

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, Nye County Board of Health, as the Governing Body of the Unincorporated Town of Pahrump, as the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and as 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
Dan Schinhofen, Vice-Chair
Lorinda Wichman, Commissioner
Butch Borasky, Commissioner
Donna Cox, Commissioner
Sandra L. Merlino, Ex-Officio Clerk of the Board
Angela Bello, District Attorney
Sharon Wehrly, Sheriff
Tim Sutton, County Manager

Also Present: Lorina Dellinger, Assistant County Manager; Kelly Sidman, Deputy Clerk; Savannah Rucker, Comptroller; Ronni Boskovich, Deputy District Attorney; Rachel Aldana, Chief Deputy Clerk

Not Present: Dan Schinhofen, Vice-Chair; Sandra L. Merlino, Ex-Officio Clerk of the Board

1. Pledge of Allegiance

The Pledge was recited.

2. Approval of the Agenda for February 20, 2018 (Non-action item)

Tim Sutton said items 5 and 33 could be removed from the agenda.

3. 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).

John Bosta said at the last meeting he brought up the signs on the right-of-ways on Blagg. He advised those signs were still there. Also, he asked if the sign regarding Mr. Hof that he saw this morning was in the public right-of-way and said if it was it should be removed.

Tom Waters invited everyone to the prostate cancer support group meeting on Thursday, February 22, 2018, from 6:00 p.m. to 7:30 p.m. at the Desert View Hospital training room.

3. 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.

Don Cox suggested people who had not been to the Love Ranch to spend the night in the VIP lounge just to check it out.

Diane Southworth advised the Democratic caucus would be on February 24, 2018, at the Comstock Mobile Home Park Clubhouse. Also, on February 25, 2018, their four congressional district candidates would be out. People could call 751-9966 for more information.

Harry Baut, president of The Synergy Plan, said his company had provided janitorial services for the County for three years. On January 16, 2018, he stated in this forum that the amendment approved was not accurate and the Board was approving double dipping of funds already being paid in the original contract. He had not heard back on the letter he sent to the Commissioners, which he put into the public record. Mr. Baut said he saw three options: continue on with the contract with the approved amendment; take it in house, which failed in the past; or put it out to bid which Mr. Baut thought was the right thing to do.

Dave Stevens spoke against Dennis Hof holding office and prostitution.

Robert Adams advised the Conservation District Range Camp to learn ecology and range management would be June 17-23, 2018, at Smith Creek Ranch. The cost was \$200.00 and there would probably be scholarships coming through the conservation district. The application deadline was April 28, 2018. Secondly, Mr. Adams stated the VEA candidate night was tonight at 6:00 p.m. at the VEA conference center. Lastly, regarding the BLM RMP, Mr. Adams said the public comment period was extended to March 28, 2018, and he encouraged public land users to participate.

Debra Strickland spoke regarding Order 1293 and advised the public could look at pahumpfairwater.com for the movement to stay the order. The Attorney General was supposed to respond to that by February 22, 2018.

Susan Gresham advised her husband David Gresham passed away and she presented the Board with a picture on his behalf.

4. For Possible Action – Discussion and deliberation of the minutes of the joint meetings 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 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 teleconference on January 10, 2018, regular meeting on January 16, 2018 and teleconference on January 24, 2018.

Commissioner Wichman made a motion to approve the minutes of January 20, 2018, January 16, 2018, and January 24, 2018; seconded by Commissioner Borasky; 4 yeas.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

5. For Possible Action - Emergency Items

This item was removed from the agenda.

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

Commissioner Koenig advised Commissioner Schinhofen had a medical issue and was instructed to stay home.

Commissioner Wichman told Harry Baut that she checked after receiving his letter and there were no violations, ethical or otherwise.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

Commissioner Koenig assumed the Chair of the Board of Highway Commissioners

11. General road report by Acting Public Works Director.

Tim Dahl, Acting Director of Public Works, advised Homestead was projected to be finished toward the end of the month.

Commissioner Koenig asked if there would aprons going into the VFW.

Mr. Dahl said driveways would go in.

Commissioner Borasky asked Mr. Dahl to be sure that the next contract for road work contain some provisions about flagging and things like that. He said he noticed on more than one occasion coming up to the intersection of Homestead and Manse while they were working on it that the public was being unnecessarily delayed on crossing the intersection or turning the corner. It appeared to him the flaggers did not know what they were doing.

11. General road report by Acting Public Works Director.-Cont'd.

Commissioner Koenig said he received another call from the gentleman about the bamboo on Bannavitch.

Mr. Dahl said it was on the schedule and they just had not been able to get to it.

SITTING AS THE NYE COUNTY LICENSING AND LIQUOR BOARD

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

BROTHEL

12. 10:00 – For Possible Action – Disciplinary hearing, discussion and deliberation pursuant to Nye County Code 9.20.170 and as described in the Notice of Hearing dated and served on January 26, 2018, to determine whether the Nye County Licensing and Liquor Board shall impose possible sanctions against Privilege License No. BR10-000605, for Cherry Patch, LLC, dba Love Ranch Brothel, a Brothel License.

Angela Bello explained that due to ongoing lawsuits filed by Mr. Hof the County's insurance counsel, Rebecca Bruch, requested to participate in this proceeding.

Commissioner Borasky advised there may be a conflict of interest on his part. NRS 281A.420 required him to disclose a conflict of interest. An order to show cause had been scheduled regarding various violations of county ordinances. It had come to Commissioner Borasky's attention that Mr. Hof and other individuals filed a lawsuit against him in his personal capacity. He had not been served, but he was aware of its content and denied any of those allegations. Commissioner Borasky stated he took his obligations as a public officer very seriously and believed he could vote without being materially affected by the lawsuit. However, he also believed the public perception could be that his vote would be materially affected by the lawsuit. Commissioner Borasky did not believe it would be in the best interest of Nye County for him to vote on this order to show cause so he would abstain from voting on this matter and leave the room.

Commissioner Borasky was not present.

Sheriff Wehrly stated NRS 281A.420 required her to disclose a conflict of interest and the matter before this body affected her interests. A few days before this order to show cause was scheduled to occur on February 6, 2018, Mr. Hof filed a lawsuit against Nye County as well as her, although not in her personal capacity. Sheriff Wehrly also denied every allegation made against her and believed that would be borne out by the litigation. She said she took her obligations as a public officer very seriously and believed she could vote without being materially affected by the lawsuit, but regrettably she also believed public perception would be that her vote today might affect the litigation. While

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Sheriff Wehrly believed it was in the best interest of Nye County for her to vote on this order to show cause, she would not be voting. She would abstain and leave the room.

Sheriff Wehrly was not present.

Ms. Bruch reviewed the procedural requirements. Once an order to show cause was noticed the responding party needed to provide a written statement and needed to appear before the Board to present evidence. Ms. Bruch stated since there was no written statement provided by Mr. Hof or his attorneys, that constituted an admission by the respondent of all facts alleged in the charging incident and now was the time to decide sanctions.

Commissioner Wichman opened the public hearing.

Marc Risman, speaking on behalf of his client Dennis Hof, stated he had a little bit of a different interpretation of the statute than Ms. Bruch. He thought it was deemed admitted if there was neither a written response nor an appearance. Mr. Risman thought what happened was at the time these were filed and for a period of ten days thereafter the allegations were accurate as they were drafted. However, with the cooperation of the Sheriff's Office, and as time advanced until this hearing, remedial steps had been taken, and in at least one incident completed, which made these matters moot. For example, on the BLM violation Mr. Hof had obtained a lease from the BLM for that particular piece of land.

Ms. Bruch advised this was the time for Mr. Risman to address whether he would deem them admitted or not, and then Mr. Hof could present whatever information he wanted.

Mr. Risman said his contention was they were accurate at the time, but actions on the part of Mr. Hof had since made them in Mr. Risman's opinion no longer in violation as of today.

Commissioner Wichman said the only thing the Board would hear about was possible mitigation measures or whatever the Board chose to do for sanctions, and then an opportunity to talk about those sanctions.

Ms. Bruch advised that since two people recused themselves, this was now a four person board. Although Commissioner Schinhofen was not present, he was not recused and did not abstain so it remained a four person board.

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Commissioner Koenig made a motion to suspend the license until he was in complete compliance with everything discussed.

Ms. Bruch suggested before a motion was made that witnesses be allowed, the Board discuss the facts presented, and then allow Mr. Hof an opportunity to respond to what he thought the sanctions should be.

Commissioner Koenig withdrew his motion.

Chief Deputy Clerk Rachel Aldana swore in Dennis Hof and Zachary Hames.

Dennis Hof stated the signs on the corner of Ranch and Appaloosa had nothing to do with the Love Ranch and the Love Ranch should not be involved in this at all. Those signs were for the brothel he turned in the license for which was now going to be the brothel museum. The other signs were for the Cherry Patch and the BLM gave him a ten year lease on the property.

Commissioner Wichman asked Mr. Hof for his suggestion as to what he would like the Board to do as a mitigating factor in this.

Mr. Hof said the mitigating factor to him was it should not have been on the agenda in the first place as those signs had nothing to do with the Love Ranch.

Mr. Risman said Mr. Hof's point was that the signs did not have anything to do with it. If they were involved, then they were on BLM land without authority, and that had been mitigated and remedied by the lease with the BLM, which Mr. Risman understood was submitted to the Sheriff as soon as it was obtained.

Zachary Hames, Mr. Hof's chief executive assistant, asked for time for CivilWise to give them the information to eliminate the right-of-way and merge the property lines. He suggested a conditional renewal on the brothel license until that came before the Board. He said those were the only two items he was aware of served on the show cause.

Commissioner Wichman said another item on the show cause was the stickers. She explained that in order to get a sticker there had to be a certificate of occupancy. Without that sticker they did not have buildings considered safe for the public.

Mr. Hames explained when they first got the information about the stickers they went directly to Manufactured Housing and asked what had to be done. They were told they

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were asking for a HUD compliance sticker, but since it was for commercial use it would not be a HUD compliance sticker and they were referred to the State Fire Marshal. That information was sent to the County when they purchased the building seven years ago and showed the State Fire Marshal did not see an issue as there was no new construction.

Commissioner Wichman pointed out in order to merge the properties at least 120 days was needed should the Board decide to give them time to figure that out. She felt that should be plenty of time to address all of the issues to protect the health, safety and welfare of the public.

Ms. Bruch said Mr. Hof could have provided information in a written statement regarding the Fire Marshal. If he were to ask for more time to provide something from the Fire Marshal that stated stickers were not necessary than that was something the Board could take into consideration.

Mr. Hof stated he would like to do whatever the Board felt needed to be done and they would like to have that time. He said he was just notified of this on February 2, 2018, and they went right to work on what he was asked to do.

Mr. Risman said it seemed several of these issues, particularly issues two and three, dated back to prior licensing from maybe less diligent boards that allowed this to continue. He noted that the main purpose of privilege license vetting was to make sure the licensing body knew and understood who was receiving proceeds from the special privilege businesses. Mr. Risman understood that there was currently under consideration by this Board, or recent action by this Board, to forgive lapses by prior boards where there had been non-applicants who held equity interests in other privilege licenses.

Commissioner Koenig asked what the relevancy of that was.

Mr. Risman said that was relevant because they were requesting to be given a little time to continue operating as have other restricted licenses in the County.

Commissioner Koenig said the whole problem could have been solved months ago if someone would have called him when he asked them to. He pointed out that CivilWise was contacted at the end of January, but Mr. Hof had been aware of this for months. Commissioner Koenig said he had an ethical problem when he found out there could be a problem that endangered other people's lives when they were in the facility.

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Mr. Hof reiterated they got the notice on February 2, 2018, that there as a problem with the right-of-way going through the property. They did what they needed to do and it was in process. Mr. Hof noted it had been like that for 40 years and it was never a problem, and it was not a problem seven years ago when it was inspected. He said they would remove the right-of-way as well as the property line and make it one big piece of property. As far as the signs, he said they had nothing to do with the Love Ranch.

Commissioner Koenig said the signs were not an issue now that they had been taken care of.

Commissioner Wichman referred to a statement Mr. Hof made on his water rights in October, 2017, where Mr. Hof said he was aware of the two parcels and the road right-of-way from the past.

Mr. Hof responded he was aware of it but did not think it was a problem as it had been that way for 40 years.

Commissioner Wichman said she had asked Mr. Hof repeatedly to know the Code all through 2017. It was apparent to her that he simply ignored the Board until he was called on something or threatened with losing something.

Commissioner Schinhofen was present via telephone. He stated that because Mr. Hof was suing him personally in a lawsuit, and to withstand any kind of future lawsuits that may be used to say he was prejudiced even though he voted for his renewal at the last meeting, he would recuse himself from this meeting.

Commissioner Schinhofen was not present.

Ms. Bruch advised this was now a three member board. She further advised it was her understanding that the issue about the stickers had been going on since at least last August so the idea they did not know until February 2, 2018, that those were going to be an issue was not necessarily accurate as reflected by the record.

Mr. Hames reiterated his suggestion of a provisional renewal so he had time to deliver the information from the State Fire Marshal's Office as well as the correspondence he had with the Manufactured Housing Division and the Fire Marshal's Office on the sticker issue, and to let CivilWise do that they needed to do.

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Commissioner Wichman stated her concern with allowing them to continue to operate while they got the problems fixed as that meant the Board was putting the public in danger. She did not see where there was any leeway to allow the business to continue if there was a threat to the public health, safety and welfare.

Mr. Hames indicated he could have everything from the State Fire Marshal's Office the minute he walked out of the meeting.

Commissioner Wichman said that statement needed to go to Code Compliance and then they had to follow up with the inspections to issue the certificate of occupancy.

Mr. Risman asked if a representative of the applicant was able to submit everything to the Planning Department by the close of business tomorrow, at which point it would be in the hands of the County to complete the inspection work, if the Board would consider allowing the business to remain open pending the inspection by the County.

Commissioner Wichman felt that could not be done now that the Board was aware of the safety issue.

Mr. Risman commented that Mr. Hof had no control over Planning's timing once they had the paperwork.

Chief Deputy Clerk Rachel Aldana swore in Darrell Lacy, Planning Director.

Commissioner Wichman asked for an explanation of the 2010 inspection.

Mr. Lacy advised he was not involved in planning at that time. The first he had involvement with this was last August and the trailers. Some of them were decades old and none of them appeared to have had stickers. Mr. Lacy said a review with the Manufactured Housing Division indicated they were never stickered in this location. They were moved and installed there and it was Mr. Lacy's opinion that they had not been permitted by anyone.

Mr. Hames stated he had information from when they purchased the trailers that there were inspections done by the County in his briefcase at the Love Ranch. Also, this was the first time he had been told he needed to go to Code Compliance. He thought going to the State Fire Marshal was sufficient, which was why he was asking for the provisional license until the close of business tomorrow to get the required information and start the process with Code Compliance.

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Mr. Risman referred to the Code requirement of new certificates of some type if the trailers were relocated, moved or improved upon. He did not think any of them had been moved or altered since 2010.

Commissioner Wichman thought the aerial photographs would show that was not accurate.

Mr. Hames explained when they purchased the property Joe Richards took his home off the property and Mr. Hof brought his private home on the property, which was stickered. Nothing else on the property had been moved.

Mr. Risman asked if the contemplated suspension period could terminate upon Mr. Hames giving the required documents to the Planning Commission.

Commissioner Wichman said yes, once everything was approved.

Mr. Risman noted that if there was a certificate of occupancy properly issued by the appropriate agency in 2010 and those trailers had not been moved, then there should not be a triggering event at this time that would cause suspension of the license.

Commissioner Koenig asked Mr. Lacy how long it would take to determine if in fact there was a certificate of occupancy.

Mr. Lacy clarified it was actually a certificate of compliance with the fire code, and if they were all compliant and properly signed they should be able to get through the process in 24 hours. However, Mr. Lacy did not see how they could have appropriate certificates.

Mr. Bruch commented that the fact they were in compliance seven years ago did not mean they were in compliance today. That would be up to Code Compliance.

Commissioner Cox did not think it was fair to say Mr. Hof had not done anything. She had talked with Public Works regarding the boundary lines and got that straightened out. She also inspected the premises noting what appeared to be a trailer. She asked if that was a manufactured trailer or one of the older trailers.

Mr. Hames explained that was a manufactured home (modular). Half of the front of the building was stick built and the other half was modulars, not trailers.

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Commissioner Cox said it sounded to her the way things were coming across that there were dilapidated trailers and she did not see that. Everything was clean and neat, and each room had an escape window in case of fire.

There was discussion about the terms modular home, mobile home and trailer being interchangeable. Mr. Lacy explained all had slightly different definitions and methods of construction so they were not interchangeable. However, they were all managed through State Manufactured Housing and all needed an installation sticker.

Ms. Bruch advised that under NAC 489.405, no manufactured home, mobile home or commercial coach moved from one location to another may be occupied as a dwelling unit or otherwise unless a certificate of installation and a matching label had been issued.

Commissioner Cox said she agreed with what had been said by the attorneys. She was just trying to talk about the fire safety issue and she did not see a fire trap. She referred to the letter in the back-up from Zoning Inspector Amanda Van Houten which discussed the re-inspection she did on December 28, 2017, and said that the previously noted violations were all corrected except for the fire sprinklers.

Ms. Bello advised none of the issues on that report were part of this order to show cause and were being dealt with through Planning.

Commissioner Cox said she did not see where this was an emergency and did not see anything wrong with Mr. Hames taking a few hours to get the information being asked for. Once that was presented she thought the Board could have a special meeting at the request of the Planning Director. She suggested the other Commissioners take a tour of the facility.

Commissioner Cox made a motion to allow Mr. Hof and the Love Ranch to stay in operation and give them some time to finish what they spoke about and turn in the paperwork they had to the Planning Department, and give them 90 days to comply at which point they could ask for more time if it was not resolved due to the fire department or the Planning Department.

The motion died for lack of a second.

Commissioner Koenig felt the stickers were the most egregious issue and said he could not live the rest of his life knowing someone had died because the place burned down.

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Commissioner Koenig made a motion to allow them to get the paperwork they had and bring it to Mr. Lacy and Mr. Lacy would have until 3:00 p.m. tomorrow to let the Board know if the paperwork was sufficient; if not, the license was automatically suspended until everything needed was done; seconded by Commissioner Wichman.

Tim Sutton asked if the Board wanted the other violations addressed at all.

Commissioner Koenig said the problem was he knew they were being addressed and where they were in the system, and he knew the system. He did not want to hold them responsible for something that was in the County's system. He also did not anticipate the RPC turning down the land change.

Ms. Bruch was concerned the Board was using the honor system with no proof of what they were claiming they had and with no time limitation.

Commissioner Wichman withdrew her second.

Commissioner Koenig amended his motion to add 90 days within which to do the mapping, reversion and the signs; seconded by Commissioner Wichman.

Ms. Bruch confirmed with Commissioner Koenig that he was leaving until 3:00 p.m. tomorrow to address the sticker issue and the rest were 90 days.

Mr. Risman asked if the County took longer than 90 days to act on the application if that meant again the license was subject to suspension.

Ms. Bruch suggested if it was getting close to 90 days and they were not done that they come back and ask for an extension.

Commissioner Wichman stated her understanding that the license was suspended at 3:00 p.m. tomorrow if there was a situation where a certificate of compliance could not be issued.

Mr. Risman asked if Mr. Hames' paperwork was insufficient but all the other processes were being gone through to get the stickers, and that was successfully done, if the suspension would then get lifted either through a special meeting or by way of the motion.

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Commissioner Koenig stated his personal opinion was that there would be a special meeting once everything was done.

The motion to allow them to get the paperwork and bring it to Mr. Lacy and Mr. Lacy would have until 3:00 p.m. tomorrow to let the Board know if the paperwork was sufficient; if not, the license was automatically suspended until everything needed was done, and they had 90 days within which to do the mapping, reversion and the signs, passed with 3 years.

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

Commissioner Borasky and Sheriff Wehrly were present.

13. For Possible Action – Discussion and deliberation regarding renewal for Privilege License No. BR10-000605, for Cherry Patch, LLC, dba Love Ranch Brothel, a Brothel License, located in Crystal, NV for the third quarter FY 18.

Commissioner Wichman said this item could be removed from the agenda based on item 12.

14. For Possible Action – Discussion and deliberation to determine whether any monies are owed to Licensee after Licensee submitted his “intent not to renew” Privilege License No. BR10-000606 for Mabel’s, LLC, dba Dennis Hof’s Cathouse, a Brothel License.

Commissioner Koenig pointed out the Code specifically said there were no refunds.

Commissioner Koenig made a motion to deny.

Commissioner Borasky said he believed he should not be sitting in on this one also for the same reason as the other item and he left the room.

Sheriff Wehrly left the room also.

Commissioner Wichman seconded the motion.

Rebecca Bruch stated it was now a board of four with one member absent.

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The motion to deny failed due to a lack of a majority vote with only 2 yeas.
Commissioner Cox voted no.

Dave Stevens suggested making Dennis Hof comply with everything and then penalize him with a year of having his doors closed.

15. For Possible Action – Discussion and deliberation regarding Brothel License renewal number BR10-000407, Mid Valley Enterprises, LLC/dba Sheri's Ranch located in Pahrump, NV for the third quarter of FY18.

Commissioner Borasky and Sheriff Wehrly were present.

Commissioner Koenig made a motion to renew license BR10-000407; seconded by Commissioner Borasky.

Sheriff Wehrly advised she was talking with Mr. Connot and they were comfortable with going ahead.

The motion to renew license BR10-000407 passed with 5 yeas.

LIQUOR

16. For Possible Action – Discussion and deliberation to determine whether any monies are owed to Licensee after Licensee submitted his “intent not to renew” Privilege License No. LQ10-000608 for Mabel’s, LLC, dba Cherry Patch, a Liquor License.

Commissioner Borasky and Sheriff Wehrly recused themselves and left the room.

Commissioner Koenig made a motion to deny for the same reasons as before; seconded by Commissioner Wichman; 2 yeas. Commissioner Cox voted no.

The motion failed due to lack of a majority vote.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

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

TIMED ITEMS

7. 10:45 – For Possible Action – Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2018-10: A Resolution to Augment and Amend the 2017-2018 Budget of Nye County, State of Nevada.

Fund 10213 911 Medical Emergency Fund in the amount of \$30,437.
Fund 10218 Agricultural Extension Fund in the amount of \$2,056.
Fund 10402 County Special Ad Valorem Fund in the amount of \$283,785.

Commissioner Koenig opened and closed the public hearing.

Commissioner Wichman made a motion to adopt Nye County Resolution No. 2018-10; seconded by Commissioner Cox; 3 years.

8. 11:00 – For Possible Action – Public Hearing, discussion and deliberation on Special Use Permit SU-2018-000046: A Special Use Permit to allow the expansion of an existing marijuana establishment (cultivation), located at 5400 N. Highway 160, Pahrump, NV. Assessor Parcel Number 029-311-13. Diversified Development Group, LLC – Property Owner. Nye Farm Tech, Ltd. – Applicant.

Commissioner Borasky was present.

Commissioner Koenig opened the public hearing.

John Bosta reviewed the history of this SUP, which was originally in Amargosa and moved to Pahrump. He believed permit SU-14-0023 expired and the facility should have never been allowed to operate. Additionally, the County could not renew a permit inside of the town. It had to be renewed by the town so basically this permit was in violation of the law, underneath the color of the law, and the Board did not have the authority to approve it.

Commissioner Koenig closed the public hearing.

Brett Waggoner, Assistant Planning Director, said he understood SUPs fell under the authority of the Board of County Commissioners, not the RPC.

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

Commissioner Cox asked the applicant if they had moved.

Donna Schippers with Nye Farm Tech said no. They were at 5400 N. Highway 160 and had been there for about a year and a half. They did originally apply in Amargosa Valley. She also confirmed they were current on all of their licensing.

8. 11:00 – For Possible Action – Public Hearing, discussion and deliberation on Special Use Permit SU-2018-000046-Cont'd.

Commissioner Borasky asked if they grew medical or recreational.

Ms. Schippers advised they grew everything as if it was medical. However, the State required them to show everything as recreational until it got to the dispensary and then the dispensary made the distinction.

The motion to approve passed with 4 yeas.

9. 11:00 – For Possible Action – Public Hearing, discussion and deliberation on Appeal AP-2018-000014: An Appeal of the Pahrump Regional Planning Commission's denial of Conditional Use Permit Application CU-2017-000045, which was an application requesting to allow the keeping of Special Conditions Animals (Tigers) located at 6061 N. Woodchips Road, Pahrump, NV. File #56470, Parcel 4, 18.28 acres, Assessor Parcel Number 027-241-26. Raymond Mielzynski – Property Owner. Karl Mitchell – Applicant/Appellant.

Ronni Boskovich advised when the Board reviewed RPC decisions it was reviewing only the record below. Everything presented to the RPC in the back-up and the minutes from the RPC item were the only things the Board could take into consideration.

Angela Bello added the Board also needed to determine if there was enough information to support the decision.

Commissioner Koenig opened the public hearing.

Dave Stevens felt a place was needed to keep the animals and said the Board should let them stay where they were.

Dwight Lilly emphasized to the Commissioners that Pahrump and the region was a rural part of Nevada and he had heard of no instances where the tigers were a threat to anyone.

Diane Holguin-Brooks said the animals were being taken care of far better than many citizens in the town. She attended the RPC meeting and thought it really had no merit from what she could see. She added they called it a tie vote.

Commissioner Wichman asked the District Attorney if there was anything with the vote that was unusual or strange.

Ms. Boskovich advised the vote ended in a tie and failed as there was not a majority to make a determination. She added it was fine for the Board to take public comment, however, unless the public commenter could cite to the specific record in the RPC decision nothing said today could be used in the Board's determination.

9. 11:00 – For Possible Action – Public Hearing, discussion and deliberation on Appeal AP-2018-000014-Cont'd.

John Bosta stated Karl Mitchell explained to him his right to have the animals as a disabled veteran, and Mr. Bosta thought if the man was using the animals to help him keep a peace of mind as a veteran he should be allowed to keep his animals.

Commissioner Koenig closed the public hearing.

Commissioner Cox advised she spoke to this at the RPC as a person who had knowledge, not as a Commissioner. She pointed out they passed the inspection on December 20, 2016. After that there were records that Kayla Mitchell followed up and tried to get this permit, but somewhere the paperwork got lost in the shuffle and to this day she was still trying to get a copy of the paperwork for that permit. Commissioner Cox did not see any reason to deny them having this as they had tried desperately. She pointed out there was a member missing when the vote was taken which resulted in a 3-3 vote, and the Mitchells were under the impression it would have been a 4-3 vote if that other member had been there. Based on the close vote and the facts she was aware of, Commissioner Cox said she would make a motion to support the Mitchells in this. The County had nowhere else to put the animals and it would not be fair to the animals or the Mitchells to deny them the right to have them.

Commissioner Cox made a motion to overturn the RPC decision.

The motion died for the lack of a second.

Commissioner Wichman asked Mr. Mitchell if he had documentation from his doctor that these were emotional support animals.

Arlette Newwine, attorney for Mr. Mitchell, advised emotional support animal documentation had been provided to the County and also during an individual meeting with the Sheriff.

Commissioner Wichman said she had not seen any of that documentation which was why she asked.

Commissioner Koenig stipulated he had seen it.

Ms. Bello said that was not presented at the RPC meeting and the standard here was to determine whether or not there was substantial evidence for the three members to vote against it.

Karl Mitchell stated the reason it was not included was Darrell Lacy did not put it in the back-up.

9. 11:00 – For Possible Action – Public Hearing, discussion and deliberation on Appeal AP-2018-000014-Cont'd.

Ms. Newvine said their goal today was to provide the Board with sufficient justification to approve the conditional use permit (CUP) and they intended to show a couple of reasons why the RPC decision was made improperly. She said there were two umbrella issues here, one being that the previous CUP was issued to Kayla Mitchell, Mr. Mitchell's wife, not to Mr. Mitchell. For whatever reason that CUP had been deemed expired even though they had asked over and over for the renewal. Nye County Code 6.30.100 stated when in a renewal process the applicant can operate validly under the original CUP, which was their intent. Additionally, a denial letter was never received although Code Section 6.30.100.D stated it had to be in writing. In an effort to be compliant or transparent, Mr. Mitchell came forward and applied again for a CUP hoping it would be realized he was making these steps in good faith.

Ms. Newvine said the other issue was land use, not compliance, although the RPC kept going over compliance issues in many different forms.

Commissioner Wichman was hesitant to make a motion as she was the only Commissioner who did not live in the community, but she said she would be willing to support whatever motion came forward if the applicant would stipulate that the animals remain caged during visits from anyone or during the documentaries.

Ms. Boskovich thought people might be getting confused about the permits. She explained there was the Title 6 special conditions animals permit and there was the Title 17.04 CUP. This was before the RPC for an application for the CUP, and Mrs. Mitchell's CUP expired on November 12, 2017. The Title 6 permit mentioned she believed had been expired since 2016.

Ms. Newvine asked if there was a denial in writing received by Kayla Mitchell for either of those.

Ms. Boskovich said the CUP expired November 12, 2017, and one of the conditions when it was granted in 2015 was it was only a two year permit.

Ms. Newvine asked about Mrs. Mitchell's request for a renewal of both.

As far as the Title 6 SUP, Ms. Boskovich said she could not answer that, but the last she heard was it expired in 2016. The CUP expired on November 12, 2012, and Mr. Mitchell went to the RPC for the CUP, so the focus here should be if the RPC had substantial evidence on the record to make their determination regarding the CUP rather than the special conditions animal permit.

Ms. Newvine pointed out again that Mrs. Mitchell received nothing in writing about either one of them expiring as she had requested a renewal on both.

9. 11:00 – For Possible Action – Public Hearing, discussion and deliberation on Appeal AP-2018-000014-Cont'd.

Commissioner Koenig said Mrs. Mitchell's CUP was similar to the conditions in this CUP, including it shall expire in two years and the applicant may apply for renewal prior to expiration. He did not believe she ever applied for renewal as that would have come before the RPC and it never did.

Brett Waggoner said he understood she submitted an intent to apply, but she was told she had to make that application and that never happened.

Ms. Newvine said these issues were irrelevant as this was about Karl Mitchell. She asked the Board to not use any compliance issues against him as this was a land use issue nor any issues brought up under Mrs. Mitchell's SUP.

Commissioner Cox pointed out there had not been any people building around this area and it was 20 acres out in the middle of nowhere. There had also been no complaints about him having his animals there and the animals were caged.

Commissioner Koenig said if someone was going to make a motion to approve it should include a limit on the number he could have.

Ms. Newvine asked that the limitation on numbers not be an issue. She explained Mr. Mitchell used these animals as emotional support animals and had doctors' letters to that affect. She did not believe limiting that support was necessary as long as Mr. Mitchell maintained the proper caging and facilities, stayed up to Code and was compliant in the future.

Commissioner Koenig pointed out it had always been ten and if it was not ten he would not vote for it.

Commissioner Cox asked Mr. Mitchell what his needs were.

Mr. Mitchell said they had between eight and ten, but he did not want to have to come before the Board again if one of his tigers was to have a baby and the number increased. He would prefer to not have a number.

Commissioner Wichman made a motion to approve the conditional use permit application with two restrictions: 1) he was to remain at ten animals; and 2) when he had company, family, personal things, during any kind of documentary and any kind of visits from outsiders to his property his animals remained caged.

Commissioner Koenig asked if that included the conditions in the original, to which Commissioner Wichman responded yes.

Commissioner Cox seconded the motion.

9. 11:00 – For Possible Action – Public Hearing, discussion and deliberation on Appeal AP-2018-000014-Cont'd.

Ms. Boskovich asked if the Board was finding there was no substantial evidence on the record.

Commissioner Wichman stated her finding was with the way the vote turned out in the RPC it was conceivable the missing member would have voted for it and it would not be before this Board. She said she was not overturning their decision, but if it had been a seven member board it could have gone the other way.

The motion to approve the conditional use permit application with two restrictions: 1) he was to remain at ten animals; and 2) when he had company, family, personal things, during any kind of documentary and any kind of visits from outsiders to his property his animals remained caged, passed with 3 years. Commissioner Borasky voted no.

10. 11:00 – For Possible Action – Public Hearing, discussion and deliberation on Zone Change ZC-2017-000020: A Zone Change from Mixed Use (MU) to General Commercial (GC), on approximately 1.1 acres located at 3400 S. Nevada Highway 160, Pahrump, NV further known as Calvada Valley Unit 1 Subdivision, Block 1, Lot 16, Township 20 South, Range 54 East, Section 30. Assessor Parcel Number 042-391-04. Rockingham Capital Nevada, LLC – Property Owner. Mega Motors – Applicant. Christopher Howard and Gueorqui (George) Gantchev – Agents for Mega Motors.

Commissioner Koenig opened and closed the public hearing.

Commissioner Wichman made a motion to approve based on the findings in the back-up through the RPC meeting; seconded by Commissioner Cox; 4 yeas.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

17. Committee Reports

There were none.

18. 10:45 – For Possible Action – Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject Town of Pahrump Resolution No. 2018-01: A Resolution to Augment and Amend the 2017-2018 Budget of the Town of Pahrump, County of Nye, State of Nevada.

Commissioner Koenig opened and closed the public hearing.

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

19. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Town of Pahrump Resolution No. 2018-02: A Resolution to Augment and Amend the 2017-2018 Budget of the Town of Pahrump, County of Nye, State of Nevada.

Commissioner Wichman made a motion to adopt Resolution No. 2018-02; seconded by Commissioner Borasky.

John Bosta asked where the money came from.

Savannah Rucker explained this was the room tax fund. More hotel reservations and sales were seen which generated more revenue in the fund in FY2017.

The motion to adopt Resolution No. 2018-02 passed with 4 yeas.

20. For Possible Action – Discussion and deliberation regarding approving an augment for the Town of Pahrump Ambulance Fund.

Commissioner Wichman made a motion to approve; seconded by Commissioner Borasky; 4 yeas.

21. For Possible Action – Discussion and deliberation regarding a request to waive medical coverage fees totaling \$1,500.00 for the Pahrump Valley Jr High and High School Rodeo on February 23rd, 24th and 25th, 2018.

Commissioner Wichman asked if this waiver was done if they would then have coverage from another source.

Tim Sutton was not sure what coverage they had and thought that might be something they could address.

Commissioner Koenig explained the fee was to have the ambulance there and they did not want to pay to have the ambulance sitting there all day long.

Commissioner Cox made a motion to approve; seconded by Commissioner Borasky; 4 yeas.

22. For Possible Action – Discussion and deliberation to appoint one (1) member to the Pahrump Arena Advisory Committee due to one (1) vacancy.

Commissioner Borasky made a motion to approve Michelle Chappell; seconded by Commissioner Cox; 4 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.

23. For Possible Action – Approval of Elected Official Collection Report.

Commissioner Wichman made a motion to approve items 23-29; seconded by Commissioner Borasky; 4 yeas.

24. For Possible Action – Approval to set the date and location of the second May meeting of the Board of Commissioners for Tuesday, May 15, 2018 in Pahrump, Nevada.

Commissioner Wichman made a motion to approve items 23-29; seconded by Commissioner Borasky; 4 yeas.

25. For Possible Action – Approval to adopt Nye County Resolution No. 2018-08: A Resolution directing the levy of a special assessment on each water user situated within the confines of the White River Valley Groundwater Basin for the Fiscal Year 2018-2019.

Commissioner Wichman made a motion to approve items 23-29; seconded by Commissioner Borasky; 4 yeas.

26. For Possible Action – Approval to adopt Nye County Resolution No. 2018-09: A Resolution directing the levy of a special assessment on each water user situated within the confines of the Big Smoky Valley – Northern Part Groundwater Basin for Fiscal Year 2018-2019.

Commissioner Wichman made a motion to approve items 23-29; seconded by Commissioner Borasky; 4 yeas.

27. For Possible Action – Approval to accept a Grant Award from the Aging and Disability Services Division (ADSD) for Nutrition Services Incentive Program (NSIP) to provide commodity food funds for the nutrition program at the Beatty and Tonopah Senior Centers in the amount of \$1,815.00. This grant will be administered out of Fund 10281 Senior Nutrition and there is no county match required.

Commissioner Wichman made a motion to approve items 23-29; seconded by Commissioner Borasky; 4 yeas.

28. For Possible Action – Approval to accept a Grant Award from the Aging and Disability Services Division (ADSD) for Nutrition Services Incentive Program (NSIP) to provide commodity food funds for the nutrition program at the Beatty and Tonopah Senior Centers in the amount of \$1,225.00. This grant will be administered out of Fund 10281 Senior Nutrition and there is no county match required.

Commissioner Wichman made a motion to approve items 23-29; seconded by Commissioner Borasky; 4 yeas.

BOARD OF COMMISSIONERS

29. 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 meeting was held after the adjournment of the regular Board of County Commissioners meeting.

30. 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 meeting was held after the adjournment of the regular Board of County Commissioners meeting.

31. For Possible Action – Discussion and deliberation on labor negotiations, issues and other personnel matters presented in closed meeting.

There was no action taken.

32. For Possible Action – Discussion and deliberation to: 1) move the first Nye County Board of County Commissioners meeting in March to March 12, 2018; and 2) reschedule or cancel the second Nye County Board of County Commissioners meeting for March 2018, tentatively scheduled for March 20, 2018.

Commissioner Cox made a motion to reschedule the first one and cancel the second one; seconded by Commissioner Wichman; 4 yeas.

33. 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. 2018-01: A Bill proposing to amend Nye County Code Title 9.2, Prostitution, relating to 9.20.020 Definitions, 9.20.090 License Application, 9.20.120 License Denial, 9.20.140 Registration of Licensees and Employees and 9.20.200 Transferability of License 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.

This item was removed from the agenda.

34. For Possible Action – Discussion and deliberation to appoint a Commissioner liaison / representative to the Indigent Defense Program.

Commissioner Wichman made a motion to keep Joni Eastley; seconded by Commissioner Cox; 4 yeas.

35. For Possible Action – Discussion and deliberation to approve the talking points on the Nevada Test and Training Range (NTTR) Draft Legislative Economic Impact Statement (DLEIS) for Land Withdrawal Renewal and Expansion on behalf of Nye County.

Commissioner Wichman explained these were just talking points she wanted the Board to be aware of. She asked them to let her know if there was a problem with anything.

There was no action taken on this item.

36. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2018-12: A Resolution approving and ratifying a cooperative agreement between Nye County and the Tonopah Conservation District.

Commissioner Wichman stated she was the chairman of the Tonopah Conservation District, which did not affect her or her home at all. She felt it would be nice if she could get the Board to keep the agreement going otherwise they had no way to operate.

Commissioner Borasky made a motion to approve; seconded by Commissioner Cox; 3 yeas. Commissioner Wichman abstained.

CLERK

37. For Possible Action – Discussion and deliberation to appoint two (2) members to the Round Mountain Town Board due to two (2) resignations.

Commissioner Wichman made a motion to appoint Craig Barber and Robert Spivey, Jr.; seconded by Commissioner Borasky; 4 yeas.

38. For Possible Action – Discussion and deliberation to appoint one (1) member to the Gabbs Town Advisory Board due to one (1) vacancy.

Commissioner Wichman made a motion to appoint Jason Fletcher; seconded by Commissioner Borasky; 4 yeas.

39. For Possible Action – Discussion and deliberation to appoint three (3) members to the Pahrump Library Board due to three (3) expiring terms.

Commissioner Wichman made a motion to appoint Joy Marshall, Marie Long and Janice Painter; seconded by Commissioner Borasky; 4 yeas.

The Board took a brief recess.

EMERGENCY MANAGEMENT

40. Presentation regarding the Tonopah Ambulance Service status.

Vance Payne, Emergency Services Director, said the back-up contained numbers showing his department had spent \$25,849.59 through the end of February. That number did not include one of the employees already paid from the ambulance fund. He said they were still crunching numbers to determine at what point they would begin to endanger their carry over going into the new fiscal year.

As to Tonopah itself, Mr. Payne advised that just in the last 48 hours they had a marked improvement of coverage on the calendar; however, he suspected that would not last as there were a finite number of people. A class had started in Tonopah and if everybody who started passed there could be as many as ten new EMTs. He said there would be additional classes in Beatty and Smoky Valley. Lastly, Mr. Payne said he wanted to have the new ambulance here to show today, but there were still some problems getting the rest of the equipment installed on it. He said it would be at the next meeting in Tonopah for the Commissioners to look at.

Commissioner Wichman corrected a prior statement she made regarding the California situation and why Nye County could not do what California did. She learned last weekend they did not pass it so they were not doing it either. Also, with the signed contract with REMSA and the plans for the paramedics, Commissioner Wichman advised they advertised for five positions and had over 15 applicants, all of which were very qualified and all of which wanted to be resident in Tonopah. She talked about how they were going to do telemedicine on the ambulance.

Mr. Payne said he had tentatively scheduled an in-service ceremony for the new ambulance on March 3, 2018. That would give the opportunity for the community to come forward and look at the new equipment. He was also hoping to have one of the local clergy available to say a prayer. He would make sure information was distributed once the time was determined.

40. Presentation regarding the Tonopah Ambulance Service status.-Cont'd.

Dave Stevens stated when it came to a person's life money should not matter.

41. For Possible Action – Discussion and deliberation regarding approval of a Cooperative Equipment and Operating Agreement with the Department of Conservation and Natural Resources, Division of Forestry for the purpose of loaning fire engines to Nye County for training and response to wildfires.

Commissioner Wichman made a motion to approve; seconded by Commissioner Borasky; 4 yeas.

FINANCE

42. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2018-11: A Resolution to Augment and Amend the 2017-2018 Budget of Nye County, State of Nevada.

Fund 10207 Regional Streets & Hwy Fund in the amount of \$439,772.

Fund 10208 Public Transit Fund in the amount of \$286,022.

Fund 10209 Airport Fund in the amount of \$25,322.

Fund 10234 Public Safety Sales Tax – Sheriff Fund in the amount of \$42,877.

Fund 10255 Renewable Energy Fund in the amount of \$10,890.

Fund 10281 Senior Nutrition Fund in the amount of \$24,778.

Fund 10282 Ambulance and Health Fund in the amount of \$31,449.

Fund 68101 Smoky Valley Television District in the amount of \$9,814.

Commissioner Wichman made a motion to adopt Resolution No. 2018-11; seconded by Commissioner Cox; 4 yeas.

PLANNING/BUILDING/CODE COMPLIANCE

43. For Possible Action – Discussion and deliberation on Recreational Marijuana Establishment Initial License Application RM-2018-000022: A request to issue a Recreational Marijuana Establishment License for a marijuana cultivation facility, located at 5101 S. Oakridge Avenue, Pahrump, NV. Assessor Parcel Number 044-521-41. Oakridge Enterprises, LLC – Property Owner. Peter Gnecco, Green Cross of America, Inc. – Applicant.

Commissioner Wichman asked if everything was in order.

Brett Waggoner said they had been doing quarterly inspections and there were some issues mainly with the security system which they indicated they were in the process of rectifying. If the Board were to approve this Mr. Waggoner said he would like it to be a conditional approval that they go back out and re-inspect in 30 days or so and make sure the security system was back up and running.

43. For Possible Action – Discussion and deliberation on Recreational Marijuana Establishment Initial License Application RM-2018-000022-Cont'd.

Commissioner Wichman made a motion to approve contingent upon them passing their inspection within 30 days; seconded by Commissioner Cox.

John Bosta reviewed the history of this permit. He stated the Board did not have the authority to give a marijuana tax permit inside the boundaries of the town. Mr. Bosta was notifying the Board that this was underneath the color of the law.

The motion to approve contingent upon them passing their inspection within 30 days passed with 3 yeas. Commissioner Borasky voted no.

44. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Annual Renewal Application MM-2017-000052: A request for the annual renewal of a Medical Marijuana Establishment License (cultivation) for Green Life Productions, LLC, located at 1205 S. Loop Road, Pahrump, NV. Assessor Parcel Number 035-381-35. Green Life Productions, LLC – Applicant. Mike Floyd, Managing Member – Agent.

Commissioner Wichman made a motion to approve the annual renewal; seconded by Commissioner Cox.

John Bosta reviewed the history of this permit. The back-up indicated there were no violations, but Mr. Bosta advised that three or four months ago people were complaining about the smell at the post office and the RV park because the filters were not operating properly. He said the Board was re-issuing a license which it did not have the authority to do as it was inside the town, a direct violation of Assembly Bill 487. He said the Board continued to act underneath the color of the law.

Brett Waggoner confirmed everything was in order.

Commissioner Wichman said her motion stood.

Mike Floyd from Greenway Productions said they were the second medical marijuana business in Nevada to be approved by the State. They received their SUP in July, 2014, and their first County license in December, 2014.

Commissioner Cox said she remembered him coming to the Board and also thought the issues with the odors were rectified.

The motion to approve the annual renewal passed with 4 yeas.

45. For Possible Action – Discussion and deliberation on Tentative Commercial Subdivision Application TM-2017-000010 (Spring Mountain Commercial): A tentative subdivision map application to allow a commercial subdivision on approximately 21.78 acres of property zoned General Commercial (GC), located at 3651 S. Nevada Highway 160, Pahrump, NV. Assessor Parcel Number 027-741-05. Spring Mountain Commercial, LLC – Property Owner/Applicant. Russ Meads, Double M Construction – Agent for Spring Mountain, LLC.

Commissioner Borasky made a motion to approve; seconded by Commissioner Wichman; 4 yeas.

46. GENERAL PUBLIC COMMENT (second)

Don Cox said as far as he could gather there was only one Commissioner that took a tour of the Love Ranch. He felt if the Commissioners were going to make decision on a business they should go check it out.

Dave Stevens spoke about Tina Trenner coming to his house.

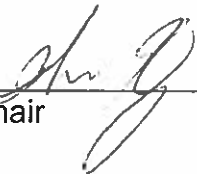
Dwight Lilly talked about the commerce tax and how there had been no improvements seen in K-12 education even though the amount of money spent on it had tripled since 1960. He did not think it was a money problem but rather a problem with the way it was being approached.

40. ADJOURN

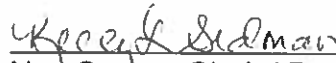
Commissioner Koenig adjourned the meeting.

APPROVED this 3rd day ATTEST:

Of April, 2018.



Chair



Nye County Clerk / Deputy