

Pursuant to NRS a joint meeting of the Nye County Board of Commissioners, Nye County Board of Highway Commissioners, Nye County Licensing and Liquor Board, the Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District, was held at 10:00 a.m. in the Commissioners' Chambers, 2100 E. Walt Williams Drive, Pahrump, Nevada 89048.

Debra Strickland, Chair
Frank Carbone, Vice-Chair
Donna Cox, Commissioner
Leo Blundo, Commissioner
Bruce Jabbour, Commissioner
Sandra L. Merlino, Ex-Officio Clerk of the Board
Chris Arabia, District Attorney
Sharon Wehrly, Sheriff
Tim Sutton, County Manager

Also present: Lorina Dellinger, Assistant County Manager; Kelly Sidman, Deputy Clerk; Samantha Tackett, Administrative Manager; Savannah Rucker, Comptroller; Marla Zlotek, Chief Deputy District Attorney; Michelle Nelson, Deputy District Attorney

Not Present: Sharon Wehrly, Sheriff

Commissioner Cox was present via telephone.

A moment of silence was held for Don Chairez.

1. Pledge of Allegiance

The Pledge was recited.

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

Commissioner Blundo thanked everyone who assisted in a recent chase.

3. Approval of the Agenda for February 4, 2021 (Non-action item)

Tim Sutton said item 4 could be removed from the agenda.

4. For Possible Action – Emergency Items

This item was removed from the agenda.

**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.**

There was none.

BOARD OF COUNTY COMMISSIONERS

**6. For Possible Action – Discussion and deliberation to adopt, amend and adopt,
or reject Nye County Resolution No. 2021-03: A Resolution in Support of the
Local Economy and Businesses Impacted by COVID-19 Restrictions Including
Requests for a Reduction of Said Restrictions to Protect Local Businesses.**

Chris Arabia advised this item did not pass legal review for a variety of reasons, but the Board could still adopt it. The District Attorney could not prevent that as his role was only to provide advice. Additionally, it said on page 3 “Be it further resolved that Nye County Commissioners through the Nye County District Attorney Christopher R. Arabia research litigation opportunities that the County, or multiple counties collaboratively, could pursue to provide relief to our local businesses.” Mr. Arabia wanted to be clear that violated Nevada law for multiple reasons and would create conflicts. It was also inappropriate to use his name and his office’s name like this.

Robert Thomas suggested the Board strike that paragraph only. He said the Commissioners took an oath to act constitutionally, as had the Governor, but the Governor had not for over a year. He felt the resolution was very appropriate.

Commissioner Blundo disclosed he owned and operated a business in Nye County and although this resolution was to give an opportunity to the public to have a voice, he did not see a conflict with him participating and voting.

Commissioner Strickland disclosed she had businesses in Nye County, but she did not see this as a conflict of interest and would not abstain from voting.

Dee Mounts said she sent the e-mail to open Nye County. She thanked the Commissioners who responded and spoke with her as well as Commissioner Blundo for sponsoring and writing the resolution. She also read a note from Maria Cortez, the owner of El Cancun Restaurant, who described how the Governor’s directive had affected her.

Gerard Butler hoped the Commissioners voted for the resolution to protect the citizens’ freedoms.

Dwight Lilly urged the Board to pass the resolution.

6. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2021-03-Cont'd.

Rosemarie Johnson talked about how the COVID rules had affected her daughter's learning and social growth since she pulled her out of school when the mask mandate was instituted.

Joey Gilbert, a lawyer from Reno, said he was working closely with different rural counties to get them open using the economic emergency. He encouraged the Board to vote on the resolution and look at the White Pine resolution to make it stronger.

Marge-Anne Venable talked about the effects the Governor's edict had on her beauty shop business.

Cathryn Gerard asked the Board to look at the lawfulness and rightfulness and support their constituents.

Melissa Blundo said her business had suffered greatly. She urged the Commissioners to adopt the resolution and help the public get to the business of restoring life as usual.

Amanda Nichols, a self-employed cosmetologist, said her business and family had also been affected and hoped the Board would pass this.

Tony Cinelli stated his support of the resolution.

Gary Helton stated his opposition to the mask mandate and how criminals would not be identifiable. He felt everybody should take off the mask and stay home if they were sick.

Michael Gilbert asked the Commissioners to pass the resolution to reopen the County as the Governor's actions were unconstitutional.

Tiffany Carter talked about her children's grades dropping from As and Bs to Ds and Fs since COVID. She felt she should have the choice to wear a mask instead of breathing her own carbon dioxide for ten hours a day while she was at work.

Trudy Kevoian, general manager of the Chicken Ranch Brothel, said they closed March 17, 2021, and although everyone else got to benefit from the small openings they had not gotten to open at all. She requested that the Board include them in the reopening.

Cindy Lake said she supported the resolution and opening all small businesses as well as having anyone who had any authority to do anything to not uphold the Governor's mandates.

Annie Dugan said she and her husband had been greatly impacted health-wise. They wanted the mask business to go away and have everything open up.

6. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2021-03-Cont'd.

Richard Hill stated his supported of the resolution.

Kay LaPointe asked the Board to support the resolution.

William Lobegran was in favor of the resolution.

Alex Rodrigues asked the Board to lead by example, get rid of the mask mandate, and open the County up.

Karmin Lobell felt things would get worse if the mandates continued.

Commissioner Blundo suggested the following changes to the resolution to remove the conflicts:

- Page 1, line 6, remove “recognized the abuses inherent with a totalitarian government.”
- Page 1, line 13, change to “Whereas the Ninth Circuit held Nevada Governor Steve Sisolak’s order limiting the capacity of churches ...”
- Page 1, line 16, change to “Whereas it is the opinion of the Nye County Commission that Nevada Governor Steve Sisolak’s order ...”
- Page 1, line 21, change to “Whereas it was the opinion of the Nye County Commission that it has been recognized throughout our history that our constitutional rights will only be good as long as we continue to exercise them; and”
- Page 1, line 23, change “The 45th” to “the 45th.”
- Page 2, line 1, change “The 46th” to “the 46th.”
- Page 2, line 3, change to “Whereas in the opinion of the Nye County Commission Nevada Governor Steve Sisolak is usurping ...”
- Remove the twelfth and fifteenth Whereas clauses entirely.
- Page 2, line 8, remove “initial.”
- Page 2, line 14, change to “Whereas, it is the opinion of the Nye County Commission that Nye County is being punished ...”

6. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2021-03-Cont'd.

- Page 2, line 17, change to “Whereas, it is the opinion of the Nye County Commission lockdowns had been proven ...”
- Page 2, line 20, change to “Whereas ... more than 52,000 medical professionals state in part, ...”
- Page 3, line 2, change to “that the Nye County Commission’s opinion is ... Governor Steve Sisolak is failing to uphold ...”
- Page 3, line 6, change to “that the Nye County Commission request that Governor Steve Sisolak provide ..”
- Page 3, line 13, change “demands” to “strongly requests.”
- Page 3, remove lines 19-21.
- Page 3, line 22, change to “that the Nye County Commissioners direct the County Manager and administration ...”
- Page 3, line 24, change to “by State enforcements agencies to County Administration and agencies.”
- Page 5, line 1, change “demands” to “requests.”
- Page 5, line 3, change to “Be it further resolved that Nye County recognizes its rights as stated in our Declaration of Independence.”

Commissioner Blundo confirmed with Mr. Arabia and Michelle Nelson that the resolution now passed legal review.

Commissioner Blundo felt each Commissioner should have the opportunity to sign it, to which they agreed.

Commissioner Blundo made a motion to amend and adopt with the changes discussed; seconded by Commissioner Carbone.

Commissioner Jabbour asked the District Attorney about the ramifications if the Board were to sign off and put this resolution forward.

Mr. Arabia advised depending on how the emergency statutes were interpreted there could be removal from office. Another problem could be announcing the County would do their own thing. The State may not do anything or they could send OSHA in and issue fines which could cause further economic damage. Given the climate in the

6. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2021-03-Cont'd.

country Mr. Arabia said the County could be setting itself up for a lot of enforcement and things that he did not think people would like.

Commissioner Jabbour commented very little frightened him and he thought very little frightened the Nye County citizens and everyone was willing to take the risk at this point. While this may be just a resolution, he felt it was more than a start and the County needed to open the schools and businesses at full capacity.

Commissioner Strickland said if the Governor wanted to come and take the job from her he could have it. However, she pointed out that while this was the right thing to do at this time the County still had to do what the Governor said.

The motion to amend and adopt with the changes discussed passed with 5 yeas.

FINANCE

7. For Possible Action – Presentation, discussion, deliberation and direction to staff regarding the basic overview of the Nye County COVID Relief Program.

Commissioner Blundo disclosed he was a Nye County business owner and participated in the prior CARES Act Program as a resident and business owner. He was a recipient of Nye County CARES Funds; however, he did not believe that would preclude him from participating in this item. In an abundance of caution, he asked the District Attorney, his legal counsel, if the disclosure was sufficient and if he felt there was any conflict.

Chris Arabia said yes, the disclosure was sufficient.

In an abundance of caution Commissioner Blundo asked if the County Manager saw any issues or conflicts, which the County Manager refused to respond to.

Commissioner Blundo stated since he sought legal counsel and advice from the County Manager he believed he fully disclosed, his disclosure was sufficient, and he would participate in voting in this item.

Tim Sutton indicated his capacity was not legal counsel and his response was not to be taken as a yay or nay on the disclosure.

Commissioner Strickland disclosed she was a business owner, but she did not participate in the programs and would participate in the items.

Commissioner Blundo wondered if so many programs were needed or if it could be under an umbrella program with one for businesses and one for the public with sub-sets under those. He asked if that would make it easier on staff to administer.

7. For Possible Action – Presentation, discussion, deliberation and direction to staff regarding the basic overview of the Nye County COVID Relief Program- Cont'd.

Grants Administrator Samantha Kramer said that would depend on what the Commissioners decided today. She was going to jump to a different agenda item to discuss the small business programs. The requirements under the small business program were the same across the board so only one working capital program may be needed.

Commissioner Blundo noted the overview said funding for this program was made available through the budget relief of Public Safety Payroll under the CARES Act Program. That may have been where the funding came from, but now it was County dollars and he wondered why it did not say that.

Mrs. Kramer said that could be added to the policy.

8. For Possible Action – Presentation, discussion, deliberation and direction to staff regarding the Nye County COVID Relief Program, Small Business Working Capital Program.

Commissioner Blundo disclosed he was a Nye County business owner and participated in the prior CARES Act Program in the capacity of a business owner and resident of Nye County. He was a recipient of Nye County CARES Funds; however, he did not believe that would preclude him from participating in this item. In an abundance of caution, he asked the District Attorney, his legal counsel, if the disclosure was sufficient and if he felt there was any conflict.

Chris Arabia responded yes.

Commissioner Strickland said she was also a business owner but was not participating in the program. She felt she could participate in the item. She then pointed out how non-restrictive the requirements were now.

Commissioner Carbone said there were a lot of required documents listed. He was pretty sure the intent was not to ask for every document, just one or two to clarify they were a business owner.

Commissioner Strickland said if someone could not produce a payroll report to show the number of employees then where the applicant fit in the program could not be determined. A State business license would also be necessary. She asked which one or two Commissioner Carbone thought would suffice.

Commissioner Carbone thought bringing in a State business license would show they were operating in the state and did not think anything else would be needed.

8. For Possible Action – Presentation, discussion, deliberation and direction to staff regarding the Nye County COVID Relief Program, Small Business Working Capital Program-Cont'd.

Commissioner Strickland said in order to be able to qualify for the different layers an applicant had to show how many employees they had, so that meant showing payroll.

Commissioner Carbone said that was why he suggested two with other one being how many employees an applicant had. He did not think the profit and loss statement was needed.

Commissioner Jabbour noted there were businesses that did not have anybody on their payroll because they were a sole proprietorship so they would not have that document.

Commissioner Strickland said they would meet the zero requirement.

Commissioner Jabbour wanted language regarding some businesses not having certain permits, but restaurants should have a Department of Health license.

Commissioner Strickland also did not think the profit and loss statement was needed as everyone had lost during COVID.

Savannah Rucker explained they were administering a similar structure with the prior funding. They did have to work with some businesses on how to run a profit and loss statement, but most were able to provide them easily.

Commissioner Blundo said he supported the removal of the profit and loss statement. He then expressed concern for a family business with family members working for it as there would be no 941 form because payroll taxes would not be paid. He wanted to remove that requirement and have an affidavit making that statement.

Commissioner Blundo made a motion to remove the requirements of the payroll reports; seconded by Commissioner Carbone.

Hunter DeMarias said he had 30 years of experience in entrepreneurship and lending. He said profit and loss statements as well as other documents showed the legitimacy and success of a business. He cautioned the Board to think about what they were eliminating and suggested treating it as a loan. He knew people would come for the money who did not deserve it.

Robin Rose Yaeger said she operated an adult daycare and explained how difficult it would be for her to show payroll costs without the working capital she had lost over 2020. She said she would appreciate the Commissioners considering if the affidavit theory was possible that the business owner had to sign one that said this was their costs, the business needs and expenses, and then prove those within a time period.

8. For Possible Action – Presentation, discussion, deliberation and direction to staff regarding the Nye County COVID Relief Program, Small Business Working Capital Program-Cont'd.

Melissa Blundo said she wanted to be sure no one was isolated and the money got out to the businesses that were suffering. She asked that the program be made simple.

Fred Alae said he entered into contracts with people or companies for people to get paid, but it was not through payroll. He supported removing both the payroll and profit and loss statement.

Linda Mayfield said she lived in a member-owned RV park which was not for profit, which meant income derived went back into the business. They could not show a profit on a profit and loss statement, but they could show a balanced budget. She asked if that meant they would not qualify for any of the funds.

Mrs. Rucker said there was another item on the agenda for non-profit/not for profit and suggested Ms. Mayfield speak on that item.

Commissioner Jabbour suggested requiring at least four of the listed documents. He felt the driver's license and business name were a given as everyone had them.

Commissioner Strickland said a W-9 was needed to pay them so the first three items were a no brainer. She asked if the required documents were the same within reason across all programs.

Mrs. Kramer said yes, the requirements for small business was the same across the board. If the Commissioners wanted to make specific changes to each program that could be discussed. The PPE and rental assistance costs could be covered under the working capital so if the Board wanted to discuss just the working capital and move forward with that program then they would not necessarily need to move forward with the PPE and rent as it would be covered under this one.

Commissioner Blundo said essentially the County was giving businesses money. There was no grant requirement that stated they had to come back and justify it so he felt audit-wise the County would be good.

Mrs. Kramer pointed out in the working capital program if an application was approved the County would complete a grant agreement to be signed by the business owner and the County Manager. She could bring forward a grant agreement at a later time for the Commissioners review.

Commissioner Strickland expressed her disappointment in not having enough time to finish the workshop.

8. For Possible Action – Presentation, discussion, deliberation and direction to staff regarding the Nye County COVID Relief Program, Small Business Working Capital Program-Cont'd.

Commissioner Carbone said he had marked up his copy and thought maybe the Commissioners should give their thought processes to Mrs. Kramer.

Commissioner Blundo wanted to make another change to remove federally illegal businesses could apply, including brothels, as there were other federally illegal businesses in the County like marijuana businesses.

Mr. Arabia said to Commissioner Blundo that he did not think he had ever been asked if a Commissioner made an adequate disclosure. He had talked with his staff and while the wording may be acceptable Mr. Arabia could not properly say Commissioner Blundo made an adequate disclosure. Commissioner Blundo needed to make a disclosure that was adequate so that people listening to him could determine whether his vote or abstention might have been affected by some sort of conflict. The reason it would not be proper for Mr. Arabia to do that was because it was an ethical question, not a legal question. Mr. Arabia did not want Commissioner Blundo and everyone else to leave thinking it was proper for Mr. Arabia to say the disclosure was accurate.

Commissioner Carbone withdrew his second.

Commissioner Blundo withdrew his motion.

9. For Possible Action – Presentation, discussion, deliberation and direction to staff regarding the Nye County COVID Relief Program, Small Business Personal Protective Equipment (PPE) Reimbursement Program.

Commissioner Carbone made a motion to continue items 9-15 to February 18, 2021, at 10:00 a.m.; seconded by Commissioner Blundo; 5 yeas.

10. For Possible Action – Presentation, discussion, deliberation and direction to staff regarding the Nye County COVID Relief Program, Small Business Rent/Mortgage Assistance Program.

Commissioner Carbone made a motion to continue items 9-15 to February 18, 2021, at 10:00 a.m.; seconded by Commissioner Blundo; 5 yeas.

11. For Possible Action – Presentation, discussion, deliberation and direction to staff regarding the Nye County COVID Relief Program, Public Rent/Mortgage Assistance Program.

Commissioner Carbone made a motion to continue items 9-15 to February 18, 2021, at 10:00 a.m.; seconded by Commissioner Blundo; 5 yeas.

12. For Possible Action – Presentation, discussion, deliberation and direction to staff regarding the Nye County COVID Relief Program, Public Assistance Administered by Non-profits Program.

Commissioner Carbone made a motion to continue items 9-15 to February 18, 2021, at 10:00 a.m.; seconded by Commissioner Blundo; 5 yeas.

13. For Possible Action – Presentation, discussion, deliberation and direction to staff regarding the Nye County COVID Relief Program, Direct Utility Assistance Program.

Commissioner Carbone made a motion to continue items 9-15 to February 18, 2021, at 10:00 a.m.; seconded by Commissioner Blundo; 5 yeas.

14. For Possible Action – Discussion, deliberation and direction to staff to add or create other types of COVID relief assistance programs.

Commissioner Carbone made a motion to continue items 9-15 to February 18, 2021, at 10:00 a.m.; seconded by Commissioner Blundo; 5 yeas.

15. For Possible Action – Presentation, discussion, deliberation and direction to staff regarding the service and supply budget calculation for Nye County General Fund (10101) departments.

Commissioner Carbone made a motion to continue items 9-15 to February 18, 2021, at 10:00 a.m.; seconded by Commissioner Blundo; 5 yeas.

**16. 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.**

Melissa Blundo advised at 1:00 p.m. she and Commissioner Blundo did a press conference to let the public know the Attorney General chose to bring no charges forward against Commissioner Blundo.

Fred Alae talked about giving grants and asked the Board to be sure to hire the right server from the right company to maintain the County's documentation.

**16. 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-Cont'd.**

Hunter DeMarias asked who had the underwriting authority for the grant packages and offered to help with criteria to make them streamlined.

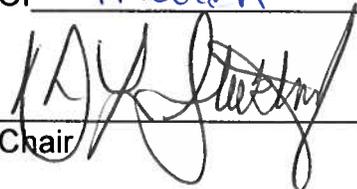
7. ADJOURN

Commissioner Strickland adjourned the meeting.

APPROVED this 16th day

ATTEST:

Of March, 2021.


Chair


Nye County Clerk / Deputy