

# NYE COUNTY AGENDA INFORMATION FORM

Action    
  Presentation    
  Presentation & Action

<b>Department:</b> Nye County Clerk	<b>Agenda Date:</b>
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<b>Category:</b> Regular Agenda Item	<b>August 6, 2019</b>
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<b>Contact:</b> Sandra Merlino, Nye County Clerk	Phone: 482-8127	Continued from meeting of:
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<b>Return to:</b> Kelly L. Sidman	<b>Location:</b> Tonopah Clerk's Office	Phone: 482-8127
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**Action requested:** (Include what, with whom, when, where, why, how much (\$) and terms)

Discussion and deliberation of the minutes of the joint meeting of the Nye County Board of Commissioners, Board of Highway Commissioners, Nye County Licensing and Liquor Board, Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District regular meeting on July 2, 2019.

**Complete description of requested action:** (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)

Discussion and deliberation of the minutes of the joint meeting of the Nye County Board of Commissioners, Board of Highway Commissioners, Nye County Licensing and Liquor Board, Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District regular meeting on July 2, 2019.

Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.

**Expenditure Impact by FY(s):** (Provide detail on Financial Form)

No financial impact

**Routing & Approval** (Sign & Date)

1. Dept	Date	6.	Date	
2.	Date	7. HR	Date	
3.	Date	8. Legal	Date	N/A
4.	Date	9. Finance	Date	N/A
5.	Date	10. County Manager	Date	Place on Agenda

ITEM # 4

Pursuant to NRS a joint meeting of the Nye County Board of Commissioners, Nye County Board of Highway Commissioners, Nye County Licensing and Liquor Board, the Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District, was held at 10:00 a.m. in the Commissioners' Chambers, 101 Radar Road, Tonopah, Nevada 89049.

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

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

Not Present: Chris Arabia, District Attorney; Sharon Wehrly, Sheriff

Commissioner Wichman was present via telephone.

### **1. Pledge of Allegiance**

The Pledge was recited.

### **2. Approval of the Agenda for July 2, 2019 (Non-action item)**

Tim Sutton said items 5 and 12-14 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).**

Diane Southworth felt the people interred at the border were being treated cruelly and inhumanely and Americans should all be ashamed.

**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 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 teleconference on May 29, 2019 and regular meeting on June 4, 2019.**

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

Commissioner Cox asked for an update on landscaping for the Calvada Eye entrance and the courthouse.

Tim Sutton advised that work orders were put in and some work had begun, but he would follow up with Buildings and Grounds.

Commissioner Cox said she also wanted to look at doing something to improve the sign at the Ruud Center as it was aged.

Commissioner Blundo commented on how tough it was when people operated businesses out of their homes and there were a lot of cars or trailers on a lot. The public saw it and it became a nuisance. He asked for a follow up on the perpetual garage sale.

Commissioner Strickland said last week the Pahrump Public Lands Committee assessed five of the Nevada Department of Wildlife's guzzlers, which were directly in the area of the 2013 Carpenter 1 fire. All were in good working order and the committee would work closely with them to make sure all guzzlers were working properly.

Commissioner Koenig advised that last month he gave a short speech at the Attorney General's conference on opioids and the new lawsuit he filed. He had been asked to speak on how the opioid addiction had affected the rurals versus place like Las Vegas. Commissioner Koenig said he had prepared a six minute speech, but was allotted less than a minute and received a thank you letter from the Attorney General yesterday.

Commissioner Cox said she attended the Quad-State Committee meeting and felt Gerald Hillier was a great representative. She explained Quad-State consisted of

## **6. Commissioners'/Manager's Comments.**

California, Utah, Nevada and Arizona, which all kept up with things that happened with BLM, Fish and Wildlife, and the Bureau of Forestry. Commissioner Cox said if anyone ever needed to be updated on anything to let her know and she would provide Mr. Hillier's contact information.

Commissioner Blundo noted hemp had been discussed in the past along with agricultural zoning. It had come to his attention that commercial businesses were operating without a license on a domestic well and were violating the ordinance because they were operating the business at a residential home without a license. He asked Tim Sutton to look into that.

Commissioner Koenig said he and Commissioner Strickland were working with the Department of Agriculture on that right now. The gentleman will be at the next meeting to discuss hemp. Commissioner Koenig was trying to get additional information to locate the acre and acre and a quarter lots, and Commissioner Strickland was going to see if they had water rights.

## **JUSTICE(S) OF THE PEACE**

### **21. For Possible Action – Presentation and direction to staff regarding future modifications to the Justice Court located in Tonopah, NV.**

Tonopah Justice of the Peace Jennifer Klapper explained the purpose of the remodel was to increase office storage space and upgrade security. There had been an increase in staff and with the jail reopening she anticipated a substantial increase in case filings. It would be financed primarily through the court specialty funds and she hoped to put in for AOC grants.

Commissioner Strickland made a motion to direct staff to move forward on determining cost and where the funds would come from to finance this particular item; seconded by Commissioner Blundo; 5 yeas.

## **TIMED ITEMS**

### **7. 10:00 – Presentation of a certificate and/or plaque to one (1) employee honored for their years of service.**

Debra Melott was presented a plaque for her 15 years of service.

### **8. 10:15 – For Possible Action – Discussion and deliberation regarding the Treasurer's Report.**

Treasurer John Prudhont mentioned the slightly new format on the bank reconciliation part of the report and said the report was for May, 2019. He confirmed for

**8. 10:15 – For Possible Action – Discussion and deliberation regarding the Treasurer’s Report-Cont’d.**

Commissioner Koenig the numbers in red were negatives and said he hoped in the future to be able to go through the reports so everyone understood them.

Commissioner Strickland made a motion to accept the report; seconded by Commissioner Blundo; 5 yeas.

**TREASURER**

**20. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2019-22: A Resolution Directing the Levy of the Tax Rate Required for Fiscal Year 2019-2020.**

Commissioner Strickland made a motion to adopt Resolution No. 2019-22, a resolution directing the levy of the tax rate required for Fiscal Year 2019-2020; seconded by Commissioner Cox; 5 yeas.

**PUBLIC PETITIONER**

**26. For Possible Action – Presentation by the Nevada Department of Transportation (NDOT) and discussion and deliberation to: 1) Accept the Nye County Work Program; and 2) Validate the top two concerns based on previous discussions.**

NDOT Director Kristina Swallow first recognized Commissioner Wichman as the NDOT transportation champion for Nye County. She then talked about the County’s contribution to the gas tax, which was \$8.2 million per year while over the past five years the average expenditure in the County had been \$13 million.

Ms. Swallow next discussed the County’s priorities. There were ten listed and the top two were leveling of the intersection and installation of pedestrian facilities at SR160 and Oxbow and installation of a right turn lane with pedestrian facilities at SR160 at SR372.

Commissioner Koenig thought SR160 and Oxbow was done.

Public Works Director Tim Dahl advised there were no sidewalks, but curbing had been put in which had been a huge help. He thought maybe a roundabout could be considered in the future.

Ms. Swallow updated the projects in the County, which included betterment jobs that were completed within the last year, betterment jobs scheduled to start or to be completed within the next year, and 3R jobs scheduled to start within the next year.

**26. For Possible Action – Presentation by the Nevada Department of Transportation (NDOT) and discussion and deliberation to: 1) Accept the Nye County Work Program; and 2) Validate the top two concerns based on previous discussions-Cont'd.**

NDOT's 2020 work program highlights included mill and surface of US-95 north of Beatty; road modification on US-6 in Tonopah; and chip seals in various areas.

Commissioner Koenig said the SR160 wildlife safety improvement and the burros had been on his radar for a long time. He brought it up every year and got no signs, but Las Vegas got flashing signs. He did not think flashing signs could cost that much money and begged Ms. Swallow to please get him some signs.

Commissioner Blundo said he would like to move forward on Highway 160 in front of the race track and thought five issues could be addressed at the same time if the efforts were focused right there. He asked how things were going Highway 160 and the overpass.

Mark Cutler from NDOT said there was about eight months to go and he was not sure when the next round of blasting would happen. He explained it was a two phase project, southbound lanes on this side of the mountain first and then Mountain Springs around the other side.

Commissioner Cox said one of the things she had been trying to get done was shoulder widening between Basin and US-95 on Highway 160. She asked NDOT to consider that even though it was not on the list.

Commissioner Strickland did not see why installing a turn lane on SR160 onto Homestead would not be another easy fix. There were three lanes available and one could be made a through and left turn lane.

Mr. Dahl explained the way that was configured was a direct result of the elevation from the east side to the west side. He did not believe the difference in elevation would be enough to allow that. NDOT had said they would look into changing the timing on the signal to allow a few more cars to get through per cycle.

Commissioner Wichman thanked NDOT for the recognition. She said while Commissioner Koenig was talking about signs she received an e-mail stating an actual burro sign in Beatty could cause problems. The person wanted to know if NDOT would do a study in that area and also said better lighting and flashing pedestrian signs were needed on First and US-95 by the Arco gas station.

Regarding the SR160 pedestrian improvements, crosswalk between Postal Road and Commercial Road, Commissioner Koenig said a few months ago he was contacted because there was a problem getting power there. An easement was obtained for power and now everything had come to a stop. Even though it was in the middle of the

**26. For Possible Action – Presentation by the Nevada Department of Transportation (NDOT) and discussion and deliberation to: 1) Accept the Nye County Work Program; and 2) Validate the top two concerns based on previous discussions-Cont'd.**

list he assumed NDOT was working on it. In addition, he had a list he would give NDOT for Amargosa Valley. They had a meeting with Cory Peacock and Jason Love to discuss some turnouts on Highway 95 at SR373 and the problems at the Valley View and Big Dunes intersections. Another big problem was school buses stopping on US-95 to drop off or pick up children and they would like a sign on Valley View indicating to turn right to get to Amargosa Valley.

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

Ms. Swallow asked the Board to clarify what the top two priorities were.

Commissioner Blundo would like to see the signs for the burros on Highway 160 as he thought it was a huge priority and should be an easy fix. He would like to make SR160, construct left turn at Manse number one and keep the SR160 southbound turn lane installation at SR372 as number two. He would also like to move the Pahrump bypass underneath the pedestrian improvements for number three. The fourth priority Commissioner Blundo would like to be SR160, install additional left turn lane on Homestead.

Mr. Bonner advised the top two priorities were the only ones that were ranked and those were the ones NDOT focused on. NDOT kept the list and if they were working on things in the area they would try to take some of them into consideration.

Commissioner Blundo amended his motion to approve and prioritize the burro signs as number one and the left turn lanes as number two; Commissioner Cox amended her second.

Mr. Cutler addressed the flashing animal warning signs. He advised that was in the process of being done and he sent a work order in last week.

Commissioner Blundo amended his motion to accept and prioritize SR160, construct left turn lane at Manse, as number one, and SR160, turn lane installation at SR372, as the second priority.

Regarding left turn lanes off of SR160, Pat Minshall said NDOT came to a planning committee meeting last month and looked at US-95 and Valley View. Amargosa had been asking for a turn lane there for many years as it was so dangerous. Vehicles were driving 70 or 80 mph southbound with a right turn with no turn lane. She had almost been rear ended several times. Ms. Minshall asked that be placed at the top of one of the lists.

**26. For Possible Action – Presentation by the Nevada Department of Transportation (NDOT) and discussion and deliberation to: 1) Accept the Nye County Work Program; and 2) Validate the top two concerns based on previous discussions-Cont'd.**

Commissioner Cox amended her second.

The motion to accept and prioritize SR160, construct left turn lane at Manse, as number one and SR160, turn lane installation at SR372, as the second priority passed with 5 yeas.

Commissioner Blundo made a motion to accept the 2020 work program; seconded by Commissioner Cox; 5 yeas.

**SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS**

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

**9. General road report by Public Works Director.**

Tim Dahl said he would work with NDOT to do something with the turn lane on Highway 160 and Homestead.

Commissioner Cox said there was a bad accident at Manse and Homestead the other day. It was mentioned on Facebook that there was a real problem with weeds and people not being able to see around them. She asked if Mr. Dahl could have someone from his staff look at clearing that out.

Mr. Dahl said he had prioritized the mowing crew to focus on intersections and making sure the sight visibility was adequate. He added the weeds were not the cause of the accident.

Commissioner Koenig asked Mr. Dahl while he was working with NDOT on Homestead to also look at Highway 372 and Highway 160. He was tired of sitting at the light watching it turn red two or three times while the traffic backed up.

Commissioner Blundo asked for the status of the stop sign project.

Mr. Dahl stated the four-way stop at Manse and Homestead was to be installed at 9:00 a.m. this morning, but the reader boards would remain prior to the intersections so the public could get used to having those stop signs. The next one to be installed today was Wilson and Lola while Mesquite and Blagg had already been installed.

Commissioner Koenig asked NDOT to consider taking Bell Vista back. It was a highway that used to be owned by the State which was turned over to the County. It



**9. General road report by Public Works Director-Cont'd.**

was deteriorating and the County could not afford to keep it in the shape it should be kept in.

Mr. Dahl said when the NFLAP projects went out next year the County could get an NDOT grant to help.

Commissioner Blundo asked Mr. Dahl to talk with NDOT to see if they could do anything to address Tecopa Road. He knew it was a Clark County road, but Nye County was doing all the work along Highway 160. He commented it was a very dangerous road and an accident waiting to happen.

**SITTING AS THE NYE COUNTY LICENSING AND LIQUOR BOARD**

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

**LIQUOR**

**10. For Possible Action – Presentation regarding Liquor License fees collected for Fiscal Years 2019 and 2020, and discussion and deliberation to consider the renewal of licenses for Fiscal Year 2020 pursuant to Nye County Code 5.04.190(B)(1).**

Commissioner Strickland said she would like to discuss item 85 by itself as it was a license held by a Commissioner.

Commissioner Koenig made a motion to hear item 85 only; seconded by Commissioner Cox.

Commissioner Blundo said it was his license and having conferred with the District Attorney's Office he would recuse himself as he had a financial interest and would remove himself from the room.

Commissioner Blundo was not present.

The motion to hear item 85 only passed with 4 yeas.

Commissioner Koenig made a motion to approve the license for item 85, The Hole in the Wall Group, LLC/Carmelo's; seconded by Commissioner Wichman; 4 yeas.

Commissioner Blundo was present.

Samantha Tackett explained the list reflected what licensees had paid toward their license last fiscal year and what they paid so far for the current fiscal year. There were a few licensees that had not paid yet, but a few came in and paid this morning like item

**10. For Possible Action – Presentation regarding Liquor License fees collected for Fiscal Years 2019 and 2020, and discussion and deliberation to consider the renewal of licenses for Fiscal Year 2020 pursuant to Nye County Code 5.04.190(B)(1)-Cont'd.**

38, Champions. However, their Town of Pahrump business license was not active. Ms. Tackett had been told they had some planning and zoning issues and were required to make an application for a conditional use permit for their business. She said they had been closed for a very long time and asked for direction from the Board.

Commissioner Blundo advised Champions was having some difficulty with their business model. They had intended to open and had just been set back. Since they made their payment he asked the Board to maintain their license and the business license and conditional use permit could be addressed.

Commissioner Koenig made a motion to renew the license for Champions for a temporary period of three months to get everything that needed to be done accomplished; seconded by Commissioner Wichman.

Commissioner Blundo asked if Champions paid quarterly or if they paid for the full year and if they had paid quarterly would they get the difference back.

Ms. Tackett said she was told the payment brought in today was \$400.00 cash. She could contact the licensee and work out a refund if necessary.

Commissioner Koenig amended his motion to state that if they did not complete the town business license, the conditional use permit and get all the paperwork within the three month period they would get three quarters worth of their money back; Commissioner Wichman amended her second; 5 years.

Commissioner Koenig made a motion to approve the rest of the licenses paid by the end of the day and the ones that had paid nothing notify them they had 30 days to pay their money, at least a quarter of it; seconded by Commissioner Wichman.

Ms. Tackett understood the Sheriff's Office had two establishments that had compliance issues that were being investigated and those two establishments did come into pay so she would update the Board on who had paid. She also pointed out there was a glitch in the software with the renewals for the first quarter of the fiscal year and the payments were going to the Sheriff's Office instead of her. Ms. Tackett also noted the Code stated discussing suitability for renewal.

Detective Chris Sehnert said over the last couple of weeks 60 alcohol compliance checks regarding liquor licenses were done and four establishments had sold alcohol to minors. Two of those were repeat offenders in the northern part of the County and he was not sure how the Board wanted to handle that. Also, Verizon Markets in Pahrump sold alcohol to minors in two locations and the employees were left by themselves being

**10. For Possible Action – Presentation regarding Liquor License fees collected for Fiscal Years 2019 and 2020, and discussion and deliberation to consider the renewal of licenses for Fiscal Year 2020 pursuant to Nye County Code 5.04.190(B)(1)-Cont'd.**

employed only four or five days. Detective Sehnert thought the establishments should be on notice for that.

Commissioner Cox questioned the procedure followed to find out the customers were underage and asked if an adult was sent in to act as a minor.

Detective Sehnert explained juveniles went to the Sheriff's Office and were given a presentation on how the alcohol compliance worked. A photograph of the juvenile was then taken with their ID in front of them so there was no deception. When the juveniles went to purchase the alcohol an undercover officer went in as well and witnessed the crime being committed in his presence.

Commissioner Cox advised the same thing was done in Mesquite and when it went to court on one of the issues it was declared unconstitutional. The police department did not have the right to go in and set the stings up so they were all thrown out of court. She suggested the Sheriff's Office work with the District Attorney to find something regarding that as well as looking at the NRS.

Detective Sehnert stated the Sheriff's Office had been doing this well before his time and everything was under the direction of the Attorney General's program that had been in Nevada for a very long time.

Commissioner Strickland asked if there was anything in place that would allow the Board to give them a warning letter or some other device.

Commissioner Koenig stated his motion stood. He directed staff or Detective Sehnert or the Sheriff to issue a show cause on those establishments and have a second meeting to have just a show cause. He said there were different degrees of culpability here and if someone was doing it year after year the penalty should be more severe than someone who just hired someone who did not know what they were doing.

Commissioner Wichman believed what Detective Sehnert was relaying was correct. She had a personal experience in 1978 when she was managing one of those stores and had a new employee who sold alcohol. They were given a choice to lose the liquor license entirely or provide proof within 72 hours that the employee had received the policy, was aware of the law and had signed off on it before the license could be reinstated. She said her second stood.

The motion to approve the rest of the licenses paid by the end of the day and the ones that had paid nothing notify them they had 30 days to pay their money, at least a quarter of it, passed with 5 yeas.

**10. For Possible Action – Presentation regarding Liquor License fees collected for Fiscal Years 2019 and 2020, and discussion and deliberation to consider the renewal of licenses for Fiscal Year 2020 pursuant to Nye County Code 5.04.190(B)(1)-Cont'd.**

Lisa Maloney, a former employee of the Pahrump Valley Winery, saw a portion of the Commission meeting on June 25, 2019, where she heard Kathy Trout state Gretchen Loken was still a consultant. Ms. Maloney advised Ms. Loken had not been on the property since 2018. Since Ms. Trout purchased it in 2109 Ms. Maloney said she had witnessed Ms. Trout bringing in store bought items. Additionally, the Winery's liquor license was not posted the day Commissioner Blundo went in to see it as she was there. It was subsequently found somewhere, put into a frame and stuck behind a plant. On a personal note, having been terminated by Ms. Trout, Ms. Maloney advised she had not received her final pay check. She contacted Ms. Trout and was told it was already mailed to her. She was also informed her personal property had been gathered and given to a delivery service to be sent to her. Ms. Maloney said by law she should have received her final pay check within 24 hours of termination, yet she still had not received it or her personal belongings almost a week later. Ms. Maloney wanted to advise the Board how the Pahrump Valley Winery was now conducting business and asked the Board to consider looking at their liquor license and making a good judgment.

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

**SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP**

**11. For Possible Action – Discussion and deliberation regarding a request to approve a deed with a restriction stating that Simkins Park, located at 450 E. Simkins Road, Pahrump, NV, Assessor's Parcel Number 029-696-01, will remain an outdoor recreation area pursuant to the conditions of the awarded grant from the State of Nevada Land and Water Conservation Fund for the Simkins Park Lighting Project.**

Commissioner Strickland made a motion to approve the deed of restriction to be placed on Simkins Park as located as read; seconded by Commissioner Blundo; 5 yeas.

**SITTING AS THE BOARD OF COUNTY COMMISSIONERS**

**BOARD OF COMMISSIONERS**

**12. For Possible Action – Closure of meeting, pursuant to NRS 288.220 for purposes of conferring with the County's management representatives regarding labor negotiations, issues and other personnel matters.**

This item was removed from the agenda.

**13. Closed meeting, pursuant to NRS 288.220 for purposes of conferring with the County's management representatives regarding labor negotiations, issues and other personnel matters.**

This item was removed from the agenda.

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

This item was removed from the agenda.

**15. For Possible Action – Discussion and deliberation to select a method on Assembly Bill 533 (AB533) as it pertains to Nye County and unincorporated towns: 1) Petition to the Legislative Counsel Bureau (LCB) to review and possibly change their opinion on towns versus county marijuana monies; 2) Give the Town of Amargosa Valley, the Town of Beatty and the Town of Pahrump a full share of License Fees that have been collected and are to be collected until July 1, 2020; 3) Prepare a Memorandum of Understanding (MOU) with the respective Towns, giving them a 60% share of the monies that have been collected and are to be collected until June 1, 2020.**

Commissioner Strickland made a motion to 1) ask for a petition to the LCB to review and possibly change their opinion on the towns' version of the County marijuana monies and 3) prepare a memorandum of understanding with respect to the towns giving them a 60% share of the monies collected and to be collected until June 1, 2020; seconded by Commissioner Wichman.

Commissioner Wichman pointed out whatever the LCB came up with on their opinion may guide how option 3 was done. She felt option 3 could be brought back after the LCB opinion, but she would second the portion of getting the opinion from the LCB.

Commissioner Strickland said her motion would stand because should the LCB change their opinion the towns could still be given their share and not hurt the County's business practices and the funding the County needed to do oversight of this particular industry.

Commissioner Wichman was worried about setting a precedence and withdrew her second.

The motion to 1) ask for a petition to the LCB to review and possibly change their opinion on the towns' version of the County marijuana monies and 3) prepare a memorandum of understanding with respect to the towns giving them a 60% share of the monies collected and to be collected until June 1, 2020, died for lack of a second.

Commissioner Cox made a motion to give the Towns of Amargosa, Beatty and Pahrump a full share of license fees that had been collected and were to be collected

**15. For Possible Action – Discussion and deliberation to select a method on Assembly Bill 533 (AB533) as it pertains to Nye County and unincorporated towns: 1) Petition to the Legislative Counsel Bureau (LCB) to review and possibly change their opinion on towns versus county marijuana monies; 2) Give the Town of Amargosa Valley, the Town of Beatty and the Town of Pahrump a full share of License Fees that have been collected and are to be collected until July 1, 2020; 3) Prepare a Memorandum of Understanding (MOU) with the respective Towns, giving them a 60% share of the monies that have been collected and are to be collected until June 1, 2020-Cont'd.**

until July 1, 2020, and bring this back at that time to discuss anything that had changed in the meantime.

The motion died for lack of a second.

Commissioner Koenig pointed out that after July 1, 2020, there was no discussion as the County would get the money and the towns would not. He would like to get the LCB to change their opinion and then a decision could be made on what to do with the money.

Commissioner Cox believed the towns were generating the money and were entitled to it, not the County.

Commissioner Koenig pointed out the towns did nothing to get the licensing money while Planning and Zoning and the Sheriff's Office did all the work. He explained the reason the Legislature changed the law was because DTAX said to remove all references to towns and townships as it pertained to licensing since towns and townships did not have the ability to license.

Commissioner Strickland made a motion to petition the LCB to review and possibly change their opinion on the towns versus County marijuana money; seconded by Commissioner Wichman.

Commissioner Blundo asked if that opinion needed to change to be able to do anything with the money since the Legislature changed the NRS.

Commissioner Koenig said it was the opinion of the District Attorney that it was not retroactive so the money would sit there until an opinion was received from the LCB that they were wrong and the money belonged to the County.

Pat Minshall said she was confused because she thought Commissioner Koenig was in favor of this, but maybe he was talking about taxes and fees and this did not address those. She asked if she misunderstood what he had been saying for several months, which was to wait because this was what the County would give the towns.

**15. For Possible Action – Discussion and deliberation to select a method on Assembly Bill 533 (AB533) as it pertains to Nye County and unincorporated towns: 1) Petition to the Legislative Counsel Bureau (LCB) to review and possibly change their opinion on towns versus county marijuana monies; 2) Give the Town of Amargosa Valley, the Town of Beatty and the Town of Pahrump a full share of License Fees that have been collected and are to be collected until July 1, 2020; 3) Prepare a Memorandum of Understanding (MOU) with the respective Towns, giving them a 60% share of the monies that have been collected and are to be collected until June 1, 2020-Cont'd.**

Commissioner Koenig stated he had been saying to wait until the Legislature got done. As far as he was concerned the town could get all the money, but he wanted the LCB to say the County was right. He said it was a total of \$25,000.00 for the Town of Amargosa.

Commissioner Cox thought the money should be given to them.

The motion to petition the LCB to review and possibly change their opinion on the towns versus County marijuana money passed with 3 yeas. Commissioners Cox and Blundo voted nay.

**CLERK**

**16. Presentation of projected expenditures of the money in the Clerk's Technology Fund to be used in the 2020 Fiscal Year.**

Sam Merlino said she had about \$600.00 in the fund with no plans to spend it today, but a bill did pass that allowed a \$5.00 tech fee on fictitious firm names, minister licensing, and candidate filing so the fund might increase a little bit.

**17. For Possible Action – Discussion and deliberation to appoint three members to the Pahrump Regional Planning Commission due to one resignation and two expiring terms.**

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

Commissioner Koenig made a motion to appoint Walt Turner to the one year term, Pam Tyler for a four year term, and Robert D. Blackstock for a four year term; seconded by Commissioner Cox.

Commissioner Wichman said when the Board was reading through the resumes they should consider maintaining institutional knowledge. She felt this was an opportunity by one board to maintain some of that institutional knowledge. Commissioner Wichman agreed with two out of the three, but said she would have to vote against it simply because she believed the experience needed to be maintained.

**17. For Possible Action – Discussion and deliberation to appoint three members to the Pahrump Regional Planning Commission due to one resignation and two expiring terms-Cont'd.**

Commissioner Strickland pointed out one of the applicants was a realtor and the board was required to have one of them on the board.

The motion to appoint Walt Turner to the one year term, Pam Tyler for a four year term, and Robert D. Blackstock for a four year term passed with 3 yeas; Commissioners Wichman and Blundo voted nay.

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

**DISTRICT ATTORNEY**

**18. 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. 2019-11: A Bill proposing to amend Nye County Code Title 17 Comprehensive Land Use Planning and Zoning, Chapter 17.06 Marijuana Establishments; Zoning Requirements; 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.**

Commissioner Blundo made a motion to set the date, time and location for the public hearing on Nye County Bill No. 2019-11, a bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, Chapter 17.06, Marijuana Establishments, as August 20, 2019, at 10:00 am in Pahrump; seconded by Commissioner Cox.

Samantha Tackett said staff was recommending this be heard on July 16, 2019, at 10:00 a.m. in Pahrump.

Commissioner Blundo amended his motion to set the date, time and location as July 16, 2019, at 10:00 am; Commissioner Cox amended her second; 5 yeas.

Commissioner Blundo read the title of the bill into the record.

**RECORDER**

**19. Report of projected expenditures of money in the Recorder's Technology Fund to be used in the 2019-2020 Fiscal Year.**

Recorder Deborah Beatty said the imaging project approved three months ago would begin on August 12, 2019. She had nothing planned for the next year except starting to preserve some books.



## COUNTY MANAGER

### **22. For Possible Action – Discussion and deliberation regarding nominating members of the Board of County Commissioners to serve on the Board of the Nevada Clean Energy Fund (NCEF).**

Commissioner Strickland nominated Commissioner Koenig; seconded by Commissioner Cox; 5 yeas.

### **23. For Possible Action – Discussion and deliberation regarding setting the date, time and location of a Public Hearing to ratify the Collective Bargaining Agreement with Nye County and the Nye County Management Employee Association (NCMEA).**

Commissioner Blundo asked to hear this in August instead of on July 16, 2019.

Tim Sutton advised the contract ended yesterday so he did not think a couple of weeks would make a difference.

Commissioner Strickland made a motion to have the public hearing to ratify the collective bargaining agreement between Nye County and the NCMEA on August 6, 2019, at 10:00 a.m.; seconded by Commissioner Cox; 5 yeas.

## INFORMATION TECHNOLOGY

### **24. For Possible Action – Discussion and deliberation regarding the 911 Advisory Committee Five Year Master Plan.**

Samantha Tackett explained this was a routine amendment and refresh of the plan with a goal to do a refresh of the 911 dispatch.

Commissioner Blundo made a motion to approve the 911 Advisory Committee five year master plan; seconded by Commissioner Strickland; 5 yeas.

## PLANNING/BUILDING/CODE COMPLIANCE

### 25. For Possible Action:

**25a. For Possible Action – Discussion and deliberation on Recreational Marijuana Establishment License Annual Renewal Application RM-2019-000041: A request for renewal of a Recreational Marijuana Establishment License for a marijuana establishment (cultivation) located at 950 E. Anvil Road, Amargosa Valley, NV. Assessor Parcel Number 019-751-03. Acres Cultivation, LLC – Property Owner. John Mueller – Applicant. Amanda N. Connor, Esq. – Agent.**

**25b. For Possible Action – Discussion and deliberation on Recreational Marijuana Establishment License Annual Renewal Application RM-2019-000042: A request for renewal of a Recreational Marijuana Establishment License for a marijuana establishment (production) located at 950 E. Anvil Road, Amargosa Valley, NV. Assessor Parcel Number 019-751-03. Acres Cultivation, LLC – Property Owner. John Mueller – Applicant. Amanda N. Connor, Esq. – Agent.**

Planning Director Brett Waggoner confirmed the delinquent fees had been caught up.

Commissioner Blundo made a motion to renew the recreational marijuana establishment license and the production license for Acres Cultivation, LLC, in Amargosa Valley; seconded by Commissioner Cox.

Mr. Waggoner wondered if this would be the time to discuss the ownership rumors.

John Mueller, the managing partner and CEO of Acres Cultivation, advised they signed a definitive agreement with Curaleaf Holdings, the largest cannabis operation in the United States. As of today Acres had yet to submit it for regulatory approval with DTAX because everybody went through suitability during this process and Acres was a small part of that wheel. Mr. Mueller said he was still the owner and since Curaleaf was buying the entity the license would not change.

The motion to renew the recreational marijuana establishment license and the production license for Acres Cultivation, LLC, in Amargosa Valley passed with 5 yeas.

## PUBLIC PETITIONER

**27. For Possible Action – Discussion and deliberation to appoint three members to the Nye County Water District (NCWD) Governing Board due to three expiring terms.**

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

**27. For Possible Action – Discussion and deliberation to appoint three members to the Nye County Water District (NCWD) Governing Board due to three expiring terms-Cont'd.**

Commissioner Koenig made a motion to appoint Richard Carver, James Weeks and Walt Kulver to the Board; seconded by Commissioner Wichman; 3 years.  
Commissioners Cox and Blundo voted nay.

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

**28. For Possible Action – Discussion and deliberation regarding a request from the Eastern Star for approval of placing a monument at the Tonopah Cemetery to honor the memory of departed members of the Turquoise Chapter #10 Order of the Eastern Star.**

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

**29. For Possible Action – Discussion and deliberation regarding an Interstate Interlocal Contract with the State of Nevada Department of Veteran Services to provide a veterans services officer for services within Nye and Esmeralda counties.**

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

Commissioner Wichman advised the State approved the budget for the veteran's officer to go full time.

The motion to approve passed with 5 years.

**30. GENERAL PUBLIC COMMENT (second)**

Perry Wickham, the acting field manager for the Battle Mountain District, introduced himself and said he hoped to continue building the relationship with the County along with Public Works to address different needs in the community.

Joe Burdzinski said 50 years ago this month the United States landed a man on the moon, which was accomplished by having a partnership between industry, education and government. He felt the same partnership was needed for Yucca Mountain and said he had not been able to find out as much as he wanted to.

Jim Marchant announced on July 30, 2019, from 2:00 p.m. to 5:00 p.m. at the Valley Electric conference center there would be an educational forum regarding Yucca Mountain and some of the things they were doing for Creech Air Force Base. Mr. Marchant would also be freshly back from Washington, D.C., after meeting with some Congressmen to find out where the relicensing of Yucca Mountain was.

**31. Commissioners'/Manager's Comments.**

Fire Chief Scott Lewis thanked Tim Dahl for assisting with a significant fire event that occurred on US-95 on Sunday. When suppression was achieved the investigation began and Mr. Dahl came out on Sunday with crews to assist with heavy equipment to ensure the building was safe enough for the investigators. He also mentioned that last night two of his firefighters were returning from Las Vegas and came across a vehicle in a wall at Oakley. They went into action and found that the driver was in cardiac arrest on a dark, busy city street. They commenced resuscitative efforts and the patient was delivered to UMC with pulses. Chief Lewis said they did an extraordinary job under very adverse conditions.

**32. ADJOURN**

Commissioner Koenig adjourned the meeting.

APPROVED this \_\_\_\_\_ day      ATTEST:

Of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Nye County Clerk / Deputy