

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, Nye County Board of Health, as the Governing Body of the Unincorporated Town of Pahrump, as the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and as the Board of Trustees for the Pahrump Pool District, was held at 10:00 a.m. in the Commissioner Chambers, 101 Radar Road, Tonopah, Nevada 89048.

John Koenig, Chair
Dan Schinhofen, Vice-Chair
Lorinda Wichman, Commissioner
Butch Borasky, Commissioner
Donna Cox, Commissioner
Sandra L. Merlino, Ex-Officio Clerk of the Board
Angela Bello, District Attorney
Sharon Wehrly, Sheriff
Tim Sutton, County Manager

Also Present: Kelly Sidman, Deputy Clerk; Samantha Tackett, Administrative Manager; Bradley Richardson, Deputy District Attorney

Not Present: Dan Schinhofen, Vice-Chair; Butch Borasky, Commissioner; Tim Sutton, County Manager; Lorina Dellingar, Assistant County Manager; Angela Bello, District Attorney

Sheriff Wehrly was not present at this time

1. Pledge of Allegiance

The Pledge was recited.

2. Approval of the Agenda for November 9, 2018 (Non-action item)

Samantha Tackett said items 5 and 17-19 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).

Commissioner Koenig mentioned that later on he would discuss the plans for Assembly District 36.

Louis DeCanio said Pam Webster was elected Treasurer, but she resigned. Dennis Hof was elected to Assembly District 36, but due to his untimely death that position was also open. Mr. DeCanio said the appointments should be based solely on a person's qualifications and suggested that all Republican individuals who felt qualified to fill either

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)-Cont'd.

position be allowed to submit their name and resume to the Nye County Clerk. Those individuals should then be allowed to speak publicly at a scheduled Commission meeting about their qualifications.

Debra Strickland announced that Orders 1293 and 1293A were rescinded yesterday. She did not believe any repercussions would be seen as the judge was adamant in his decisions and Jason King announced prior to yesterday he was retiring.

John Bosta asked that his written comments be included in minutes (see Attachment 1). He took exception to Commissioner Wichman's comments made during the second general public comment period at the previous Commission meeting regarding the collection of marijuana taxes. He reminded the Commissioners of the decision of the Legislative Counsel Bureau (LCB) that NRS 269.095 prohibited the deposit of the money in the County general fund and, instead, required any such money to be kept separate from other money of the County and used for the sole benefit of the unincorporated town in which the money was collected.

Richard Goldstein pointed out this weekend was Veteran's Day and he hoped everyone would attend the various events. He also hoped now that the election was over that everyone would get their signs down quickly. Lastly, Mr. Goldstein said a couple of weeks ago there was an event held at the Nugget and he asked if the fire department and the Sheriff's Department were paid by the sponsors for the stand-by time to sit there and if not why not.

Diane Southworth said she was not going to discuss where the marijuana money went or what it did as far as the County or the town, but she was concerned about where it would be spent and how it would be divided up. She then pointed out Pahrump was the only town without at least a town advisory board. She heard recently that Pahrump should have one and thought maybe that should finally be taken into consideration.

Commissioner Koenig said that was being worked on.

Dawn Murphy thanked Pahrump Fair Water, LLC, for their perseverance over Orders 1293 and 1293A and wished the Board had stood by the people. She said several customers approached her saying this was the most unfriendly town to move into and Ms. Murphy thought bringing in the California rules was the reason.

Tina Trenner spoke about Dennis Hof's passing and how he won the election anyway.

Horace Carlyle expressed his concern with the Nye County Hospital District. He asked for the legal status of the Nye Regional Medical Center bankruptcy because it was announced at a District meeting in October that a clinic wanted to come in and provide

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)-Cont'd.

services and Renown would not be needed. Mr. Carlyle pointed out Renown had invested a tremendous amount of time and money into the community. If Renown cancelled their contract, which he had heard rumors that they were going to, then there would be no hospital because one of the conditions was the Board had to get NRS 450 rewritten so Nye County could contract with an off-site hospital and have a clinic.

4. For Possible Action – 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 September 18, 2018.

Commissioner Wichman made a motion to approve; seconded by Commissioner Cox; 3 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 (This item limited to announcements or topics/issues proposed for future workshops/agendas)

Commissioner Cox told Dawn Murphy friendly changes would be coming after the first of the year.

Commissioner Koenig reviewed the process for filling the Assembly District 36 vacancy. Today the Board would canvass the vote, which would make the vote official. There was an ad in today's paper and candidates would have until November 26, 2018, to submit applications and a brief resume. They must be Republicans and residents of Assembly District 36. The Boards of the three affected counties would meet to pick one for their county. For Nye that would occur on December 5, 2018. Lincoln and Clark would meet on December 3 and 4, 2018, respectively. Commissioner Koenig emphasized this would all take place openly in the public. Once the candidates had been selected a joint meeting of all Boards would be held on December 7, 2018. Per NRS, at that meeting the Chairman of each Board would cast the vote on behalf of their Board. The candidate with the most votes would win and would take office immediately. Commissioner Koenig pointed out the first meeting of the Assembly would occur on

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

February 3, 2018, and NRS said whoever took the office must attend the training meetings.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

12. For Possible Action – Discussion and deliberation to: 1) Award Bid 2018-04 – Simkins Park Lighting Project to Industrial Light and Power in the amount of \$474,840.00; 2) Execute the contract; and 3) Fund from 25101 Town of Pahrump General Fund.

Danielle McKee, Purchasing Contracts Administrator, said there was one correction. It would be funded from 25401, Pahrump Capital Projects.

Commissioner Wichman made a motion to approve awarding the bid, executing the contract and funding it from 25401, Pahrump Capital Projects; seconded by Commissioner Cox; 3 yeas.

13. For Possible Action – Discussion and deliberation to: 1) determine that excess Town of Pahrump vehicles and/or personal property are no longer required for public use; and 2) determine it is in the best interest of the Town of Pahrump to dispose of excess vehicles and/or personal property.

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

Debra Strickland said drug court was looking for two vehicles.

Commissioner Koenig said not these.

The motion to approve passed with 3 yeas.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

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

9. General road report by Public Works Director.

Public Works Director Tim Dahl said Homestead was winding down. There was a little striping left and then it would be complete. Pahrump Valley Boulevard was going relatively smooth and he was hearing rumors of asphalting starting next week, which was quite a bit ahead of schedule.

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

Commissioner Wichman thanked Mr. Dahl for all the help the crews had given to get secondary roads opened up. She then discussed the difficulties people were having with the GIS system and bringing up the minor road layer map.

Mr. Dahl said he would get with Jim Shaner on that.

Commissioner Cox said the weeds on River Plate Drive still had not been addressed and they were horrendous.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

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

TIMED ITEMS

7. 10:30 – Presentation from Gemfield Resources Ltd. regarding the Gemfield Project.

Ginger Peppard, the U.S. Environmental Permitting Manager for the Elko Mining Group, which was the management company for Gemfield Resources, said Gemfield Resources was in the process of permitting the Gemfield project. The project was a proposed open pit conventional gold mine with very little silver. It had a mine life of approximately 12 years and approximately \$200 million in capital would be invested during the life of the project. Elko Mining would partner with Esmeralda County to repair a deteriorating water line, and the project would have a one year construction period that would employ between 200 and 370 workers. During full time operations it would employ about 150 people, the majority of which they anticipated would reside in Tonopah or Goldfield, and wages and benefits were projected to be about \$20 million, a significant economic impact to both communities. Ms. Peppard said they had done quite a bit of outreach and the project had received lot of support. She mentioned there would be a significant amount of structure, most notably the relocation of two and a half miles of US-95 outside of Goldfield. The EIS would go out for public comment and the information on that would be on the BLM Web site. Ms. Peppard anticipated that happening before the end of November and Nye County would receive a copy of that as a participating agency.

Commissioner Cox thought this spoke very loudly of the future and felt sure the project would be supported.

8. 10:45 – For Possible Action – Public Hearing, discussion and deliberation regarding a report from the Nye County District Attorney's office concerning their investigation into the complaint of Cheryl Beeman regarding the actions of Nye County Public Administrator, Ginger Stumne, in the probate proceeding for the Estate of Francis Melvin Cox, II deceased; and determine if it is necessary to take any further action to resolve the complaint; and any other matter properly related thereto.

Commissioner Wichman stated that after reading the investigation done by Brad Richardson she did not think there was anything the Board could do.

Commissioner Koenig opened and closed the public hearing.

Mr. Richardson advised a motion was needed that there was no further action to be taken.

Commissioner Wichman made a motion that no further action needed to be taken; seconded by Commissioner Cox; 3 yeas.

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.

14. For Possible Action – Approval of Assessor's Office Change Requests to allow the Nye County Treasurer to process and:

- 1) Send an amended tax bill of \$1,233.60 to the owners of APN 027-411-43.**
- 2) Send an amended tax bill of \$0.00 to the owners of APN 035-161-03.**
- 3) Send an amended tax bill of \$913.41 to the owners of APN 045-572-08.**

Commissioner Wichman made a motion to approve items 14-16; seconded by Commissioner Cox; 3 yeas.

15. For Possible Action – Approval to accept: 1) FFY 2019 Notice of Subaward (NOSA) from Aging and Disability Services Division (ADSD) for \$61,351.00 to provide congregate meals to the Beatty and Tonopah Senior Centers; and 2) the corresponding Confidentiality Addendum (CA). Matching funds from Nye County for \$10,828.00 are budgeted from Fund 10101. This grant shall be administered from Fund 10281 Senior Nutrition.

Commissioner Wichman made a motion to approve items 14-16; seconded by Commissioner Cox; 3 yeas.

16. For Possible Action – Approval to accept: 1) FFY 2019 Notice of Subaward (NOSA) from Aging and Disability Services Division (ADSD) for \$15,218.00 to provide home delivered meals to homebound clients in Beatty and Tonopah; and 2) the corresponding Confidentiality Addendum (CA). Matching funds from Nye County for \$1,975.00 are budgeted from Fund 10101. This grant shall be administered from Fund 10281 Senior Nutrition.

Commissioner Wichman made a motion to approve items 14-16; seconded by Commissioner Cox; 3 yeas.

BOARD OF COMMISSIONERS

17. 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.

18. 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.

19. 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.

CLERK

20. For Possible Action – Pursuant to NRS 293.387 (1), Canvass of the returns of the General Election held on November 6, 2018.

Sam Merlino apologized to the Commissioners for getting this to them at the last minute. She thanked her staff, who were overworked, overstressed and tired, B&G for their help loading/unloading of the equipment, and Jess in the Coalition. She also thanked her election workers who overcame a big learning curve with the new equipment. There were a couple of minor equipment issues and Mrs. Merlino believed there was an issue with privacy with the system. She did not like the privacy screens that came with the machines so it would take a little bit of money to get that fixed. Mrs. Merlino wanted everyone to know she would be looking at that before the next election.

Commissioner Wichman made a motion to approve the canvass; seconded by Commissioner Cox.

20. For Possible Action – Pursuant to NRS 293.387 (1), Canvass of the returns of the General Election held on November 6, 2018-Cont'd.

Diane Southworth said the chairperson for the Democratic Party was one of the poll watchers and commented on what an excellent job Mrs. Merlin did.

The motion to approve the canvass passed with 3 yeas.

DISTRICT ATTORNEY

21. For Possible Action – Discussion and deliberation to adopt, amend and adopt or reject Nye County Resolution No. 2018-39: A Resolution Requesting the Assistance of the Attorney General Regarding Nye County Sheriff Deputy Report Numbers 18NY-2693 and 18NY-2381 and Nye County Sheriff's Office Citation NYE039558, pursuant to NRS 228.130 to review and if determined appropriate, to handle the prosecution of the three cases.

Commissioner Wichman made a motion based on the District Attorney's Office recommendation to refer this to the Attorney General's Office; seconded by Commissioner Cox; 3 yeas.

COUNTY MANAGER

22. For Possible Action – Discussion and deliberation to allow Justice of the Peace Judge Jasperson, as he deems necessary, to invite any available Justice of the Peace, within the confines of NRS 4.340(2), to provide him temporary assistance, until a new Justice of the Peace for the Pahrump Township is elected.

Commissioner Cox made a motion to approve; seconded by Commissioner Wichman; 3 yeas.

23. For Possible Action – Discussion and deliberation to approve amending Medical Systems Management lease agreement for Pahrump Medical Center (PMC) to extend the contract and modify square footage.

Commissioner Cox asked why they wanted only part of the building now.

Samantha Tackett said since Public Healthcare Partners opened their large facility on the highway the entire building was not needed for an urgent care facility so it had been reduced to just a regular medical practice at this time.

Commissioner Cox made a motion to approve; seconded by Commissioner Wichman; 3 yeas.

24. For Possible Action – Discussion and deliberation to approve Amendment No. 1 to the Memorandum of Understanding between Nye County and the Northern Nye County Hospital District dated October 4, 2016 to include Nye County Human Resources Department and benefits administration resources so that employee benefits and pension plan enrollment can be extended to all Northern Nye County Hospital District employees.

Commissioner Wichman said this was very similar to what the County did for the town clerks and the Water District.

Commissioner Wichman made a motion to approve; seconded by Commissioner Cox; 3 yeas.

25. For Possible Action – Discussion and deliberation to approve a Settlement Agreement between Nye County and the Nye County Management Employees Association (NCMEA) to allow the modification of the Collective Bargaining Agreement (CBA) for the purpose of adding and removing certain positions or classifications.

Samantha Tackett explained this was a simple modification to remove the Director of Emergency Management now that Scott Lewis was the Director. The other positions were added in as it was their desire to be represented. There was no cost.

Commissioner Wichman made a motion to approve; seconded by Commissioner Cox; 3 yeas.

The Board took a brief recess.

25. For Possible Action – Discussion and deliberation to approve a Settlement Agreement between Nye County and the Nye County Management Employees Association (NCMEA) to allow the modification of the Collective Bargaining Agreement (CBA) for the purpose of adding and removing certain positions or classifications-Reopened.

Commissioner Wichman said she asked for the break to respond to a phone message she received. She asked if the item could be reconsidered and put off until the next meeting as there was something she would like to look into.

Commissioner Wichman made a motion to put this off until there was a full Board at the next meeting and allow her time to check out a concern that just came to her on the phone; seconded by Commissioner Cox; 3 yeas.

FACILITIES

26. For Possible Action – Discussion and deliberation to: 1) determine that excess County vehicles and/or personal property are no longer required for public use; and 2) determine it is in the best interest of Nye County to dispose of excess vehicles and/or personal property.

Commissioner Wichman made a motion to consider the vehicles excess and that it was in the public interest to get rid of them; seconded by Commissioner Cox.

Richard Goldstein asked if the 12 modular trailers used for the one-stop shop were the ones sitting in the back that thousands of dollars were spent on to remediate and were now being disposed of.

Commissioner Koenig said yes because they were junk.

Commissioner Wichman believed they were a donation from the military.

Mr. Goldstein stated a bunch of money was wasted to mount and remediate them.

Commissioner Cox said they would go up for sale so the County would recoup that money. She then mentioned drug court needed a couple of cars and wondered if this item could be held until they could be spoken to.

Samantha Tackett explained that with the new Enterprise car program there was now fleet that would be reassigned to various departments and all departments were being considered for the vehicles that were still usable. Administration also had a fleet loaner vehicle that departments could use. Ms. Tackett asked the Commissioners to read the staff recommendation as the motion as that specific language was needed.

Commissioner Wichman withdrew her motion.

Commissioner Wichman made a motion based on staff recommendation to determine that the vehicles and personal property were no longer required for public use and believed that it was in the best interest of the County to dispose of through auction or other means with all resulting proceeds deposited to Capital funds 10402 and 10401; seconded by Commissioner Cox; 3 yeas.

Sheriff Wehrly was present.

SITTING AS THE NYE COUNTY LICENSING AND LIQUOR BOARD

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

BROTHEL

10. For Possible Action – Discussion and deliberation to extend the temporary brothel license for 90 days to allow for the resubmission of fingerprint cards to the Sheriff's Office for Pahrump Homestead Partners, DBA Sheri's Ranch, Brothel License number is BR10-000407, located at 10551 Homestead Road, Pahrump, NV 89060.

Commissioner Koenig made a motion to extend the brothel license for 90 days for Mid Valley Enterprises a/k/a Pahrump Homestead Partners d/b/a Sheri's Ranch; seconded by Commissioner Cox.

Commissioner Koenig said had this agenda item been written differently he would have made a motion for a permanent license. If this was not done in 90 days he would make a motion to do a permanent license.

Sheriff Wehrly advised there were two cards still out as well as two estates in question. The only part that bothered her were the two cards.

Amanda Hunt from Mid Valley Enterprises said the two cards had been sent out to the people and they were working diligently to get them back.

The motion to extend the brothel license for 90 days for Mid Valley Enterprises a/k/a Pahrump Homestead Partners d/b/a Sheri's Ranch passed with 4 yeas.

LIQUOR

11. For Possible Action – Discussion and deliberation to issue a Permanent Retail Liquor License to Sourdough Saloon, 106 W. Main Street, Beatty, NV 89003 pending the processing of an application for a permanent license Julianne Geffen is the Applicant.

Commissioner Koenig made a motion to issue the license; seconded by Commissioner Cox; 4 yeas.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

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

FINANCE

27. For Possible Action – Discussion and deliberation regarding RFQ # 2018-11 – Drainage Study and Flood Control Design Plan: 1) Accept the fee schedule submitted by Dyer Engineering Consultants, Inc; 2) Enter into a contract with Dyer Engineering Consultants, Inc and; 3) Fund from 10340 Grants, which is a grant award received from the Community Development Block Grant.

Commissioner Wichman made a motion to approve; seconded by Commissioner Cox; 3 yeas.

SENIOR SERVICES

28. For Possible Action – Discussion and deliberation to enter into a Grantee's Agreement between the State of Nevada, acting by and through its Department of Transportation, and Nye County Senior Nutrition Program, Inc., acting by and through Nye County Board of Commissioners. This is for the FFY 2019 Federal Transit Administration (FTA) 49 USC Section 5311 Funds in the amount of \$90,605 and is for transportation operations (local and long-distance), servicing the areas of Amargosa Valley, Beatty, Gabbs, Smoky Valley and Tonopah. Matching funds are required in the amount of \$49,461.00 and includes in-kind services from Nye County through vehicle maintenance and automobile insurance coverage, Aging and Disability Services Division funding and Project Income/Donations. This grant shall be administered from Fund 10281 Senior Nutrition.

Commissioner Wichman made a motion to approve; seconded by Commissioner Cox; 3 yeas.

PUBLIC PETITIONER

29. For Possible Action – Discussion and deliberation regarding Nye County Proclamation No. P2018-04: A Proclamation recognizing November 2018 as National American Indian Heritage Month.

Commissioner Wichman made a motion to approve; seconded by Commissioner Cox; 3 yeas.

30. For Possible Action – Discussion and deliberation regarding a request to waive the annual landfill maintenance fees for the owner/operator of the Pahrump Senior Associates and the Pahrump Courtyard Associates.

Commissioner Wichman made a motion to approve since they were a tax-exempt organization; seconded by Commissioner Cox.

Commissioner Cox was concerned about this setting a precedence.

30. For Possible Action – Discussion and deliberation regarding a request to waive the annual landfill maintenance fees for the owner/operator of the Pahrump Senior Associates and the Pahrump Courtyard Associates.

Samantha Tackett asked if the Board would put a time limit on this to reconsider at a later date or work with this company to see how waiving the fee had impacted them, if at all.

Commissioner Wichman said she was questioned when this item came forward about setting a precedent and also about why they did not just raise the rents. If she understood correctly and had not been misled they were restricted and could not raise the rent. This was a senior facility with people on a fixed income so that swayed her. She did not think this was setting a precedent as waivers had been given in the past for construction debris for blight areas in Tonopah and also in Pahrump.

Ms. Tackett pointed out the letter in the back-up from 2003 where they were made exempt from certain taxes and said that continued to now.

John Bosta said he was a senior citizen on a fixed income and thought the waiver of any senior citizen's fee was setting a precedent for all other senior citizens in the County. If the Board waived the fees here then it should waive the fees for all senior citizens.

Tim Dahl said while everyone had compassion for anyone on a fixed income, the expense of operating the landfills was extremely high and it was a struggle to continue to operate the landfill keeping in mind future generations depended on the County to provide a place to dispose of their trash. If a new landfill site was needed Mr. Dahl said it would cost between \$30 million and \$60 million. He said waiving the fees associated with operating the landfill was harmful to the current and future generations.

Commissioner Wichman withdrew her motion; Commissioner Cox withdrew her second.

Commissioner Wichman made a motion to put this off until there was a full Board.

The motion failed for lack of a second.

Commissioner Cox said this would not hurt the people who lived there as their rent could not be raised. The people who owned the properties would have to give more out of pocket to cover the fees.

31. GENERAL PUBLIC COMMENT (second)

Horace Carlyle said Renown was training a physician's assistant and was providing the requested services per the scheduled contract. There was someone arguing Renown was not needed anymore. Mr. Carlyle stated Renown had spent thousands of dollars in good faith and he hoped the people of the community understood the Renown Clinic

31. GENERAL PUBLIC COMMENT (second)-Cont'd.

currently operated at a deficit. The parent company had been working diligently to provide professional services, but the Commission Chairman or someone needed to talk to Mr. Gillis, vice president of business development. Nye County was the contractor for Renown Hospital which allowed the clinic, but Mr. Carlyle did not think the County was acting in good faith.

John Bosta referred back to item 26 and asked the Board to contact the Senior Citizens Center in Amargosa Valley about the trailers as they would like to add some buildings to dispense food each month.

Cheryl Beeman asked the Board to reconsider item 8, which the Board declined to do.

Commissioner Wichman said she was the liaison to the Hospital District and advised the bankruptcy was settled. The property where the medical facilities were located belonged to Nye County. The Hospital District, Nye County, REMSA and Renown were all in a partnership to support Renown. Commissioner Wichman did not know what Horace Carlyle was referring to and had not heard those rumors. She felt everyone was working together well. The only rumor brought to her attention was to ask Kurt Gillis if they would consider renegotiating their lease to free up some of the hospital building for a physical therapy group that would like to come in. She told Mr. Carlyle the Hospital District had hired a director and his concerns about what the Hospital District was doing with Renown needed to be taken up with the Hospital District, not the County.

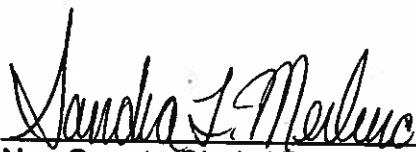
32. ADJOURN

Commissioner Koenig adjourned the meeting.

APPROVED this 18th day ATTEST:
of December, 2018.



Chair



Nye County Clerk / Deputy

I request that my oral comments are reflected in the minutes and I submit a copy of my prepared written remarks to be included in the minutes also.

During Item No. 38 General Public Comment (second) Commissioner Wichman commented from her commissioner chair located on the raised bar about the private citizen area for public comment. As usual in her arrogant manor she made derogatory and belittling comment about Mr. Bosta's comment during the Item 3 General Public. She continued to pontificate about the county's licensing and collecting marijuana money in violation of SB 487 for their services.

It is my understanding that the Commissioner is to hear and not comment on any subject present during General Public Comment Items.

Honor is a gift that a man or woman gives themselves. Respect is given by other people. I pride myself for researching and presenting the facts. I'm sorry that some of the Commissioner does not understand the true facts.

I'm not a lawyer, but I can read and understand the Legislation adopted, Bills adopted forming Ordinances, the Codified Nevada Revised Statutes (NRS), and Common Law.

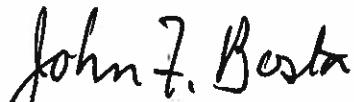
Commissioner Wichman has stated that she has talked to her attorney and that my understandings of the facts are incorrect. Her attorney must be someone else than the Nye County District Attorney, because the District Attorney Office has not given her such advise in writing in rebuttal to my written comments and documents presented. We only have her word.

She has also stated that the Town of Amargosa Valley, who she represents, has no Ordinances.

When the BoCC formed the Amargosa Valley Elected Town Board, Bill No. 2011-09, Nye County Ordinance 412, July 19th, 2011 effective August 3 2011 all Nye County Ordinances and Amargosa Valley Town Advisory Board Ordinances remain in effect and must be enforced until changed or repealed by the Board pursuant to NRS 269.155. (emphasis added), A copy is attached hereto.

The CONCLUSION of the Legislative Counsel Bureau (LCB) Letter of September 21, 2018, ninth line, "However, if the town board form of government has been established for an unincorporated town pursuant to NRS 269.16 to 269.022, inclusive, it is the opinion of this office that the town board of the unincorporated town is the entity authorized to impose a business license fee or tax on a marijuana establishment or medical marijuana establishment located in the unincorporated town. Finally, because any money collected or received from a business license fee or tax imposed on marijuana establishments or medical marijuana establishments located in an unincorporated town is money collected or received pursuant to chapter 269 of NRS, it is the opinion of this office that NRS 269.095 prohibits the deposit of the money in the county general fund and, instead, requires any such money to be kept separate from other money of the county and used for the sole benefit of the unincorporated town in which the money is collected.

Respectfully submitted,



John F. Bosta

ATTACHMENT 1

Pursuant to NRS the Nye County Board of Commissioners met in regular session at 10:00 a.m. in the Commissioner Chambers, 2100 E. Walt Williams Drive, Pahrump, Nevada 89048

Gary Hollis, Chair

Lorinda Wichman, Vice Chair

Joni Eastley, Commissioner

Butch Borasky, Commissioner

Dan Schinhofen, Commissioner

Sandra L. Merlino, Ex-Officio Clerk of the Board

Maria Zlotek, Deputy District Attorney

Rick Osborne, Nye County Manager

Also present: Lorina Dellinger, Administrative Assistant; Pam Webster, Assistant County Manager; Tim Sutton, Deputy District Attorney

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July 19, 2011

10:45 b. ACTION - PUBLIC HEARING, DISCUSSION, DELIBERATION AND POSSIBLE DECISION TO ADOPT, AMEND AND ADOPT, OR REJECT NYE COUNTY BILL NO. 2011-09: AN ORDINANCE AMENDING TITLE 18, OF THE NYE COUNTY CODE BY AMENDING CHAPTER 18.04 THERETO, ADOPTING AND APPROVING THE FORMATION OF THE UNINCORPORATED TOWN OF AMARGOSA VALLEY. COUNTY OF NYE. STATE OF NEVADA: ADOPTING AND APPROVING THE TOWN BOARD FORM OF GOVERNMENT FOR THE UNINCORPORATED TOWN OF AMARGOSA VALLEY; PROVIDING FOR THE APPOINTMENT OF THE INITIAL TOWN BOARD; PROVIDING FOR THE ELECTION OF SUCCEEDING TOWN BOARDS; PROVIDING FOR THE CONSTITUTIONALITY, SEVERABILITY AND EFFECTIVE DATE HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES RELATIVE TO THE TOWN OF AMARGOSA VALLEY IN CONFLICT HEREWITH; AND OTHER MATTERS PROPERLY RELATING THERETO.

Commissioner Hollis opened the public hearing.

Commissioner Hollis closed the public hearing.

Commissioner Eastley made a motion to adopt and set an effective date for August 8, 2011; seconded by Commissioner Borasky.

Commissioner Schinhofen said be careful what they ask for.

The motion passed with 5 yeas.

Joe DeLee thanked IT for allowing Amargosa Valley to attend by video.

Commissioner Eastley wished them luck.

ORDINANCES

NRS269.155 Enactment; notice; publication; duration of effect.

In addition to the powers and jurisdiction conferred by other laws, the town board or board of county commissioners shall:

1. Adopt all ordinances, rules and regulations for any unincorporated town; and
 - (a) Perform all other acts necessary for the execution of the powers and jurisdiction conferred by this chapter.
 - (b) Except as otherwise provided in this section and
2. NRS 269.167, each ordinance must be: Signed by the chair of the town board and attested to by the town clerk, or signed by the chair of the board of county commissioners and attested to by the county clerk; and
 - (a) Published in full in a newspaper published in or having a general circulation in the county at least once a week for 2 weeks before the ordinance is effective.
 - (b) Except as otherwise provided in subsection 4, if the town board or board of county commissioners proposes the adoption of an ordinance for an unincorporated town, the town board or the board of county commissioners shall, not less than 10 days nor more than 20 days before the meeting of the board at which the proposed ordinance is to be adopted or otherwise acted upon, cause the title and a detailed summary of the proposed ordinance to be published in a newspaper published in or having a general circulation in the county.
3. Ordinances relating to the issuance of municipal securities, as that term is defined in the Local Government Securities Law, and ordinances adopting any specialized or uniform codes, including, but not limited to, building, electrical and plumbing codes, printed in book or pamphlet form, may be published by title only, together with the names of the members of the town board or the county commissioners voting for or against their passage, in a newspaper published in or having a general circulation in the county, at least once a week for 2 weeks before the ordinances are effective. Publication by title must set forth a statement indicating that typewritten copies of the ordinance are available for inspection at the office of the town clerk or the county clerk by all interested persons.
4. All ordinances of the town or city that:
5. Are in effect on the date of the assumption of the town board or board of county commissioners of the powers and
 - (a, duties conferred or imposed by this chapter; and
 - (b,) Are not inconsistent with those powers and duties

→ remain in effect and must be enforced until changed or repealed by the board.

[Part 1:48:1881; A 1889, 43; 1903, 55; 1919, 408; 1943, 65; 1951, 455] — (NRS A 1965, 993; 1967, 802, 1727; 1969, 57; 1997, 2409)