



**JOINT MEETING OF THE
NYE COUNTY BOARD OF COMMISSIONERS
NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS
NYE COUNTY LICENSING AND LIQUOR BOARD
NYE COUNTY BOARD OF HEALTH
AS THE GOVERNING BODY OF THE UNINCORPORATED TOWN OF PAHRUMP
AS THE GOVERNING BODY OF UNINCORPORATED TOWNS OF BEATTY GABBS MANHATTAN
AND RAILROAD VALLEY AND
AS THE BOARD OF TRUSTEES FOR THE PAHRUMP POOL DISTRICT**

101 Radar Road, Tonopah, NV 89049

June 2, 2021

10:00 a.m.

Per the recently revised CDC guidelines, all members of the public entering town and county buildings are required to wear face masks except the following:

Members of the public claiming medical exemptions or members of the public that have been vaccinated.

Nye County's vulnerable population or those sheltering in place can participate by calling 1-888-585-9008 and entering conference room number 255-432-824.

The Chair of the Board of County Commissioners will open public comment periods by announcement. Commenters must press *9 on their telephone keypads to notify Administration they wish to speak.

The teleconference is also viewable at www.NyeCounty.net. There is a 30 to 40 second delay between the teleconference and the meeting video.

NOTE: All items are approximate except for bid openings, public hearings, and any other items agendized at a specific time. Items on the agenda without a time designation may be taken out of order. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. **NOTICE: It is anticipated that the items of business before the Board of Commissioners on June 2, 2021 will be fully completed on that date. However, should item(s) not be completed, it is possible item(s) could be carried over and be heard before the Board of Commissioners beginning at 8:30 a.m. on the next day.**

Public Comment during the Commission Meeting on June 2, 2021 will be for all matters off the agenda, and be limited to up to three minutes per person. Additionally, public comment of up to three minutes per person may be heard during individual action items. The Commission reserves the right to reduce the time allowed for public comment. The Commission may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the Commission, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](http://www.usda.gov/program-discrimination-complaint) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

June 2, 2021

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations. Tonopah Convention Center, 301 Brougner Avenue, Tonopah, NV; U.S. Post Office, 201 Erie Main St., Tonopah, NV; Commissioners' Meeting Room, 101 Radar Road, Tonopah, NV; District Court, 101 Radar Road, Tonopah, NV; Commissioners' Chambers, 2100 E. Walt Williams Drive, Pahrump, NV

Additional Posting Locations: Amargosa Valley Community Center, 821 E. Amargosa Farm Rd., Amargosa Valley, NV; Beatty Community Center, 100 South A Ave., Beatty, NV; Gabbs Town Hall, 503 Brucite St., Gabbs, NV; Round Mountain Community Center, 650 Civic Dr., Round Mountain, NV

Support documentation for the items on the agenda, provided to the Nye County Board of Commissioners is available to members of the public at the County Manager's Office (101 Radar Road, Tonopah, Nevada & 2100 E. Walt Williams Drive, Pahrump, Nevada) and on the County's website, or by calling Melissa Godfrey at (775) 482-8192

WEBSITE: www.nyecounty.net

The Nye County Board of Commissioners may take a short break every 1 ½ hours.

Special Note: Any member of the public who is disabled and requires accommodation or assistance at this meeting is requested to notify the Nye County Manager's Office in writing or call 775-482-8192 prior to the meeting.

1. Pledge of Allegiance

2. [Presentation](#) by the Director of Emergency Management regarding the status of the COVID-19 outbreak.

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

4. **Approval of the Agenda for June 2, 2021 (Non-action item)**

5. **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).**

6. **For Possible Action – Emergency Items**

7. [For Possible Action](#) – Discussion and deliberation regarding meeting minutes from the [April 20, 2021](#) joint regular meeting and [May 3, 2021](#) joint teleconference of the Nye County Board of Commissioners, Board of Highway Commissioners, Nye County Licensing and Liquor Board, Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

TIMED ITEMS

8. **10:00 a.m. – [For Possible Action](#) – Public Hearing**, discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2021-03: A Bill proposing to amend Nye County Code Title 21, Gabbs, by amending Section 21.040.040 Town Advisory Board, decreasing the number of advisory board members; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

9. **10:00 a.m. – [For Possible Action](#) – Public Hearing**, discussion and deliberation on: SU-2021-000071: An application for a Special Use Permit to allow a marijuana establishment (cultivation and production) at 400 E. Mesquite Avenue, Pahrump, NV, Assessor's Parcel Number 029-601-13. Time Terminals, Inc. / Paul Sheley – Property Owner. NCMM, LLC / Valerie Small – Applicant.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

June 2, 2021

10. 10:00 a.m. – [For Possible Action](#) – Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2021-18: A Resolution to Augment and Amend the 2020-2021 Budget of Nye County, State of Nevada.

Fund 10209 Airport Fund in the amount of \$79,089.00.

11. 10:00 a.m. – [For Possible Action](#) – Public Hearing, discussion and deliberation regarding the adoption of Nye County Ordinance No. 572: Authorizing the installment-purchase agreements for the purpose of acquiring, constructing, improving and equipping building projects; authorizing the execution of the agreements and other documents related to the agreements; and providing the effective date thereof; providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and adopting it as if an emergency now exists.

SITTING AS THE NYE COUNTY 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.

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.

13. [For Possible Action](#) – Approval of Assessor’s Office Change Request to allow the Nye County Assessor to process and:

1) Issue an amended tax bill in the amount of \$0.00 to Willem Christoffel Jacobus Venter, owner of a possessory interest on Cutting St., Tonopah, NV, Assessor’s Parcel Number 601-115-01.

14. [For Possible Action](#) – Approval to: 1) Accept the Epidemiology and Laboratory Capacity (ELC) Subaward from the Nevada Division of Public & Behavioral Health in the amount of \$1,334,388.00 to fund payroll, travel, operating and equipment costs associated with administering the COVID-19 Vaccines during the COVID-19 pandemic; 2) Execute the Subaward; and 3) Fund from 10340 Grants.

15. [For Possible Action](#) – Approval to: 1) Accept the Nevada State Immunization Program Subaward from the Nevada Division of Public & Behavioral Health in the amount of \$366,097.32 to fund payroll, travel, operating and equipment costs to perform activities deemed effective in planning for and implementing COVID-19 vaccination services; 2) Execute the Subaward; and 3) Fund from 10340 Grants.

16. [For Possible Action](#) – Approval to: 1) Accept the grant award under American Rescue Plan Act (ARPA) Coronavirus Local Fiscal Recovery Fund (CLFRF) from the U.S. Department of the Treasury in the amount of \$9,036,547.00 to respond to the public health emergency and its negative impacts caused by the COVID-19 Pandemic; 2) Execute the Award; and 3) Fund from 10340 Grants.

BOARD OF COMMISSIONERS

17. 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.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

June 2, 2021

18. Closed meeting, pursuant to NRS 241.015(3)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.
19. For Possible Action – Discussion and deliberation on conference with legal counsel regarding potential or current litigation presented in closed meeting.
20. 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.
21. 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.
22. For Possible Action – Discussion and deliberation on labor negotiations, issues and other personnel matters presented in closed meeting.
23. [For Possible Action](#) – Discussion and deliberation to rescind action taken at the April 20, 2021 Board of County Commission meeting approving a contract for Public Defender Services with Pitaro & Fumo, CHTD.
24. [For Possible Action](#) – Discussion and deliberation to approve, amend and approve or reject five contracts for Public Defender Services from the following list of applicants: Ronni Boskovich, Katherine Currie-Diamond, Alexis Duecker, Jason Earnest, Nathan Gent, Nadine Morton, Jhera Shahani, and Yanni Sitsis.
25. [For Possible Action](#) – Discussion, deliberation, and direction to staff on the use of the facility known as the Pahrump Medical Center, located at 1501 E. Calvada Blvd, Pahrump, NV, Assessor’s Parcel Number 042-041-35. Nye County – Owner.
26. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2021-16: A Resolution Informing the 81st (2021) Session of the Nevada State Legislature that Nye County Opposes the Passage of any Bill that Restricts the Individual Right of U.S. Citizens as Protected by Section 11 of the Nevada Constitution and the Second Amendment of the United States Constitution.
27. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2021-17: A Resolution declaring Nye County as a Second Amendment Sanctuary.
28. [For Possible Action](#) – Discussion, deliberation, and possible direction to staff to look into removing the Dominion voting system.
29. [For Possible Action](#) – Discussion, deliberation, and possible direction to staff to look into amending the Nye County Code to prevent discrimination against renters due to COVID.
30. [For Possible Action](#) – Discussion, deliberation, and possible direction to staff to install voting lights in the Tonopah and Pahrump chambers.
31. [For Possible Action](#) – Discussion and deliberation to approve, amend and approve or reject a letter to be sent to the Cannabis Compliance Board regarding a request for additional marijuana production licenses for Nye County.
32. [For Possible Action](#) – Discussion, deliberation, and possible direction to staff to look into the constitutionality of all bills passed by the Nevada State Legislature.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

June 2, 2021

COUNTY MANAGER

33. [For Possible Action](#) – Presentation, discussion and deliberation regarding the Nye County Plan for the Provision of Indigent Defense Services.
34. [For Possible Action](#) – Discussion and deliberation to: 1) Approve, amend and approve, or reject the Performance Contracting Agreement with Siemens Industry, Inc. to provide maintenance and service facility improvements, energy conservation measures and the guarantee of measured and verified savings thereof; 2) Approve to fund \$7,450,000.00 from the bond proceeds related to Nye County Ordinance 572; and 3) Execute the agreement.

FINANCE

35. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2021-19: A Resolution to Augment and Amend the 2020-2021 Budget of Nye County, State of Nevada.
Fund 10234 Public Safety Sales Tax – Sheriff Fund in the amount of \$66,235.00.
36. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject budget transfer of appropriations between functions within the Nye County Funds.
37. [For Possible Action](#) – Presentation, discussion, deliberation and possible amendment of the 2021 Nye County COVID Relief Program and Policy to provide financial assistance to the public, small businesses, non-profits, and government agencies located within Nye County affected by the COVID-19 Pandemic health emergency.

NATURAL RESOURCES

38. [For Possible Action](#) – Discussion and deliberation to: 1) Establish the Board of Commissioners' position on the proposed Bureau of Land Management's land withdrawal in Railroad Valley for the purpose of the National Aeronautics and Space Administration's (NASA) calibration efforts; and 2) Approve to send a letter requesting Cooperating Agency status during the process of withdrawing the land from multiple use in Railroad Valley for NASA's calibration efforts.

PLANNING/BUILDING/CODE COMPLIANCE

39. [For Possible Action](#) – Discussion and deliberation on PM-2021-000070: A Parcel Map application to split off one acre to create a parcel for a cellular tower, on Assessor's Parcel Number 010-381-56 and a waiver from the requirements to provide contour data. F#500116 P.2 Township 11N, Range 43E, Section 29 - 14.547 acres, within the Town of Round Mountain. Ronald L. Berg – Property Owner. Advanced Surveying and Professional Services – Agent/Applicant.
40. [For Possible Action](#) – Discussion and deliberation on ET-2021-000041: An application for an extension of time regarding TM-2017-000007, a Tentative Map application on 33.34 net acres for 145 residential lots and 37 common area lots, located within the Mountain Falls development. Assessor Parcel Numbers 045-021-57, 045-0251-58, and 045-021-61. Mountain Falls LLC and Mountain Falls Golf Course LLC – Property Owners. Taney Engineering – Applicant/Agent.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

June 2, 2021

- 41. [For Possible Action](#) – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2021-06: A Bill proposing to amend Nye County Code Title 17, titled Comprehensive Land Use Planning and Zoning, by adding Chapter 17.12, titled Craft Distillery, Brewery, Brew Pub, Cidery, Meadery and Winery Zoning Requirements, to establish the zoning, land use and development requirements applicable to distilleries, micro-distilleries, cideries, microbreweries, brew pubs, meaderies and wineries within Nye County, including those areas within the Pahrump Regional Planning District; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.

PUBLIC WORKS

- 42. [For Possible Corrective Action](#) – Discussion and deliberation to: 1) Rescind action taken on December 1, 2020 on Item 32 whereby the Board took action to donate the beacon and sell the tower from the Tonopah airport; 2) Determine that an excess tower and beacon from the Tonopah Airport are no longer required for public use; 3) Determine it is the best interest to dispose of the beacon through public sale and donate the tower to the Central Nevada Museum in Tonopah; and 4) Deposit the proceeds of the public sale to Fund 10402 Special Capital Projects.
- 43. [For Possible Action](#) – Discussion and deliberation to: 1) Approve, amend and approve, or reject a Letter of Agreement with Farr West Engineering for GIS data for the purpose of mapping Nye County water and sewer systems for reporting, emergency plans, and other operational requirements; 2) Execute the Letter of Agreement; and 3) Approve to waive the GIS Program Fees in the amount of \$4,000.00.
- 44. [For Possible Action](#) – Discussion and deliberation for approval to submit Airport Capital Improvement Plan (ACIP) data sheets and support information to the Federal Aviation Authority (FAA) for the Beatty, Gabbs, and Tonopah Airports for Fiscal Years 2022 through 2026.
- 45. **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).**
- 46. **Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**

47. ADJOURN

Per the recently revised CDC guidelines, all members of the public entering town and county buildings are required to wear face masks except the following:

Members of the Public Claiming Medical Exemptions

Members of the public claiming a medical exemption are not required to wear a face mask but are still required to wear a face shield. Those unable or unwilling to wear either a face mask or a face shield may participate in the meeting remotely. We will not be asking details about or requiring proof of medical conditions.

Vaccinated Members of the Public

Fully vaccinated members of the public may enter into town or county buildings without a face mask or a face shield. We will not require proof of vaccination, e.g. ask to see anyone’s vaccination card.

Those who believe the guidelines above are inadequate to prevent disease transmission Nye County’s vulnerable population, those sheltering in place or members of the public in excess of the capacity limits can participate by calling 1-888-585-9008 and entering conference room number 255-432-824.

Nye County Board of County Commissioners Meeting Participation Information:

- Call **1-888-585-9008** and enter conference room code **255-432-824**.
- Public comment periods will be opened by announcement.
- Commenters must press *9 if they wish to speak. You will hear “the organizer sees your raised hand” when the control has been properly engaged.
- When it is your turn to give comment, you will hear “you may now speak” and must identify yourself by saying and spelling your first and last name.

Notes:

- The meeting is viewable at http://nyecounty.granicus.com/ViewPublisher.php?view_id=4 there will be a 40 second delay from the video to the call.
- Report issues to Nye County Admin at nyeadmin@co.nye.nv.us or by calling 775-482-8192.