



**JOINT MEETING OF THE
NYE COUNTY BOARD OF COMMISSIONERS
NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS
NYE COUNTY LICENSING AND LIQUOR BOARD
NYE COUNTY BOARD OF HEALTH**

**AS THE GOVERNING BODY OF THE UNINCORPORATED TOWN OF PAHRUMP
AS THE GOVERNING BODY OF UNINCORPORATED TOWNS OF BEATTY GABBS MANHATTAN
AND AS THE BOARD OF TRUSTEES FOR THE PAHRUMP POOL DISTRICT**

2100 E. Walt Williams Drive, Pahrump, NV 89048

January 19, 2022

10:00 a.m.

Nye County's vulnerable population, or those sheltering in place may, subject to technical difficulties, participate by calling 1-888-585-9008 and entering conference room number 255-432-824. Technical difficulties may occur before or during the meeting preventing your ability to call in.

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

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

NOTE: All items are approximate except for bid openings, public hearings, and any other items agendaized at a specific time. Items on the agenda without a time designation may be taken out of order. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. **NOTICE: It is anticipated that the items of business before the Board of Commissioners on January 19, 2022 will be fully completed on that date. However, should item(s) not be completed, it is possible item(s) could be carried over and be heard before the Board of Commissioners beginning at 8:30 a.m. on the next day.**

Public Comment during the Commission Meeting on January 19, 2022 will be for all matters off the agenda, and be limited to up to three minutes per person. Additionally, public comment of up to three minutes per person may be heard during individual action items. The Commission reserves the right to reduce the time allowed for public comment. The Commission may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the Commission, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting. **Decorum** during the meeting must be upheld pursuant to the BOCC Rules of Procedure sections 7.5.3 and 7.5.4 whereby no person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting. Any person who becomes disruptive or interferes with the orderly business of the Board may be removed from the Board Chambers or other meeting room for the remainder of the meeting.

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

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

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

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

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

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

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

WEBSITE: www.nyecountynv.gov

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

- 1. Pledge of Allegiance**
- 2. GENERAL PUBLIC COMMENT (up to three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (FIRST).**
- 3. Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**
- 4. Approval of the Agenda for January 19, 2022 (Non-action item)**
- 5. For Possible Action – Emergency Items**
- 6. [For Possible Action](#) – Discussion and deliberation regarding meeting minutes from the December 7, 2021, and December 16, 2021, joint meetings of the Nye County Board of Commissioners, Board of Highway Commissioners, Licensing and Liquor Board, Board of Health, the Governing Body of Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Gabbs, and Manhattan, and the Board of Trustees for the Pahrump Pool District.**

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

TIMED ITEMS

- 7. 10:00 a.m. – [Presentation](#) of certificates and/or plaques to seven employees honored for their years of service.**
- 8. 10:00 a.m. – [For Possible Action](#) – Discussion and deliberation to approve the audits of fiscal year 2020-2021 for Nye County and all component units of Nye County conducted by Daniel McArthur, LTD.**
- 9. 10:00 a.m. – [For Possible Action](#) – Discussion and deliberation to approve the audit of fiscal year 2020-2021 for the Nye County Water District conducted by Daniel McArthur, LTD.**
- 10. 10:00 a.m. – [For Possible Action](#) – **Hearing to Show Cause**, discussion and deliberation to determine if there is sufficient cause to revoke: 1) Adult-Use Cannabis License (Cultivation) RM-2019-000055; 2) Adult-Use Cannabis License (Production) RM-2019-000056; 3) Medical Cannabis License (Cultivation) MM-2019-000083; and 4) Medical Cannabis License (Production) MM-2019-000084; located at 3171 E. Tillman Street, Pahrump, NV. Assessor's Parcel Number 045-441-15. Daniel Seid and S. Settlemyer Trust – Property Owner. MJ Distributing, Inc. / John C. Goss, President – Licensee.**

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- 11. **10:00 a.m.** – [For Possible Action](#) – **Hearing to Show Cause**, discussion and deliberation to determine if there is sufficient cause to revoke: 1) Adult-Use Cannabis License (Cultivation) RM-2021-000100; and 2) Medical Cannabis License (Cultivation) MM-2021-000111; located at 5400 N. Highway 160, Pahrump, NV. Assessor’s Parcel Number 029-311-13. Diversified Development Group – Property Owner. Rick Saga / Nye Farm Tech, LTD – Applicant.
- 12. **10:00 a.m.** – [For Possible Action](#) – **Public Hearing**, discussion and deliberation on ETSU-21-88: An application for an Extension of Time of a Special Use Permit to allow a marijuana establishment (retail store/dispensary) located at 2370 S. Homestead Road, Pahrump, NV. Assessor’s Parcel Number 042-312-14. Nevada Organic Remedies, LLC / Brandon Wiegand, Chief Commercial Officer – Applicant.
- 13. **10:00 a.m.** – [Presentations](#) from Molly Walt with Nevada Rural Counties RSVP Program, and Nancy Guin and Denise Scherer with Tails of Nye County as Grantees of the Public Assistance Administered by Not-For-Profits, and Charities (PAAO) within the Nye County Covid Relief Program (CRP) pursuant to the requirements set forth in the grant agreement to include assistance provided and programmatic reporting.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

- 14. **10:00 a.m.** – [For Possible Action](#) – Discussion and deliberation to approve the audits of fiscal year 2020-2021 for the Town of Pahrump conducted by Daniel McArthur, LTD.

AS THE BOARD OF TRUSTEES FOR THE PAHRUMP POOL DISTRICT

- 15. **10:00 a.m.** – [For Possible Action](#) – Discussion and deliberation to approve the audits of fiscal year 2020-2021 for the Pahrump Pool District conducted by Daniel McArthur, LTD.

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.

- 16. [For Possible Action](#) – Approval of the Elected Official Collection Report regarding fees collected from elected county departments for services rendered by or provided to county citizens.
- 17. [For Possible Action](#) – Approval to set the date and location for the second Board of Commissioners meeting in April for Tuesday, April 19, 2022, in Pahrump, NV.
- 18. [For Possible Action](#) – Approval to: 1) Accept SubAward Amendment #2 for the CARES Act Community Service Block Grant (CSBG) in the amount to \$161,968.00, along with Assurances. There is no County match required; 2) Execute the SubAward Amendment #2; and 3) Fund from 10340 Grants.
- 19. [For Possible Action](#) – Approval to: 1) Accept a Notice of SubAward for Supplemental monies from the Community Service Block Grant (CSBG) for FY2022 in the amount to \$13,268.00; to provide assistance to very low to low-income populations, along with Assurances. No County match required; 2) Execute the Notice of SubAward; and 3) Fund from 10340 Grants.

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ITEM # SUBJECT

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BOARD OF COMMISSIONERS

20. 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.
21. Closed meeting, pursuant to NRS 241.015(3)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.
22. For Possible Action – Discussion and deliberation on conference with legal counsel regarding potential or current litigation presented in closed meeting.
23. 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.
24. 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.
25. For Possible Action – Discussion and deliberation on labor negotiations, issues and other personnel matters presented in closed meeting.
26. [For Possible Action](#) – Discussion, deliberation, and possible direction to staff to send a letter to the Bureau of Land Management (BLM) in support of a competitive sale of approximately 320 acres of public land to Fast Forward, LLC.

DISTRICT ATTORNEY

27. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2022-04: A Resolution Approving the Cooperative Agreement for the Chief Local Elected Official Consortium and the Establishment of Workforce Connections as a Joint Powers Authority for the Southern Nevada Workforce Development Area in accordance with the Workforce Innovation and Opportunity Act of 2014, NRS 277.045, NRS 277.110, NRS 277.120, and NRS 277.140.
28. [For Possible Action](#) – Discussion and deliberation to authorize and approve the District Attorney to:
1) Hire and fill vacant Deputy District Attorney positions and determine the step (salary at time of hire), due to market conditions; 2) Hire an additional Chief Deputy – Civil in lieu of one unfilled Deputy District Attorney position and determine the step (salary at time of hire), due to market conditions; and 3) Promote two current Deputy District Attorneys to the position of Senior Deputy District Attorney and determine the step (salary at time of promotion), due to market conditions.

SHERIFF

29. [For Possible Action](#) – Discussion and deliberation to 1) Determine Nye County Sheriff’s Office K-9 Maya a Search and Rescue dog is no longer required for public use; 2) Determine it is in the best interest to surplus K-9 Maya due to temperament changes; 3) Determine it is in the best interest of Nye County to retire and transfer ownership to Deputy Jonathan Justice of K-9 Maya pursuant to NRS 332.185; 4) Delegate authority to the Sheriff to execute the agreement between the Nye County Sheriff’s Office and Deputy Jonathan Justice for the transfer of ownership of K-9 Maya; and 5) Authorize expenditure of capital funding to replace K-9 Maya in the amount of \$12,000.00 to purchase the K9 and \$4,000.00 for assorted equipment and handling.

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ITEM # SUBJECT

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COUNTY MANAGER

30. [For Possible Action](#) – Discussion and deliberation to 1) Appoint ten members to the Nye County Peace Officer Advisory Review Board due to eight expiring terms and two vacancies from the following list of applicants: Ralph Bazan, Andrew Borasky, William Carns, Randy Gulley, Roy Holt, Thomas Mazzola, Gina Meredith, Kent Mosdale, James Pinner, Dina Williamson-Erdag, Ben Zamora; or 2) Readvertise for the appointment.
31. [For Possible Action](#) – Public Hearing on the fair market value of one (1) property described as 1501 and 1503 E. Calvada Blvd., Pahrump, NV. Assessor’s Parcel Number 042-041-35, owned by Nye County, consisting of a 3.83-acre Community Facility (CF) zone; Fair Market Value \$1,693,000. The appraisals of the subject properties were conducted by Fidelity Appraisals.

FACILITIES

32. [For Possible Action](#) – Discussion and deliberation to: 1) Discuss the bid proposals received for Bid No. 2021-11 One Stop Shop; 2) Award Bid No. 2021-11 to Double M Construction. Inc. in the amount of \$2,123,374.85, or Top Rank Builders, Inc., in the amount of \$2,386,082.00; 3) Approve, amend and approve or reject the contract with selected bidder; 4) Fund from 10451 Bonds; or 5) Reject bids and provide direction to staff on how to proceed with the project.

FINANCE

33. [For Possible Action](#) – Discussion and deliberation regarding the budget status for November 2021 for Nye County and all sub-entities for fiscal 2022.

PLANNING/BUILDING/CODE COMPLIANCE

34. [For Possible Action](#) – Discussion and deliberation regarding RFQ # 2021-08 – Indefinite delivery, Indefinite Quantity On-Call Professional Civil Engineering Services: 1) Accept Fee Schedule as submitted by Holistic Engineering and Land Management, Inc.; 2) Approve, amend and approve, or reject the contract; 3) Execute the contract; and 4) Fund from 10340, Grants, using the Grant Award from the U.S. Department of Homeland Security.

PUBLIC WORKS

35. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject the State of Nevada’s COVID Mask Policy for Nye County Airports located in Beatty, Tonopah, and Gabbs for the purpose of meeting the requirements mandated by the Federal Aviation Administration (FFA) to be in place until Executive Order 13998, Promoting COVID-19 Safety in Domestic and International Travel, is no longer effective. This policy will supersede Nye County’s Face Mask policy adopted by the Board on April 6, 2021, and June 15, 2021, for the Nye County airports only.
36. [For Possible Action](#) – Discussion and deliberation to: 1) Accept the FY22 Airport Rescue Grant Offers #3-32-0019-021-2022 (Tonopah), #3-32-0002-021-2022 (Beatty) and #3-32-0029-013-2022 (Gabbs) through the U.S. Department of Transportation Federal Aviation Administration (FAA) in the amount of \$22,000.00 for each Grant Offer/location to provide funding in accordance with the American Rescue Plan Act (ARPA) for the purpose of assisting with costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airports; 2) Execute the grant award documents; and 3) Fund from 10340 Grants.

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37. [For Possible Action](#) – Discussion and deliberation to approve, amend and approve, or reject a Road Use and Damage Remediation Agreement with Golden Arrow Mining Corporation for the purpose of utilizing Silverbow Road from Hwy No. 6 to RS2477 #961830 within Nye County for their exploratory activities.
38. **GENERAL PUBLIC COMMENT (up to three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (SECOND).**
39. **Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**
40. **ADJOURN**

Nye County Board of County Commissioners Meeting Participation Information:

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

Notes:

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