he held a Nye County privilege liquor license as well as a Town of Pahrump business license, which would not impact his judgment or ability to participate in this item.

Undersheriff Michael Eisenloffel provided the history of the applicant's license. Nye County Code 5.04.070.4 required an application for a liquor license include the name, address and telephone number of the individual who would actively manage the business. By all accounts Kathy Trout managed the business, however, she also appeared to be part owner based on numerous representations she had made so the role was not clear at this point. She should be listed on the application as the individual who would actively manage the business, but she was not listed that way and the application remained incomplete and not in compliance. Additionally, Nye County Code 5.04.100.A.2. stated the Sheriff shall investigate the moral character of the person or persons applying for the liquor license and the managers of the proposed business. Undersheriff Eisenloffel advised this investigation had discovered several instances of misconduct, non-compliance, and probable cause of violations of law and County ordinances. Evidence and numerous interviews with people with firsthand knowledge had doubtlessly demonstrated Ms. Trout and John Hobbs did not meet the reasonable standard for good moral character. Further, Nye County Code 5.04.100.B.2. stated the Sheriff shall require the applicant or applicants to answer any and all questions deemed appropriate and necessary to the Sheriff or the Board pertaining to such applications or the fitness of any persons connected as owners, part owners, officers, managers or assistants of any establishment applying for a liquor license. The Sheriff's Office had required the applicant on numerous occasions to submit appropriate necessary and reasonable answers to follow up questions and missing and incomplete information. The result had been a general lack of cooperation and transparency, numerous amendments, and conflicting information provided by both Mr. Hobbs and Ms. Trout. Nye County Code 5.0.100.B.3. stated the Sheriff shall require the applicant to furnish a current financial statement and full financial disclosure. This investigation had shown the applicant has been less than forthcoming with that full disclosure and had not complied with County Code. Undersheriff Eisenloffel then advised that during

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the course of this investigation they had determined the necessity to issue a subpoena to the former owner of the Winery, Bill Loken, who was present, and there were several individuals in the audience who would like to provide public comment during the hearing.

Commissioner Strickland asked if the applicant had provided a complete application, to which Undersheriff Eisenloffel responded no. He explained partially updated and/or amended and/or corrected applications had been submitted and resubmitted with information provided with one submission but repealed from another one along with the discrepancies contained in his investigative report leaving many questions.

Kathy Trout and her attorney, John Wright, were present. In response to the letter from July, Mr. Wright stated he supplied every document requested and he had not heard anything subsequent to that stating there was anything at this point that had not been produced. He discussed the items requested in the subpoena, which were documents concerning the purchase and sale and documents concerning the source of the funds. As far as he could tell the application never called for any of those documents specifically and he had never seen any communication where those documents were requested, so Mr. Wright felt there was a difference of opinion on what was still outstanding. He advised he wanted to start from scratch as he had not been involved in it from the beginning. He also did not believe the prior owner would be privy to all the documentation in the subpoena so Mr. Wright brought everything with him. With respect to Ms. Trout and her involvement, he had not seen anything expressed anywhere before that was an issue, but there was no problem with providing any information requested.

Chris Arabia said his office would need time to review the documents to see if they could be accepted.

The Board was in recess while the District Attorney's Office reviewed the offered documentation.

Mr. Arabia advised there were discussions during the break, but he did not have time to review the documents closely. He said it was up the Board's discretion to let them in keeping in mind confidentiality issues and redaction which could not be done on the spur of the moment.

Mr. Wright explained the documents addressed the questions concerning the stock purchase agreement or the transaction itself and the source of funds. To his understanding the application was complete, but the question then became since Mr.

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Hobbs was not showing a whole lot of money on the books how he was able to purchase it. Mr. Wright said he could show how through the source of funds documents, which were a promissory note, a security agreement, a UCC-1 filing, and ancillary agreements concerning that. He said that explained how the money was raised to do this and it was not shown on Mr. Hobbs' income as it was borrowed.

Commissioner Wichman did not believe the documents would change a thing with what the Board was looking at as the person who had to review those was the Sheriff and her staff, not the Board.

Commissioner Strickland commented this process was at the point where the applicant was to show why they could not provide a completed application.

Commissioner Koenig said even if he took them he personally still would not know if there was a complete application as the Undersheriff and the financial person were the ones to say that.

Commissioner Strickland asked who owned the Winery.

Mr. Wright explained the stock of Nevada Wine Cellars, Inc., was held by Quicker Liquor, LLC. The operating agreement of Quicker Liquor, LLC, indicated the sole member was JEH NV, Inc., a Wyoming corporation registered as a modified name in Nevada as JEH was already in use. The shareholders of that corporation were Mr. Hobbs and Mr. Hobbs' 401K plan.

Commissioner Strickland pointed out the corporation was an asset to him and that was where the cusp was. A person, not a corporation, had to declare the assets and liabilities held. The problem was none of that was declared to the County and that was what the show cause hearing was for. She asked who signed the note.

Mr. Wright said Quicker Liquor.

Commissioner Cox asked who Quicker Liquor was.

Mr. Wright said the sole member of Quicker Liquor was JEH NV, LLC, an S-corporation where Mr. Hobbs was a shareholder as well as his 401K plan. They were separate entities and it could not be put on a personal balance sheet if it was a corporate debt.

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Commissioner Strickland pointed out that Mr. Hobbs owned the corporation and he never stated anywhere that corporate asset existed. It said \$8 million, but there was nothing that said where it came from.

Ms. Trout explained this license was only to serve liquor in Symphony's Restaurant. They had a State of Nevada winemaking license which also gave them capability to make the wine, sell the wine, and do the tasting room. She thought there was a lot of misconception about what the liquor license was for.

Mr. Wright noted the application did not ask for assets and liabilities. The question was about the amount invested which was why he put \$8 million.

Commissioner Cox said her understanding at the August 4, 2020, meeting was certain things had to be submitted and that everything had been submitted. She was confused because if everything was submitted then it should have been good to go. She asked if the issue now was something that was submitted brought up more questions and if someone felt something was being hidden or going on under the table.

Sheriff Wehrly said they kept submitting copies of the same things over and over and never submitted what was asked for.

Mr. Arabia asked the Sheriff when someone filled out an application and submitted it if she was able to ask for additional or clarifying information, to which Sheriff Wehrly responded yes.

Mr. Arabia asked if something not in the application would be appropriate for her to need, to which Sheriff Wehrly responded yes and that was outlined in the ordinance.

Mr. Wright noted at the June 18, 2019, meeting Ms. Tackett stated on the record that Wine Cellars had turned in a completed application.

Commissioner Strickland advised Ms. Tackett did not have time to review the application to know if it was completed.

Mr. Wright said there was an e-mail on November 25, 2019, stating the additional documents had been turned in and nothing further. He was responding to the letter of July 9, 2020, which had five items and he was positive he produced those items. Mr. Wright asked how it could be that there was still something else as it was a moving target.

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Commissioner Cox asked what the Sheriff was requesting now.

Undersheriff Eisenloffel said as of this date no bank statements had been supplied that showed any activity whatsoever for businesses Mr. Hobbs owned or was involved in.

Mr. Wright pointed out the request on July 9, 2020, was for six months of bank statements of all bank accounts personally held by Mr. Hobbs. He said there was a distinction between a person and a corporation if they wanted that aspect, but Mr. Wright provided exactly what was requested.

Commissioner Blundo asked out of the accounts previously submitted which one would Mr. Hobbs use for a pack of gum, a cup of coffee, or to put gas in his vehicle.

Ms. Trout said Mr. Hobbs worked on cash and did not owe anyone any money except for the corporate debt to acquire the Winery.

Commissioner Blundo asked which account Mr. Hobbs would purchase a new stove out of to replace one at the Winery, to which Ms. Trout responded a business account.

Tressie Colehour from the Sheriff's Office reviewed the information missing on the statement of assets and liabilities as well as discrepancies in the different applications submitted.

Ms. Trout said the first request was before the acquisition, the second request was after the acquisition, and the third request was for personal information. She felt this was just a moving target as the documents being asked for kept changing.

In response to questions from Mr. Wright, Ms. Trout stated she had not been asked for the corporate bank accounts of any entities discussed today. She had provided all documentation requested in the July 9, 2020, letter from the Licensing Department, including corporate tax returns that would show the assets and liability. She had never been asked for a balance sheet for any of the corporate entities discussed today. As to who ran the operation, Ms. Trout advised three people worked there on a regular day to day basis, Vanessa Ruiz, Liz Jacobson and another individual. Mr. Hobbs was ultimately responsible for the management of the facility and he took an active part in that. She explained Mr. Hobbs was not here today as they were told on Thursday they did not have to appear so he left to take care of the houses. When she found out yesterday he needed to be here it was too long to drive and they could not get a flight in time.

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Mr. Wright advised because of the confusion he had requested to withdraw the application and re-submit it as he felt it would be easier that way.

Mr. Arabia cautioned the discussion was going off the agenda. There were only three things the Board could consider at this time – revoke, reinstate or more time.

Commissioner Blundo asked Ms. Trout if she was a business partner to Mr. Hobbs and if all documents were turned into the County on July 7, 2020, at 5:00 p.m. as requested by the motion made.

Ms. Trout explained she was an officer of the corporations in terms of being a business partner with him in different entities, but he was the sole owner of Nevada Wine Cellars and she took care of paperwork for him. As to the documents, she said all of the documents that were asked for were delivered. However, in the conversation she was asked for another list of documents and Mr. Wright responded to that.

Sheriff Wehrly disagreed with Ms. Trout and said everything on the list was not presented at that time. They were given a few additional days to get it together and get it to the Licensing Department. She said the bottom line was there was no completed application.

Mr. Wright felt what was incomplete was not being articulated. He wanted something in writing because verbally everything kept changing. He asked to be told what on the letter of July 9, 2020, had not been provided because he knew he provided it.

Ms. Colehour said the July 15, 2020, letter sent to Mr. Hobbs that Mr. Wright responded to on July 17, 2020, specifically stated bank statements for all accounts held by the applicant including all businesses he had an ownership in for the most current six-month period. No business bank statements were received. Another question had to do with businesses that were listed on Mr. Hobbs' personal tax return that were not listed as investments or assets he had. Mr. Wright responded he misunderstood those businesses and had been reporting his activity over Phone Zone, but with the Town of Pahrump Lisa Miller was listed as the owner and Phone Zone was owned by Wash and Save, LLC, which was not listed on anything provided as far as an asset.

Mr. Wright said that was a misstatement of the request. There was no request for general accounts or ledgers for the corporation. The request stated six months of bank statements for all bank accounts personally held by John E. Hobbs. It absolutely did not state it called for corporate filings so his response was completely responsive to that letter.

13. 10:00 a.m. – For Possible Action – Hearing to Show Cause, discussion and deliberation to: 1) Consider reinstatement or revocation of the Conditional Retail Liquor License that is suspended due to noncompletion of application requirements for JEH, LLC., Nevada Wine Cellars, Inc. dba, Pahrump Valley Winery; or 2) Allow additional time for applicant to become compliant-Cont'd.

Bill Loken was sworn in by the Clerk. He provided the history of the purchase of Wine Ridge by he and his wife in 2005 and how all licensing was in place on the date they closed. In response to questions Mr. Loken advised the original offer he received when he sold the property was from Pacific West Development Corporation, aka PacWest. When he went to Ms. Trout's office and signed the documents with the purchaser being PacWest she said she had to send them to Wyoming for her business partner to sign. When the document was returned it was signed by John Hobbs and that was the first time Mr. Loken had ever heard his name.

Sheriff Wehrly said she was trying to figure out if there was someone else that was a partner with Mr. Hobbs besides Ms. Trout.

Mr. Loken said he could not answer that. The signature on the purchase contract was John Hobbs, but the person represented to him as being the person interested in acquiring the winery was Ernie Moody. Mr. Loken felt he was dealing with Ms. Trout and Mr. Moody through PacWest.

In response to questions from Commissioner Blundo, Mr. Loken advised he and his wife owned the Winery for 14 years or so. They began quietly inquiring about selling it around 2017. They took it off the market for a bit, and sometime in April he received a phone call from Ms. Trout even though they were not actively seeking a buyer. Ms. Trout said she was there on behalf of Mr. Moody. They did business deals together and wanted to acquire the Winery. Mr. Loken may have met Mr. Hobbs once at the Winery, but he would not recognize him today. The final sales price was \$7.050 million and the funds were wired to escrow. A stock transfer took place on January 8, 2019, and on December 31, 2019, an assignment of agreement was received from PacWest to Quicker Liquor allowing them to become the purchaser. He knew of Ernie Moody and his reputation, but he never met him and only spoke to him on two occasions prior to the sale.

In response to questions from Mr. Wright, Mr. Loken said he signed all of his stock over to Quicker Liquor. As to the last time he communicated with Mr. Moody, he advised he had two phone conversations with him, one about June or July, 2019, and then a text exchange over the last few days, including yesterday, because of concerns Mr. Loken had about the direction of the Winery. Mr. Moody responded he had nothing to do with the management and operations of the Winery. The non-compete clause in the purchase agreement expired on January 8 or 9, 2021, and Mr. Loken stated he was not competing with the Winery.

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Mr. Wright called Vanessa Ruiz as a witness, who was sworn in by the Clerk. Ms. Ruiz provided testimony regarding her employment, her involvement in the application process, the numerous requests for more information, and how she responded to those requests. Ms. Ruiz said the lack of a liquor license had dropped their numbers significantly.

In response to questions from Commissioner Blundo, Ms. Ruiz advised her role was administration and she now did more management work. She had nothing to do with the payroll and her stub showed Quicker Liquor as her payor. She also advised her mother, Rachel Aldana, was a clerk and had no involvement in these proceedings.

Mr. Wright asked her if she held a Sheriff's card, to which Ms. Ruiz responded yes.

Mr. Wright called Elizabeth Jacobson as a witness, who was sworn in by the Clerk. She was currently employed at the Pahrump Valley Winery as an event planner and assistant to Ms. Ruiz. She described the improvements done to the dining room and the kitchen.

When Commissioner Koenig questioned the relevancy of the testimony, Mr. Wright stated it was relevant because it was stated one of the reasons the Sheriff was recommending denial was because of inconsistency concerning the amount of money invested and there was an implication that all that was paid was the purchase price. He was trying to clear up the fact that more money had been spent.

Commissioner Koenig pointed out the show cause hearing was because the County was asserting the application was not complete. He asked Mr. Wright to try to stay relevant.

Mr. Wright continued his questioning of Ms. Jacobson. She said she had met Mr. Hobbs, who did the IT stuff, took care of the landscaping, and made sure everything was running appropriately. She said the issue now was being unable to sell alcohol because they did not have a liquor license which put jobs in jeopardy.

Commissioner Cox asked how often Mr. Hobbs appeared and how long he stayed.

Ms. Jacobson said before he went back to take care of things in Wyoming she would see him a few times a week if not every day and she was able to call him with whatever she needed.

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In response to questions from Commissioner Blundo, Ms. Jacobson said she was kind of familiar with the name Ernie Moody, but she had never seen him or met him. She did not do scheduling and she would help manage the employees when Ms. Ruiz was not on site, but she classified herself as an event planner. She named several people she had seen serve alcohol in the establishment, but not Mr. Hobbs or Ms. Trout.

Commissioner Wichman asked if any of the employees would have direct knowledge of whether or not the application was complete.

Commissioner Strickland felt that was a very relevant question and said she would keep everyone on task.

Mr. Wright called Marie Schutz as a witness, who was sworn in by the Clerk. She had been employed as a winemaker by the Cellar since June, 2019. She advised the attendance at the restaurant had dwindled due to the lack of a license, but it did not affect her job because the wine still had to be processed. She said Mr. Hobbs had worked with her in the Cellar to learn the operations and Ms. Trout had helped a lot of people.

In response to questions from Commissioner Blundo, Ms. Schutz said she was never employed by Mr. Loken. She owned her own winery for many years, then worked for another company for seven years, and had been working for Ms. Trout since June, 2019.

Mr. Wright called Cheryl Wagner as a witness, who was sworn in by the Clerk. Ms. Wagner said she had worked at the Pahrump Valley Winery Symphony Restaurant for almost five years. She started when Mr. Loken owned it as a server and was now a hostess. She said she had met Mr. Hobbs and saw him a few times a week. She expressed her fear that people would get laid off.

Mr. Wright recalled Kathy Trout as a witness, who was sworn in by the Clerk. Ms. Trout admitted that if she had an opportunity she would have filled the application out differently given all the questions that had come back since the initial submission. She would have met with the Sheriff first and gone into further detail with what was needed. Since the extra documentation was provided in July there had been no further communication from the Sheriff's Office asking for more documents or mentioning deficiencies. Ms. Trout talked to the effect the lack of a liquor license had on the Winery, including possible layoffs. She committed to providing any documentation the Sheriff wanted if articulated and if she was given the opportunity.

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In response to Commissioner Blundo, Ms. Trout confirmed Zach Morrison was an employee at the Winery and she was current on all payroll taxes.

In response to questions from Commissioner Cox, Ms. Trout stated she had never been turned down for a business or liquor license. She and all of her employees had passed the background checks and she was not aware of any citations being issued against the business or the licenses. She also would not have a problem providing the corporation information the Sheriff's Office was asking for on Mr. Hobbs, however, if the license was revoked Ms. Trout stated she would take it to court.

In response to further questioning by Commissioner Blundo, Ms. Trout said she had served liquor at the Winery under the state license, possibly to the public in the winetasting room, and she did not hold a Sheriff's card. Lisa Miller was in charge of payroll and they had a payroll service. John Hobbs owned the Winery, and she had said she was an owner and had a financial interest in the Winery. Ms. Trout was unable to provide account numbers Commissioner Blundo asked for.

Commissioner Strickland asked if Ms. Trout serving liquor in the winetasting room was a violation of the liquor license, to which Undersheriff Eisenloffel responded yes.

Ms. Trout said it was her understanding that her state winemaker's license through the corporation that she was the secretary of qualified her to do that, to which Commissioner Strickland responded not in this County and a Sheriff's card was required to serve.

Mr. Wright requested more time because the Winery could not afford to not have a license for at least six months. People would lose jobs and that was not necessary. He said he just needed to know what the Licensing Department wanted, but the scope of the inquiry was very broad.

Commissioner Strickland closed the show cause hearing.

Patricia Garlough said she worked for the winery for almost 17 years and recently quit because of things that were going on. She knew that Ms. Trout said under oath she had paid the payroll taxes, but Ms. Garlough had a letter from social security that showed none of her social security for 2019 was paid.

Jennifer Simmons said she was at the Commission meeting on July 7, 2020. She said then over the last year and half the people who operated the Pahrump Valley Winery had set a prime example of unethical and illegal business practices. They had been

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and were non-compliant with state and federal laws. She also brought up their accounting negligence and improper IRS tax filing. Ms. Simmons said no social security was paid for her in 2019 either. She hoped the Board would decline their privilege for a liquor license.

William Garlough said for over a year he had heard nothing except that Ms. Trout was the owner of the Winery. Today he heard she did not own it but rather John Hobbs did. He questioned where Mr. Hobbs was today.

Jacqueline Gauthier said she had received an incorrect W2 and had still not received her income taxes for this year.

Ammie Nelson mentioned how no other applicant took a year to get their license and did not feel Ms. Trout should have the license renewed.

Genesis Murphy, a current employee of the Pahrump Valley Winery hired by the previous owners, said Ms. Trout and her associates were and had been in violation and non-compliant with Nevada state laws, health and safety codes involving the production of wine, labor laws, IRS filings, handling of employee documents, serving alcohol without Sheriff's cards, etc. She had also received an incorrect W2 and had still not received her income taxes. She also had to contact the labor board to get her last paycheck and her 2019 social security was not reported. Ms. Murphy did not think they were responsible enough to hold a liquor license and asked the Board to deny Pahrump Valley Winery their liquor license.

Joelle Bolton said she was the tasting room manager at the Pahrump Valley Winery from 2013 until June, 2019, and it was her responsibility to order liquor and wine for the restaurant. After Ms. Trout took over she made Ms. Bolton sign a waiver saying she would not order liquor from licensed vendors because Ms. Trout could get it cheaper at Smith's and CVS. Ms. Bolton explained liquor that was going to be served to guests had to be ordered through a licensed vendor. When she told Ms. Trout that Nevada was a three-tiered state she was told to "stay in her lane." If that was the cavalier attitude Ms. Trout was going to take with her liquor license Ms. Bolton wondered why the Board was still doing this with her.

Jennifer Chumley, a former employee of the Pahrump Valley Winery, discussed Ms. Trout's unethical business practices. She did see Ms. Trout come through the door with Smith's bags with vodka and Ms. Trout had asked Ms. Chumley to lie at an unemployment hearing. Ms. Chumley had also had issues with her social security and her unemployment.

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Having considered all the evidence and testimony set forth in the show cause hearing Commissioner Strickland asked for a motion.

Sheriff Wehrly made a motion that this Board revoke the suspended license from the Winery.

Commissioner Strickland confirmed the motion was to revoke the suspended conditional retail liquor license due to non-completion of the application requirements.

Sheriff Wehrly said that was correct.

Commissioner Koenig seconded the motion to revoke the suspended conditional retail liquor license due to non-completion of the application requirements.

Commissioner Cox asked if this was Ms. Trout's license or the license for the owner, Mr. Hobbs, as she believed Mr. Hobbs was applying for it, not Ms. Trout.

Undersheriff Eisenloffel said the applicant on the application as the owner was Mr. Hobbs, however, as he read and pointed out in his report earlier the Nye County ordinance required good moral character and compliance with all requirements in the ordinance of not only the person applying for the license but also the manager or anyone in a managing capacity. Additionally, as shown in his report, there was evidence that suggested that Ms. Trout was possibly an owner based on her statements to staff and the paperwork. She had also stated under oath in her written affidavit in the civil action that she and Mr. Hobbs were the owners of the Pahrump Valley Winery.

Commissioner Cox felt someone screwed something up for someone and she was not sure the answer was shutting it down and putting people out of work

The motion to revoke the suspended conditional retail liquor license due to non-completion of the application requirements passed with 5 yeas. Commissioner Cox voted nay.

14. For Possible Action – Discussion and deliberation to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2020-14: A Bill Proposing to Amend Nye County Code Title 5 Titled Business Licenses and Regulations, Chapter 5.04 Titled Liquor Regulations, Section 5.04.040, Titled Meetings, by Changing the Number of Members of the Board Constituting a Quorum and Providing for the Severability, Constitutionality and Effective Date Thereof; and Other Matters Properly Relating Thereto.

Commissioner Koenig made a motion to set the public hearing for Tuesday, September 15, 2020, at 10:00 a.m. in Pahrump; seconded by Commissioner Wichman.

Since the Board was compromised of six members Commissioner Blundo asked if a majority would then be four.

Michelle Nelson said not necessarily. She explained it depended on if anyone recused themselves or failed to show up so there was contradictory language in the NRS. The language in the bill was taken specifically from the NRS to say a majority of all members. Another section of NRS said if this language was not used it would constitute void action which was why that language was provided rather than the proposed four-member quorum.

Samantha Tackett added this was a request from Commissioner Koenig essentially, but issues had come up because the Board was not able to effectively conduct business without almost violating open meeting quorum laws. The intent was to expand this to make it easier for the Board to conduct business and not be in violation of the Open Meeting Law.

The motion to set the public hearing for Tuesday, September 15, 2020, at 10:00 a.m. in Pahrump passed with 6 yeas.

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

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

15. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Pahrump Town Bill No. 2020-01 titled Motor Vehicles, Chapter 72.020, titled speed limit imposed by changing the speed limits in the area of Honeysuckle Park/Ian Deutch Park, and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Set an effective date.

Commissioner Blundo made a motion to amend and adopt Pahrump Town Bill No. 2020-01 setting an effective date of September 3, 2020 with minor changes.

Commissioner Koenig opened and closed the public hearing.

15. 10:00 a.m. – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Pahrump Town Bill No. 2020-01-Cont'd.

Commissioner Blundo referred to section 72.040, which made it unlawful for any person to ride with exhaust mufflers cut open or straight exhaust pipes. He said at parades and special events individuals had older vehicles that may have straight pipes and he did not want to make good citizens criminals. Commissioner Blundo also pointed out that crossing over a double yellow line was prohibited, but on Blagg people were pulling into their homes technically crossing and breaking the law and they could be cited.

Commissioner Koenig said the NRS allowed that.

Commissioner Blundo said he did not want it in the ordinance if it was not in the NRS. He also would like to change the maximum penalty from \$500.00 to \$200.00 on page 5.

Commissioner Strickland said she did not want to touch the exhaust muffler issue, but she agreed with the \$200.00.

Chris Arabia thought it might be a good idea to bring this back because when he read it originally he thought it was just speed limits, but it seemed to have other things in there. The agenda item talked about speed limits, but Commissioner Blundo was talking about amending the exhaust pipes, and "other matters" was a little vague. The speed limits could be done today.

Commissioner Cox thought State Highway 16 should be replaced with State Highway 160 as that was what it was known as now.

Commissioner Blundo made a motion to adopt effective September 3, 2020; seconded by Commissioner Strickland.

Michelle Nelson advised they worked off of the old ordinance and had to make one amendment to a chapter number, which should be 24-20.

Commissioner Blundo amended his motion to adopt with the change of 24-20 with an effective date of September 3, 2020; Commissioner Strickland amended her second; 5 yeas.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

COUNTY MANAGER

34. For Possible Action – Discussion and deliberation regarding prioritizing Bill Draft Requests (BDRs) Nye County can submit for the 2021 Legislative Session.

Mark Fiorentino, the County's lobbyist, said since the last meeting the various issues had been vetted based on the importance of the issue to the Board and the citizens, the

34. For Possible Action – Discussion and deliberation regarding prioritizing Bill Draft Requests (BDRs) Nye County can submit for the 2021 Legislative Session-Cont'd.

likelihood of success, and whether there were other mechanisms to address the issue outside of the BDR. He did not recommend using a BDR that might be addressed elsewhere since the County only got one. His recommendation was to consider addressing the rebalancing of elected officials pay; guidance on the recycling and/or disposal of systems used in renewable energy projects; or training of certain public body members. Of those three, Mr. Fiorentino recommended dealing with recycling and/or disposal of systems used in renewable energy projects. He explained he thought the rebalancing of elected officials pay was a long shot as there was a cycle the Legislature used to consider pay issues and that was outside the cycle. There may also be an opportunity to address that outside of the BDR. As to training of certain public body members, the last information Mr. Fiorentino received was NACO was not planning to submit a BDR on that issue, however, they still could and were willing to if the County worked closely with them and got them more information on what was being looked for.

Commissioner Koenig asked why the issue of the property tax reset at the time of sale was not on the list.

Mr. Fiorentino explained he thought if it was going to get addressed it would be addressed through an association like NACO. He thought the property tax issues, including the reset and redetermination of value, would come up in the next session so he suggested not wasting a BDR on it.

Commissioner Blundo talked about the required professional development for public body members. He said the Commissioners were elected officials and he felt that was a way to circumvent that and put constraints on it. The Commissioners were not typical County employees. They were the CEOs of the County and he was trying to find different ways to put training language in.

Commissioner Strickland commented that was a big deal the Sheriff was after because anyone could be sheriff with no background at all.

Commissioner Blundo said that was not the conversation he heard. It was to mirror the School Board language where they had to have certain training. He said he would forego rebalancing of the elected official's pay, but he thought BEC Environmental should champion recycling and/or disposal of systems used in renewable energy projects as it came from them. Commissioner Blundo thought sometimes a BDR needed to be used to make a statement which was why he suggested repealing the commerce tax because no one was talking about what could make Nevada better again.

Commissioner Blundo made a motion to select item 9, repeal of the commerce tax, to be the County's BDR; seconded by Commissioner Cox.

34. For Possible Action – Discussion and deliberation regarding prioritizing Bill Draft Requests (BDRs) Nye County can submit for the 2021 Legislative Session- Cont'd.

Ammie Nelson would like to see a BDR to get rid of the unions, but she did not want any BDR that would increase taxes.

The motion to select item 9, repeal of the commerce tax, to be the County's BDR passed with 3 yeas. Commissioners Koenig and Strickland voted nay.

Chris Arabia was not present

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

17. For Possible Action – Discussion and deliberation regarding a request from the Pahrump Public Lands Advisory Committee (PPLAC) to approve the Phase 1 – Pahrump to Beatty portion of the Pahrump-Tonopah Off-road Trail as a Marked OHV Route and to provide direction to staff to move forward with the formal designation and marking process of the mapped route as a Marked OHV Route, if applicable.

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.

18. 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 18-26; seconded by Commissioner Strickland; 5 yeas.

19. For Possible Action – Approval to: 1) Accept the FY 2018 Emergency Solutions Grant Notice of Subrecipient Award Second Amendment that extends the grant year to August 31, 2020 and modifies the budget moving \$132.00 from Homeless Prevention-Rental Assistance to Data Collection. There is no County match required; 2) Execute the Second Amendment; and 3) Fund from 10340 Grants.

Commissioner Blundo made a motion to approve items 18-26; seconded by Commissioner Strickland; 5 yeas.

20. For Possible Action – Approval to: 1) Accept FY 2020 Emergency Solutions Grant Notice of Sub-Recipient Award (ESG)-Homeless Prevention in the amount of \$20,704.10, to offer short to medium-term assistance, rental application fees, arrearages, security deposits/utility assistance to very low to low-income residents at-risk of being homeless, along with Requirements and Attachments. There is no County match required; 2) Execute the Award; and 3) Fund from 10340 Grants.

Commissioner Blundo made a motion to approve items 18-26; seconded by Commissioner Strickland; 5 yeas.

21. For Possible Action – Approval to: 1) Accept the FY 2021 Agreement to Use Account for Affordable Housing Trust Funds in the amount of \$13,794.00 from the Nevada Housing Division for Affordable Housing Trust Funds Program to offer rental/utility/security deposit assistance to eligible clients at risk of being homeless. Monies to be expended between July 1, 2020 and June 30, 2023. There is no County match required; 2) Execute the Agreement; and 3) Fund from 10340 Grants.

Commissioner Blundo made a motion to approve items 18-26; seconded by Commissioner Strickland; 5 yeas.

22. For Possible Action – Approval to: 1) Accept the FY 2021 Agreement to use Account for Affordable Housing Welfare Set-Aside Program in the amount of \$19,097.40 from Nevada Housing Division for Affordable Housing Trust Funds Program to offer rental/utility/security deposit assistance to eligible clients at-risk of becoming homeless. Monies to be expended between July 1, 2020 and June 30, 2023. There is no County match required; 2) Execute the Agreement; and 3) Fund from 10340 Grants.

Commissioner Blundo made a motion to approve items 18-26; seconded by Commissioner Strickland; 5 yeas.

23. For Possible Action – Approval to: 1) Accept the Joining Forces grant through the Nevada Department of Public Safety in the amount of \$34,000.00 with a match amount of \$8,500.00 to provide funding for statewide participation of traffic enforcement events; 2) Execute the grant award documents; and 3) Fund \$34,000.00 from 10340 Grants and \$8,500.00 from 10101 General. Match requirements of this grant can be satisfied with the cost of vehicle usage and maintenance.

Commissioner Blundo made a motion to approve items 18-26; seconded by Commissioner Strickland; 5 yeas.

24. For Possible Action – Approval to: 1) Accept the FY20 Assistance to Firefighters Grant Program, COVID-19 Supplemental (AFG-S) through the Department of Homeland Security in the amount of \$36,544.30 with a match amount of \$1,827.22 to be used to purchase PPE and backpack Decontamination Units for the Department of Emergency Management needed due to COVID-19; 2) Delegate a one-time authority to Finance to accept the award in the FEMA GO Portal as it is an online acceptance process; and 3) Fund \$36,544.30 from 10340 Grants and \$1,827.22 from 10101 General.

Commissioner Blundo made a motion to approve items 18-26; seconded by Commissioner Strickland; 5 yeas.

25. For Possible Action – Approval to: 1) Accept the FY21 United We Stand (UWS) grant award through the Nevada Department of Public Safety, State Emergency Response Commission (SERC) in the amount of \$13,068.00 to outfit a vehicle for the Department of Emergency Management needed due to COVID-19; 2) Delegate a one-time authority to Scott Lewis due to the requirement by the SERC to be signed by the chair of the Local Emergency Planning Committee (LEPC); and 3) Fund from 10340 Grants.

Commissioner Blundo made a motion to approve items 18-26; seconded by Commissioner Strickland; 5 yeas.

26. For Possible Action – Approval of a grant extension for the Sexual Assault Kit Initiative (SAKI) for 12 months. The extension will move the grant end date from September 30, 2020 to September 30, 2021. This will allow the completion of training for officers funded by the SAKI grant.

Commissioner Blundo made a motion to approve items 18-26; seconded by Commissioner Strickland; 5 yeas.

BOARD OF COMMISSIONERS

27. For Possible Action – Closure of meeting, pursuant to NRS 241.015(3)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.

This item was removed from the agenda.

28. Closed meeting, pursuant to NRS 241.015(3)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.

This item was removed from the agenda.

29. For Possible Action – Discussion and deliberation on conference with legal counsel regarding potential or current litigation presented in closed meeting.

This item was removed from the agenda.

30. 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.

31. 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.

32. 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.

33. For Possible Action – Discussion and deliberation to select the liaison option for Commissioner Blundo on the Nevada Site Specific Advisory Board as appointed to the liaison position by the Board of Commissioners on January 22, 2020.

Commissioner Blundo explained the Board approved this item previously, but he served as a full liaison and he asked that the motion include that.

Commissioner Strickland made a motion to approve as a full liaison; seconded by Commissioner Strickland; 4 yeas. Commissioner Blundo abstained.

COUNTY MANAGER

35. For Possible Action – Discussion and deliberation regarding a request from National Association of Counties (NACo) asking County Commissioners to select certain committees and apply for a membership to a National Policy Steering Committee.

Commissioner Strickland made a motion to continue this item to the Tonopah meeting on September 1, 2020.

Commissioner Wichman stated she was on the public lands steering committee and had been since 2009.

Commissioner Blundo said he served on the transportation committee.

Commissioner Blundo seconded the motion to continue this item to the Tonopah meeting on September 1, 2020; 5 years.

36. For Possible Action – Discussion and deliberation to: 1) Reschedule the first Board of Commissioners meeting in November to Tuesday, November 10, 2020; and 2) Set the date and location for the second Board of Commissioners meeting in November for Monday, November 16, 2020 in Pahrump, Nevada.

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

FINANCE

37. For Possible Action – Discussion and deliberation to ratify the Department of Emergency Management Director's acceptance of the No-cost Extension for the FY20 State of Nevada Emergency Response Commission (SERC) United We Stand (UWS) Grant. The extension will move the grant end date from June 30, 2020 to September 30, 2020. This will allow Department of Emergency Management more time to receive equipment that has been ordered under the grant agreement.

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

38. For Possible Action – Presentation, discussion and possible amendment of the Nye County CARES Act Policy.

Grants Administrator Samantha Kramer advised 50% of the funding was received on Friday and the programs were scheduled to be opened on September 1, 2020.

38. For Possible Action – Presentation, discussion and possible amendment of the Nye County CARES Act Policy-Cont'd.

Commissioner Blundo disclosed he held a Nye County privilege liquor license as well as a Town of Pahrump business license, neither of which would impact his judgment or participation in this item.

Commissioner Strickland disclosed she also held business licenses.

Ms. Kramer said during the last meeting the Commissioners discussed moving PPE to business capital. She asked if the Board would like to discuss any changes to PPE or rental assistance to the working capital.

Commissioner Blundo asked if the County should also have some of the funds since it had good purchasing power with PPE so the businesses could come to the County and avoid worrying about reimbursements.

Ms. Kramer said that was something that could be looked into.

Commissioner Strickland asked what “certification of receipt of prior federal funds” on page 4 meant.

Ms. Kramer explained the County wanted it certified that this funding would not be used for things that had already been paid by federal funds.

Commissioner Wichman said it appeared to her that it would work on a case-by-case basis.

Ms. Kramer said that was correct. Each business would be reviewed for working capital, small business, and each person would be reviewed for eligibility. As to working capital, the applicant had to prove they had a financial hardship due to COVID.

Commissioner Wichman talked about an establishment in Smoky Valley that received its liquor license on March 16, 2020. It could not open due to COVID, but they continued to pay their employees and she wanted to make sure that case would be looked at individually. They were turned down for other federal funding.

Ms. Kramer said they would have to show the business was doing well before COVID and they suffered a financial hardship due to COVID so they would have to provide that information.

Commissioner Wichman advised that business had been closed for many years so there was nothing to show for prior.

Commissioner Blundo said the Governor mandated they could not be open so that was an impact. They were in the negative financially so there was zero income because of a

38. For Possible Action – Presentation, discussion and possible amendment of the Nye County CARES Act Policy-Cont'd.

government mandate caused by COVID. To him that would be an acceptable answer. He asked where it was in the document that the business had to be opened for six months prior and if there were any case-by-case exemptions.

Ms. Kramer said were no exemptions at this time and the rules were identified in the policy. Considering there were unusual circumstances she asked how the Board felt about staff bringing those items forward as a possible exemption to the policy.

Commissioner Blundo said he would like to see a mechanism for an exemption for businesses that did not fit certain criteria.

There was no action taken on this item.

Ammie Nelson mentioned that Fire Chief Scott Lewis had made it quite public that he had a bunch of PPE and people just had to ask. She suggested the Board find out how he acquired them and maybe he could get more to share with the community.

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

Savannah Rucker said all departments were within budget at this point in time. Revenues were still coming in short at about 95.89% of budget and expenditures in the general fund would come in at 98.4% of budget so everything looked good for FY20.

40. For Possible Action – Discussion and deliberation regarding the budget status through July 2020 for Nye County and all sub-entities for Fiscal Year 2021.

Savannah Rucker reviewed the budget to actual revenue and expenditure report. The month of July was still open because there were lots of receipts being posted by the Treasurer's Office. Revenues were very short from past years at this point in time and that was the reason. She pointed out the two new columns on the revenue report providing a projection by fiscal year end in dollars and percentage. Mrs. Rucker advised she would bring back a report for August on September 9, 2015, and while it would probably still be open the numbers would be more accurate.

41. 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 FY20 projection update in the back-up included the most current month of CTAX. A couple of different revenue types were falling short at this point, but expenditures were coming in under budget. CTAX was 15.4% above what was projected for sales in May, which Mrs. Rucker attributed to fireworks sales, stimulus checks, federal unemployment, and sales at Home Depot and Wal-Mart. She did not

41. 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.

know what would happen for June, but she felt the biggest impact would be seen when the unemployment funds ran out.

43. 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)

Vernon Van Winkle said on August 29, 2020, he would turn 60 and on September 12, 2020, KPVM would turn 23. He said he liked dark chocolate and Kit Kats.

Ammie Nelson said she had spoken previously about a presentation given at the water board by Jeff Fontaine. It was actually Frank McDonough who gave the presentation on cloud seeding, which she strongly supported. Additionally, she had mentioned to Gregory Hafen that she thought he had been on the water board and he told her it would be illegal because his family owned a water utility. Ms. Nelson questioned how Joe Westerlund could be on the water board as he owned the utility in Tonopah.

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

Commissioner Wichman stated Joe Westerlund worked for TPU in the Town of Tonopah. He was co-manager of the Town of Tonopah with Chris Mulkerns and as part of his duties he handled the Tonopah utilities.

Commissioner Koenig added it was owned by the Town of Tonopah, not Mr. Westerlund.

Commissioner Blundo asked the County Manager to have Darrell Lacy look into the acquisition of specific infrastructure they had discussed and bring it to the Board. He would also like to entertain an item to potentially waive fees for brothels and marijuana industries for their licenses as they were not eligible for any of the CARES or federal money. He also wanted to see the fireworks financial statistics.

Commissioner Koenig said 100 years ago the 19th Amendment was ratified, which gave women the right to vote.

In response to Ammie Nelson's earlier comments about counting ballots, Sam Merlino explained the law right now read her office could only count mail ballots four working days prior to the election, but AB4 allowed them to start that process 15 days before. The board could be brought on much earlier to get them processed and they were scanned on a high-speed scanner so counting them would not be an issue.

45. ADJOURN

Commissioner Koenig adjourned the meeting.

APPROVED this 6th day

ATTEST:

Of October, 2020.

Prinda A. Wishman 10-6-20
Chair

Kacey L. Sidman
Nye County Clerk / Deputy