



**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**

**101 Radar Road, Tonopah, NV 89049**

**November 1, 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.nyecountynv.gov](http://www.nyecountynv.gov). 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 November 1, 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 November 1, 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 Brougner 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](mailto:program.intake@usda.gov)

# NYE COUNTY BOARD OF COMMISSIONERS AGENDA

**ITEM # SUBJECT**

**November 1, 2022**

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](http://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 775-482-8191 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 November 1, 2022 (Non-action item)**
- 5. For Possible Action – Emergency Items**

## SITTING AS THE BOARD OF COUNTY COMMISSIONERS

### TIMED ITEMS

- 6. 10:00 a.m. – [Presentation](#)** of certificates and/or plaques to one employee honored for their years of service.
- 7. 10:00 a.m. – [Presentation](#)** by Contracts and Grants Manager Stephani Elliott regarding the Grant Funds awarded to Nye County during first quarter of Fiscal Year 2023.
- 8. 10:00 a.m. – [Presentation](#)** by Tyson Falk regarding an update on the development of the Rhyolite Ridge Lithium/ Boron project.
- 9. 10:00 a.m. – [Hearing to Show Cause](#)** – Discussion and deliberation to determine if there is sufficient cause to revoke: 1) Adult-Use Cannabis License (Cultivation) CBL-21-143; 2) Adult-Use Cannabis License (Production) CBL-21-144; located at 340 E. Mesquite Avenue, Pahrump, NV. Assessor's Parcel Number 029-601-28. Janet L. Jensen – Property Owner. NCMM, LLC – Licensee.
- 10. 10:00 a.m. – [Continued Public Hearing](#)** – Discussion, and deliberation on ZCMP-22-11: An application for a (Conforming) Zone Change to change one parcel totaling approximately 1.9 acres from Neighborhood Commercial (NC) to Commercial Manufacturing (CM) on property located at 771 W. Mesquite Avenue, Pahrump, NV. Assessor's Parcel Number 035-091-09. Michael Selbach and Jason Gettle – Property Owners/Applicants.

## SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

- 11. [For Possible Action](#)** – Discussion and deliberation regarding the General Road Report by Public Works Director on General Road Maintenance, Gravel Road Maintenance, Asphalt Patching, Weed Mowing, and direction regarding public works projects.

**NYE COUNTY BOARD OF COMMISSIONERS AGENDA**

**ITEM # SUBJECT**

**November 1, 2022**

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

- 12. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Town of Pahrump Resolution No. 2022-05: A Resolution Supporting Operation Green Light for Veterans.

**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.**

- 13. [For Possible Action](#) – Approval of the meeting minutes from the joint meeting on August 2, 2022.
- 14. [For Possible Action](#) – Approval to: 1) Accept the American Rescue Plan Act (ARPA) Fiscal Recovery Funds (FRF) grant award from the Nevada Supreme Court for the purpose of providing a part-time temporary position for the Tonopah Justice Court in the amount of \$9,232.00. There is no County match required; 2) Execute a one-time exception for County Manager Tim Sutton to sign the Grant acceptance letter; and 3) Fund to 10340 Grants Fund.

**ASSESSOR**

- 15. [For Possible Action](#) – Discussion and deliberation to approve an unbudgeted Account Clerk I position within the Assessor office, to be funded by 10101 General Fund.

**BOARD OF COMMISSIONERS**

- 16. 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.
- 17. Closed meeting, pursuant to NRS 241.015(3)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.
- 18. For Possible Action – Discussion and deliberation on conference with legal counsel regarding potential or current litigation presented in closed meeting.
- 19. 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.
- 20. 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.
- 21. For Possible Action – Discussion and deliberation on labor negotiations, issues and other personnel matters presented in closed meeting.

**SHERIFF**

- 22. [Presentation](#) to the Board of County Commissioners on High Intensity Drug Trafficking Area Threat and Nye County Drug Related Deaths.

**NYE COUNTY BOARD OF COMMISSIONERS AGENDA**

**ITEM # SUBJECT**

**November 1, 2022**

**COUNTY MANAGER**

- 23. [For Possible Action](#) – Discussion and deliberation to approve, amend and approve or reject a Property Access Agreement with Pythom Inc. for a portion of property located at the Tonopah Airport for the purpose of creating single-engine test firings at the Tonopah airport and surrounding industrial area. The term of the Agreement is five years. Revenues will be deposited into Fund 10209 Airport.
- 24. [For Possible Action](#) – Discussion and deliberation to: 1) Determine that a public purpose may be served by the acquisition of the real property more particularly described as Assessor’s Parcel Nos. 000-011-71, 000-103-16, 000-104-30, 000-104-57, 000-105-70, 000-105-98, 000-105-99, 000-106-06, 000-106-20, 000-106-42, 000-106-96, 000-107-21, 000-108-48, 000-108-86, 000-109-01, 000-109-02, 000-109-20, 000-109-74, 000-110-50, 000-111-03, 000-111-04, 000-120-44, 000-124-57, 000-128-75, 000-128-76, 000-128-77, 000-157-00, 000-157-04, 000-158-30, 000-158-31, 000-158-56; 2) Consider the application made to the Board of County Commissioners by Nye County Administration for permission to acquire the real property described as Assessor’s Parcel Nos. 000-011-71, 000-103-16, 000-104-30, 000-104-57, 000-105-70, 000-105-98, 000-105-99, 000-106-06, 000-106-20, 000-106-42, 000-106-96, 000-107-21, 000-108-48, 000-108-86, 000-109-01, 000-109-02, 000-109-20, 000-109-74, 000-110-50, 000-111-03, 000-111-04, 000-120-44, 000-124-57, 000-128-75, 000-128-76, 000-128-77, 000-157-00, 000-157-04, 000-158-30, 000-158-31, 000-158-56; 3) Adopt, amend and adopt, or reject Nye County Resolution No. 2022-43: A Resolution Directing the Transfer of Nye County Treasurer Trust Property into Nye County Ownership for Public Purposes; and 4) Fund in an amount not to exceed \$20,000.00 in delinquent tax amount with funding source to be determined by the Comptroller.
- 25. [For Possible Action](#) – Discussion and deliberation to: 1) Determine that a public purpose may be served by the acquisition of the real property more particularly described as Assessor’s Parcel Nos. 0000-000-45, 000-000-46, 000-001-26, 000-001-65, 000-003-55, 000-006-16, 000-006-22, 000-006-67, 000-006-85, 000-006-89, 000-006-90, 000-006-92, 000-007-40; 2) Consider the application made to the Board of County Commissioners by Nye County Administration for permission to acquire the real property described as Assessor’s Parcel Nos. 000-000-45, 000-000-46, 000-001-26, 000-001-65, 000-003-55, 000-006-16, 000-006-22, 000-006-67, 000-006-85, 000-006-89, 000-006-90, 000-006-92, 000-007-40; 3) Adopt, amend and adopt, or reject Nye County Resolution No. 2022-44: A Resolution Directing the Transfer of Nye County Treasurer Trust Property into Nye County Ownership for Sale; and 4) Fund in an amount not to exceed \$5,000.00 in delinquent tax amount with funding source to be determined by the Comptroller.

**FINANCE**

- 26. [For Possible Action](#) – Presentation, discussion and deliberation to approve, amend and approve, or reject the program funding request from Nevada Rural Housing Authority under the Nye County ARPA Recovery Plan and Policy: Public Health Assistance-Affordable Housing Grants in the amount of \$400,000.00.

**NATURAL RESOURCES**

- 27. [For Possible Action](#) – Discussion and deliberation to select a nominee for the Mojave-Southern Great Basin Resource Advisory Council. Letters of interest must be received by the Bureau of Land Management by November 4, 2022.

**NYE COUNTY BOARD OF COMMISSIONERS AGENDA**

**ITEM # SUBJECT**

**November 1, 2022**

**PLANNING/BUILDING/CODE COMPLIANCE**

- 28. [For Possible Action](#) – Discussion and deliberation to approve the annual renewal of Adult Use Cannabis (Production) License CBL-22-33 for NCMM, LLC, located at 340 E. Mesquite Avenue, Pahrump. Assessor’s Parcel Number 029-601-28. Janet L. Jensen – Property Owner. Valerie Small / NCMM, LLC – Applicant.
- 29. [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. 2022-17: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, Section 17.04.920: Conditional Use Permit Procedures, by deleting Board of County Commissioners approval and adding “Reconsideration of Conditions”, and providing for the severability, constitutionality, and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.
- 30. [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. 2022-18: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, Section 17.04.110: Definitions, by adding the definition of Planning Commission, and Section 17.04.915: Waivers and Special Exception Procedures, by changing the Planning Commission and Zoning Administrator Evidence to provide for online application verification and adding “Reconsideration of Conditions”, and providing for the severability, constitutionality, and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.

**PUBLIC WORKS**

- 31. [For Possible Action](#) – Discussion and deliberation, to accept a Restrictive Covenant Running with the Land agreement between Nye County and The Nacpil Family Trust for the property located at 251 South Frontage Road, Pahrump, NV. Assessor's Parcel Number 038-234-15 for the purpose of future road improvements to be paid for by the property owner.
- 32. [For Possible Action](#) – Discussion and deliberation to accept a Restrictive Covenant Running with the Land agreement between Nye County and White Glove Ranch, LLC, for the property located at 5121 West Betty Avenue, Pahrump, NV. Assessor's Parcel Number 027-521-43 for the purpose of future road improvements to be paid for by the property owner.
- 33. [For Possible Action](#) – Discussion and deliberation to accept an offer of dedication for road right of way as shown on Exhibit A of the Offer of Dedication with White Glove Ranch, LLC and designate it a "Minor County Road" rejecting maintenance for the purpose of future road improvements fronting the property located at 5121 West Betty Avenue, Pahrump, NV. Assessor's Parcel Number 027-521-43.
- 34. [For Possible Action](#) – Discussion and deliberation to: 1) Approve, amend and approve, or reject Master Professional Services Agreement between Atkins North America, Inc., and Nye County to provide Planning, Environmental, Consulting, and Engineering Services at the Beatty, Gabbs, and Tonopah Airports in an amount to be negotiated for each respective task item; 2) Execute the Agreement; 3) Authorize the County Manager to execute each individual task as the work is authorized or provide direction to staff to bring each task back before the Board for approval ; and 4) Fund from sources to be determined by the Comptroller.

## NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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ITEM # SUBJECT

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November 1, 2022

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35. **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).**
36. **Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**
37. **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](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](mailto:nyeadmin@co.nye.nv.us) or by calling 775-482-8192