

# NYE COUNTY AGENDA INFORMATION FORM

Action     
  Presentation     
  Presentation & Action

<b>Department:</b> Nye County Clerk		<b>Agenda Date:</b>	
<b>Category:</b> Regular Agenda Item		September 15, 2020	
<b>Contact:</b> Sandra Merlino, Nye County Clerk		Phone: 482-8127	Continued from meeting of:
<b>Return to:</b> Kelly L. Sidman	<b>Location:</b> Tonopah Clerk's Office		Phone: 482-8127
<b>Action requested:</b> (Include what, with whom, when, where, why, how much (\$) and terms) <p>Discussion and deliberation regarding meeting minutes from the July 28, 2020 joint teleconference of the Nye County Board of Commissioners, Board of Highway Commissioners, Nye County Licensing and Liquor Board, Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District.</p>			
<b>Complete description of requested action:</b> (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures) <p>Discussion and deliberation regarding meeting minutes from the July 28, 2020 joint teleconference of the Nye County Board of Commissioners, Board of Highway Commissioners, Nye County Licensing and Liquor Board, Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District.</p>			
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.			
<b>Expenditure Impact by FY(s):</b> (Provide detail on Financial Form) <p style="text-align: right;"><input checked="" type="checkbox"/> No financial impact</p>			

**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

MG

**ITEM #** 8

Place on Agenda

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; Samantha Tackett, Administrative Manager

Not Present: Chris Arabia, District Attorney

Commissioners Wichman and Cox were present via telephone.

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

The Pledge was recited.

### **2. Ex-Parte Communications and Conflict of Interest Disclosure Statements**

Commissioner Strickland stated she was the owner of Strickland Construction, T&M Realty and Lakeside Storage. As a sitting Commissioner she saw no conflicts today, but they were licensed in the pursuit of well drilling and septic and also brokered in water rights.

### **3. Presentation by the Director of Emergency Management regarding the status of the COVID-19 outbreak.**

Emergency Management Director Scott Lewis was not present at this time.

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

Commissioner Blundo said he wanted to ask the Emergency Management Director if the deaths were subtracted from the total number of COVID cases or if they were still

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

counted as a positive test. He also wondered why the recovered were no longer being tracked.

Commissioner Koenig explained the State was supposed to tell the County when to release people but they were too busy.

Tim Sutton added most of the people on the list of total cases would come off within two weeks or ten days. He said it was safe to assume that except for a few cases where people were re-tested or passed away, the vast majority of the 309 cases were going to be recovered.

**3. Presentation by the Director of Emergency Management regarding the status of the COVID-19 outbreak-Reopened.**

Emergency Management Director Scott Lewis advised there were additional cases in Tonopah, Beatty, Amargosa and Pahrump with seven deaths. Testing was over 5,300 and continued. He was working diligently with Serenity Health and other groups to have testing done in Tonopah as well as by appointment. The PPE was becoming scarce and there were challenges on meeting requirements of some of the facilities. As to Commissioner Blundo's questions, Chief Lewis said the numbers in his report were the single onset, not retests, and the numbers included the deaths.

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

Commissioner Strickland said at the Nye County Water District (NCWD) meeting yesterday there was a presentation from Desert Research Institute, the entity that had the cloud seeding equipment on Manse. In the 2019 seeding program 5,656 acre feet of water was re-injected into the system, which represented 11,312 homes with water at five gallons a day. She said the NCWD was working to possibly fund them again this year for \$26,450.00.

**6. Approval of the Agenda for July 28, 2020 (Non-action item)**

Tim Sutton said items 8-13 and 15 could be removed from the agenda.

**SITTING AS THE BOARD OF COUNTY COMMISSIONERS**

**BOARD OF COMMISSIONERS**

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

This item was removed from the agenda.

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

This item was removed from the agenda.

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

This item was removed from the agenda.

**11. 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.

**12. 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.

**13. 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.

**14. For Possible Action – Discussion and deliberation to approve a letter of support for Jon D. Ponder’s request for a federal pardon.**

Commissioner Blundo explained Mr. Ponder received a pardon in Nevada and was the founder of Hope for Prisoners. Commissioner Blundo wanted to support him for a Presidential pardon.

Jon Ponder said he was honored to be considered for a Presidential pardon. The State had granted him a pardon which he thought came in part due to the tremendous work his organization had done over the past ten years. They had the opportunity to work

**14. For Possible Action – Discussion and deliberation to approve a letter of support for Jon D. Ponder’s request for a federal pardon-Cont’d.**

with over 3,400 men and women who returned from various arenas of the judicial system throughout the State and Mr. Ponder was very proud of their success rate in helping people integrate back into the community. He thanked the Commissioners for their support.

Commissioner Koenig mentioned how the letter was more from Commissioner Blundo to the President, not himself to the President. He had no problem with someone making a motion that Commissioner Blundo was allowed to send this letter on County letterhead and Commissioner Koenig would send his own letter on County letterhead.

Commissioner Strickland made a motion to give each Commissioner the opportunity to produce a like and kind letter with their own signature on it; seconded by Commissioner Wichman.

Deputy District Attorney Michelle Nelson was present.

The motion to give each Commissioner the opportunity to produce a like and kind letter with their own signature on it passed with 5 yeas.

**15. For Possible Action – Presentation by the University of Nevada Cooperative Extension regarding the Nevada Economic Assessment Project (NEAP).**

This item was removed from the agenda.

**PLANNING**

**17. For Possible Action – Discussion and deliberation to consider the annual renewal of marijuana licenses for Fiscal Year 2021 pursuant to Nye County Code 5.32.080(A).**

Commissioner Blundo disclosed his business held a Nye County privilege liquor license which would have no effect on his determination in these proceedings. He said he did not believe the property taxes should be listed as many licensees were leasing property and taxes were not their responsibility.

Commissioner Blundo made a motion to approve 1-3, 9-22, 24-27, and 30-34; seconded by Commissioner Strickland.

Planning Director Brett Waggoner explained the tax information was on the report because there was a request for that from the Board.

The motion to approve 1-3, 9-22, 24-27, and 30-34 passed with 5 yeas.

**17. For Possible Action – Discussion and deliberation to consider the annual renewal of marijuana licenses for Fiscal Year 2021 pursuant to Nye County Code 5.32.080(A)-Cont'd.**

Regarding items 28 and 29, Commissioner Blundo said the licenses that were moved from the Oakridge facility were tied to CW Nevada and resided at Charleston Park. He believed those property taxes were attached to that.

Scott Rutledge and Jeff Donato from Argentum Partners were present. Mr. Rutledge explained the receivership estate took over the CW Nevada licenses going back to June 13, 2019. They had made their best efforts since then to get all of the licenses current. The receivership estate had spent in excess of \$5 million to make sure the licenses could be preserved. In a negotiated settlement with the Attorney General's Office and the Cannabis Compliance Board they were able to maintain the cultivation license for recreational at the Oakridge facility and the other licenses were surrendered.

Mr. Donato added they withdrew the applications for items 5-8.

Regarding the property tax due, Commissioner Blundo suggested he would be willing to bring forward an item to refund the difference of the application fee to be applied to the property tax.

Commissioner Blundo made a motion to approve items 4, 28, and 29 and respect the applicant's wishes to withdraw items 5-8; seconded by Commissioner Strickland; 5 yeas.

Commissioner Blundo said item 23, ACC Enterprises, had a similar situation. Due to COVID and his discussions with the applicant he would bring forward an item to discuss the late fees.

Howard Misle, the applicant, did not think the late fees were just. He said they had been in business since the beginning of the medicinal years and employed 65 people in town. He did not charge people late fees himself and he thought it was disingenuous for the County to charge late fees, especially at this point in time. Ms. Misle also did not think the personal property tax was correct considering the equipment was aged.

Brett Waggoner explained reports were turned in late, which was the reason for the late fees.

Commissioner Blundo made a motion to approve item 23; seconded by Commissioner Strickland; 3 yeas. Commissioners Wichman and Strickland voted nay.

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

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

## LIQUOR

**7. 10:00 a.m. – For Possible Action – Hearing to Show Cause, discussion and deliberation to: 1) Consider reinstatement or revocation of the Conditional Retail Liquor License that is suspended due to noncompletion of application requirements for JEH, LLC., Nevada Wine Cellars, Inc. dba, Pahrump Valley Winery; or 2) Allow additional time for applicant to become compliant.**

Commissioner Koenig made a motion based upon the letter from the Wright Law Group, the attorney for the Winery, and an agreement from the District Attorney's Office to continue the show cause hearing until August 18, 2020, noting that the suspension remained in place; seconded by Sheriff Wehrly.

Jennifer Simmons asked what would happen if the applicant did not appear on August 18, 2020.

Commissioner Strickland said the Board would decide that at that time.

The motion based upon the letter from the Wright Law Group, the attorney for the Winery, and an agreement from the District Attorney's Office to continue the show cause hearing until August 18, 2020, noting that the suspension remained in place passed with 6 yeas.

## SITTING AS THE BOARD OF COUNTY COMMISSIONERS

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

## COUNTY MANAGER

**16. Presentation by the County Manager of the plans for the proposed community center at the Pahrump Fairgrounds.**

Tim Sutton said since September staff had been working with the VEA Board and contractors to present the plans in the back-up. The VEA Board seemed pleased but had to withhold any formal decision until their deadline of August 6, 2020. Mr. Sutton explained the proposal was to build it on the fairgrounds site and he reviewed the layout of the building, which was designed to be as multi-purpose as possible.

Commissioner Cox said she wanted to sit down with Mr. Sutton and talk about the funding.

Mr. Sutton said he wanted to make sure the Board was okay with it, but if not to let him know and he would bring an item back. The next step was to reach out to the vendor or got out for an RFP. Even if an RFP was not required a contract would come before the Board.

**16. Presentation by the County Manager of the plans for the proposed community center at the Pahrump Fairgrounds-Cont'd.**

Michael Phillips, vice president of external affairs for Great Basin Water Company, said Great Basin Water Company wanted to continue working toward the community goal of a fairground. They had pipes on the property and had reached out to the County multiple times. He asked if there was there an engineer's plan for the water and sewer.

Tim Bohannon, president of the Nevada Standardbred Association, asked how many acres there would be, if there would be an on-line classroom for virtual learning, if additional funding was needed for the soccer fields, and if there would be a canopy so it could be used during the summer.

**18. 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.**

There was none.

**19. ADJOURN**

Commissioner Koenig adjourned the meeting.

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

Of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Chair

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