

1 **NYE COUNTY RESOLUTION NO. 2010-11**

2  
3 A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE  
4 PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) BONDS  
5 (ADDITIONALLY SECURED BY PLEDGED REVENUES) FOR THE PURPOSE OF FINANCING  
6 BUILDING PROJECTS FOR THE COUNTY; AUTHORIZING THE COUNTY MANAGER OR  
7 ASSISTANT MANAGER TO ARRANGE FOR THE SALE OF THE BONDS; PROVIDING OTHER  
8 MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE  
9 HEREOF.

10  
11 WHEREAS, the Board of County Commissioners (the "Board") of Nye County, Nevada (the  
12 "County," and the "State", respectively), proposes to issue up to \$25,500,000 of general obligation  
13 bonds additionally secured by pledged revenues (the "Bonds") for the purpose of financing a building  
14 project as defined in NRS 244A.019, including jail facilities within the County (the "Project"); and

15  
16 WHEREAS, the Bonds will be additionally secured by a pledge of 15% of the consolidated tax  
17 revenues pursuant to NRS 360.698 (the "Pledged Revenues"); and

18  
19 WHEREAS, the Board has determined that the "Pledged Revenues" will at least equal the  
20 amount required in each year for the payment of interest and principal on the Bonds and that no increase  
21 in the rate of an ad valorem tax is anticipated to be necessary for the payment of interest and principal on  
22 the Bonds for the term thereof (the "Finding"); and

23  
24 WHEREAS, pursuant to NRS 350.020(3), the Board proposes to incur these general obligations  
25 without an election unless a petition requesting an election signed by 5% of the registered voters is  
presented to the Board within 90 days after the publication of a notice of the adoption of this resolution  
of intent requiring the Board to submit to the qualified electors of the County for their approval or  
disapproval the following Proposal:

**GENERAL OBLIGATION BONDS (ADDITIONALLY SECURED  
BY PLEDGED REVENUES) PROPOSAL:**

**Shall the Board of County Commissioners of Nye County, Nevada, be  
authorized to incur a general obligation indebtedness (additionally  
secured by pledged revenues) on behalf of the County by the issuance  
at one time, or from time to time, of the County's general obligation  
bonds (additionally secured by pledged revenues), in one series or  
more, in the aggregate principal amount of not exceeding \$25,500,000  
for the purpose of financing all or part of the cost to acquire, improve,  
equip, operate and maintain a building project as defined in NRS**

1           **244A.019, including jail facilities, such bonds to mature not later than**  
2           **thirty (30) years therefrom payable from general (ad valorem) taxes**  
3           **(except to the extent pledged revenues and other monies are available**  
4           **therefor), and to be issued and sold at, above, or below par at an**  
5           **effective interest rate (including any sale discount) not exceeding the**  
6           **statutory maximum rate, if any, as shall be determined at the time of**  
7           **the sale thereof, and otherwise to be issued in such manner, upon such**  
8           **terms and conditions, with such covenants and agreements, and with**  
9           **such other detail as the Board may determine, including at its option**  
10           **but not necessarily limited to provisions for the redemption of bonds**  
11           **prior to maturity without or with the payment of a premium?**

12           (the "Proposal"); and

13           WHEREAS, pursuant to Nevada Revised Statutes ("NRS") 350.011 to 350.0165, inclusive, the  
14           Board has submitted the Proposal to the Debt Management Commission of Nye County (the  
15           "Commission"); and

16           WHEREAS, the Commission has heretofore approved the Proposal and the Finding; and

17           WHEREAS, NRS 350.020(3) provides that a public hearing must be held before the issuance of  
18           the Bonds; and

19           WHEREAS, pursuant to NRS 350.155(2), (3) and (4), a certificate of the County Manager, as  
20           chief administrative officer of the County and a report of C3 Corrections, LLC, the County's financial  
21           advisor, have been submitted to the Board and are hereby approved.

22           NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
23           COMMISSIONERS OF NYE COUNTY, NEVADA:

24           Section 1)     This resolution shall be known as and may be cited by the short title "2010  
25           Resolution of Intent to Issue" (this "Resolution").

              Section 2)     All action heretofore taken (not inconsistent with the provisions of this  
Resolution) by the Board and the officers of the Board directed:

                  (a)     Toward the Project to be financed by the Bonds; and

                  (b)     Toward the issuance of the Bonds to defray, in part, the  
cost thereof,

be, and the same hereby is, ratified, approved and confirmed.

1           Section 3)     The Board and the officers of the Board be, and they hereby are,  
2 authorized and directed to publish this resolution of intent or to publish a notice of the adoption of the  
3 resolution of intent relating to the Board's Proposal to issue the Bonds in a newspaper of general  
4 circulation in the County, at least once on April 14 in the Pahrump Valley Times and on April 15 in the  
5 Tonopah Times, or at such other time or times as specified by the Assistant County Manager or her  
6 designee.

7           Section 4)     Such notice to issue the Bonds shall be published once in a newspaper of  
8 general circulation in the County in substantially the following form:  
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**NOTICE OF THE INTENT OF THE BOARD OF COUNTY  
COMMISSIONERS OF NYE COUNTY, NEVADA, TO ISSUE  
GENERAL OBLIGATION (LIMITED TAX) BONDS  
ADDITIONALLY SECURED BY PLEDGED REVENUES**

**NOTICE IS HEREBY GIVEN** that the Board of County Commissioners (the “Board”) of Nye County (the “County”) Nevada, by a resolution, passed, adopted, signed and approved on April 6, 2010 has proposed the issuance of the County’s General Obligation (Limited Tax) Bonds (Additionally Secured by Pledged Revenues) (the “Bonds”) designated below, as follows:

**GENERAL OBLIGATION BONDS (ADDITIONALLY SECURED  
BY PLEDGED REVENUES) PROPOSAL:**

**Shall the Board of County Commissioners of Nye County, Nevada, be authorized to incur a general obligation indebtedness (additionally secured by pledged revenues) on behalf of the County by the issuance at one time, or from time to time, of the County’s general obligation bonds (additionally secured by pledged revenues), in one series or more, in the aggregate principal amount of not exceeding \$25,500,000 for the purpose of financing all or part of the cost to acquire, improve, equip, operate and maintain a building project as defined in NRS 244A.019, including jail facilities, such bonds to mature not later than thirty (30) years therefrom payable from general (ad valorem) taxes (except to the extent pledged revenues and other monies are available therefor), and to be issued and sold at, above, or below par at an effective interest rate (including any sale discount) not exceeding the statutory maximum rate, if any, as shall be determined at the time of the sale thereof, and otherwise to be issued in such manner, upon such terms and conditions, with such covenants and agreements, and with such other detail as the Board may determine, including at its option but not necessarily limited to provisions for the redemption of bonds prior to maturity without or with the payment of a premium?**

(the “Proposal”); and

The above Proposal was approved by resolution adopted by the Debt Management Commission of Nye County, Nevada.

1 The Board has determined that the Bonds to be issued for the purpose of financing a  
2 building project as defined in NRS 244A.019, including jail facilities within the County (as further  
3 described in the above Proposal) will be additionally secured by a pledge of 15% of the consolidated tax  
4 revenues pursuant to NRS 360.698 (the "Pledged Revenues"). The Board has determined that the  
5 Pledged Revenues will at least equal the amount required in each year for the payment of the interest on  
6 and the principal of the Bonds, and that no increase in the rate of an ad valorem tax is anticipated to be  
7 necessary for the payment of the interest on and the principal of the Bonds for the term thereof.

8 Based upon this determination, the Board intends to incur these general obligations as set  
9 forth above without an election as provided in NRS 350.020(3), unless within ninety (90) days after the  
10 publication of this notice a petition or petitions requesting an election is presented to the Board signed  
11 by not fewer than five percent (5%) of the registered voters of the County. The number of registered  
12 voters is to be determined as of the close of registration for last preceding general election.

13 At a meeting or meetings of the Board, the Board shall proceed to enact an ordinance or  
14 ordinances authorizing the issuance of the Bonds. Such ordinance or ordinances authorizing the  
15 issuance of the Bonds will be effective unless prior to 5:00 p.m. on July 14, 2010, a petition is presented  
16 to the Board asking for an election upon the question of whether or not the proposed general obligations  
17 shall be incurred. The petition for an election herein referred to may be presented to the Board at any  
18 time prior to the expiration of ninety (90) days after the publication of this notice. In the event such  
19 petition is presented, no such ordinance or ordinances shall be effective except pursuant to an election  
20 called and held for such purpose and carried by a majority of the votes cast. In the event no such  
21 petition is presented, the Bonds will be authorized as described above. The ordinance or ordinances  
22 authorizing the Bonds will, in addition, contain provisions for additionally securing the payment of the  
23 general obligations by pledging the Pledged Revenues to the payment of the Bonds.

24 The authority to issue the Bonds if conferred at the election or if conferred by the fact no  
25 petition is presented to the Board requesting such an election within ninety (90) days of the date of  
publication hereof shall be deemed to be a continuing authority and the Board shall be authorized to sell  
the Bonds at such time or times and upon such terms and conditions as it deems proper in accordance  
with the provisions of the Proposal and the laws of the State.

19 All persons interested are hereby advised that further information regarding the projects  
20 to be financed by the Bonds, the Bonds and the Pledged Revenues, and all proceedings in the premises,  
21 are on file in the offices of the County Clerk, 101 Radar Road, Tonopah, Nevada 89049 and 1520 East  
22 Basin Avenue, Suite 108, Pahrump, Nevada 89060, and can be seen and examined by the interested  
23 persons during the regular office hours of the Clerk.

24 The determination by the Board that the Pledged Revenues will at least equal the amount  
25 required in each year for the payment of interest and principal on the Bonds becomes conclusive on the  
last day for filing the petition, i.e., on July 14, 2010.

1 PUBLICATION DATES: APRIL 14, 2010 AND APRIL 15, 2010.

2  
3 BY ORDER of the Board of County Commissioners of Nye County, Nevada.

4 DATED THIS APRIL 6, 2010.

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7 /s/ Sandra L. Merlino

8 County Clerk  
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14 (End of Form of Notice of Resolution of Intent to Issue Bonds)  
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1                   Section 5)     The County Clerk is authorized to publish on April 14, 2010 in the  
2 Pahrump Valley Times and April 15, 2010 in the Tonopah Times (or at such other time or times as  
3 specified by the Assistant County Manager or her designee), which newspapers are general circulation  
4 in the County, a notice of a public hearing, at least as large as 5 inches high by 4 inches wide, in  
5 substantially the following form:

**NOTICE OF PUBLIC HEARING ON THE INTENT OF THE  
BOARD OF COUNTY COMMISSIONERS OF NYE COUNTY,  
NEVADA, TO ISSUE GENERAL OBLIGATION (LIMITED TAX)  
BONDS ADDITIONALLY SECURED BY PLEDGED REVENUES**

**NOTICE IS HEREBY GIVEN** that the Board of County Commissioners (the "Board") of Nye County (the "County"), Nevada, by a resolution, passed, adopted, signed and approved on April 6, 2010, has proposed the issuance of the County's General Obligation (Limited Tax) Bonds (Additionally Secured by Pledged Revenues) (the "Bonds") designated below, as follows:

**GENERAL OBLIGATION BONDS (ADDITIONALLY SECURED  
BY PLEDGED REVENUES) PROPOSAL:**

**Shall the Board of County Commissioners of Nye County, Nevada, be authorized to incur a general obligation indebtedness (additionally secured by pledged revenues) on behalf of the County by the issuance at one time, or from time to time, of the County's general obligation bonds (additionally secured by pledged revenues), in one series or more, in the aggregate principal amount of not exceeding \$25,500,000 for the purpose of financing all or part of the cost to acquire, improve, equip, operate and maintain a building project as defined in NRS 244A.019, including jail facilities, such bonds to mature not later than thirty (30) years therefrom payable from general (ad valorem) taxes (except to the extent pledged revenues and other monies are available therefor), and to be issued and sold at, above, or below par at an effective interest rate (including any sale discount) not exceeding the statutory maximum rate, if any, as shall be determined at the time of the sale thereof, and otherwise to be issued in such manner, upon such terms and conditions, with such covenants and agreements, and with such other detail as the Board may determine, including at its option but not necessarily limited to provisions for the redemption of bonds prior to maturity without or with the payment of a premium?**

(the "Proposal"); and

The above Proposal was approved by resolution adopted by the Debt Management Commission of Nye County, Nevada.



1 The Board has determined that the Bonds to be issued for the purpose of financing a  
2 building project as defined in NRS 244A.019, including jail facilities within the County (as further  
3 described in the above Proposal) will be additionally secured by a pledge of 15% of the consolidated tax  
4 revenues pursuant to NRS 360.698 (the "Pledged Revenues"). The Board has determined that the  
5 Pledged Revenues will at least equal the amount required in each year for the payment of the interest on  
6 and the principal of the Bonds, and that no increase in the rate of an ad valorem tax is anticipated to be  
7 necessary for the payment of the interest on and the principal of the Bonds for the term thereof.

8 All persons interested are hereby advised that the Board will hold a public hearing on the  
9 Proposal on May 4, 2010, at 10:30 a.m. at the County Commission Chambers, 101 Radar Road,  
10 Tonopah, Nevada and at the Bob Ruud Community Center, 150 North Highway 160, Pahrump, Nevada.  
11 All persons are invited to attend and to be heard regarding the Proposal. Further information regarding  
12 the Proposal, the Project to be financed by the Bonds, the Bonds and the Pledged Revenues, and all  
13 proceedings, are on file in the offices of the County Clerk, 101 Radar Road, Tonopah, Nevada 89049  
14 and 1520 East Basin Avenue, Suite 108, Pahrump, Nevada 89060, and can be seen and examined by  
15 during regular office hours of the County Clerk.

16 By order of the Board of County Commissioners of Nye County, Nevada.

17 Dated this April 6, 2010.

18 PUBLICATION DATE: April 14, 2010 and April 15, 2010.

19 /s/ Sandra L. Merlino

20 County Clerk

21 (End of Form of Notice of Public Hearing)

1           Section 6)     The Bonds, in the event no petition is filed during the period allowed by  
2 NRS 350.020(3), shall be authorized by an ordinance or ordinances to be adopted by the Board which  
3 will be effective after the expiration of the above specified period of publication.

4           Section 7)     The authority to issue the Bonds designated in the Proposal set forth in the  
5 notice shall be deemed and considered a continuing authority to issue and deliver the Bonds designated  
6 in such Proposal at one time or from time to time, in one series or in more than one series, all as ordered  
7 by the Board. Neither the partial exercise of the authority so conferred nor the lapse of time shall be  
8 considered as exhausting or limiting the full authority so conferred.

9           Section 8)     The Assistant County Manager or her designee is hereby authorized to  
10 arrange for the issuance and sale of the Bonds in a total principal amount of not more than \$25,500,000  
11 at such time or times as determined by the Assistant County Manager, in accordance with NRS  
12 244A.011 to 244A.065, inclusive (the "Project Act"), and NRS 350.500 to 350.720, inclusive (the  
13 "Bond Act").

14          Section 9)     The Assistant County Manager or her designee is authorized to specify  
15 the terms of the Bonds, the method(s) of their sale, the series of the Bonds, the final principal amounts of  
16 the Bonds, the terms of their repayment and security therefor, and other details of the Bonds, and to  
17 negotiate the terms and provisions of the sale of a series of the Bonds and to negotiate and enter into a  
18 contract or agreement for their purchase or solicit bids for the purchase of a series of the Bonds and  
19 advertise a series of the Bonds for public sale, subject to the Project Act and the Bond Act and subject to  
20 ratification by the Board by the adoption of one or more bond ordinances specifying the bond terms and  
21 details and approving their sale (the "Bond Ordinances").

22          Section 10)    The officers of the County are hereby authorized to take all action  
23 necessary or appropriate to effectuate the provisions of this Resolution, including without limitation, if  
24 necessary: (a) assembling of financial and other information concerning the County, the Project and  
25 the Bonds, and (b) preparing and circulating an official statement(s) for the Bonds, and, if deemed

1 appropriate by the Assistant County Manager or her designee, preparing and circulating a preliminary  
2 official statement(s) and a notice(s) of bond sale for the Bonds, in the forms specified by the Assistant  
3 County Manager or her designee. The Assistant County Manager or her designee is authorized to deem  
4 the official statement(s) or preliminary official statement(s) to be a "final" official statement(s) on behalf  
5 of the County for the purposes of Rule 15c2-12 of the Securities and Exchange Commission.

6 Section 11) The Assistant County Manager or her designee shall, after arranging for  
7 the sale(s) of the Bonds, present the proposed terms of the sale(s) to the Board for its approval by  
8 adoption of the Bond Ordinance(s).

9 Section 12) The officers of the Board be, and they hereby are, authorized and directed  
10 to take all action necessary or appropriate to effectuate the provisions of this Resolution. Section 13)

11 All resolutions, or parts thereof, in conflict with the provisions of this Resolution, are  
12 hereby repealed to the extent only of such inconsistency. This repealer shall not be constructed to revive  
13 any resolution, or part thereof, heretofore repealed.

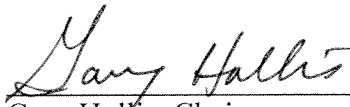
14 Section 14) If any section, paragraph, clause or other provision of this Resolution shall  
15 for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section,  
16 paragraph, clause or other provision shall not affect any of the remaining provisions of this Resolution.

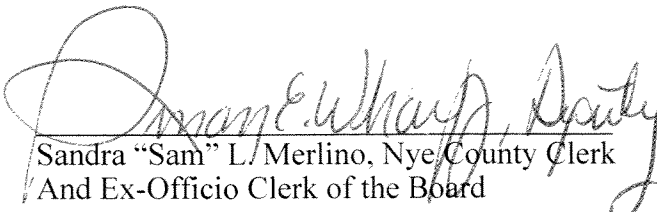
17 Section 15) This resolution shall become effective and be in force immediately upon  
18 its adoption.

19 PASSED AND APPROVED by at least a two-thirds majority of the Board this 6<sup>th</sup> day of April,  
20 2010.

21 NYE COUNTY BOARD OF  
22 COUNTY COMMISSIONERS:

ATTEST:

23  
24   
25 Gary Hollis, Chairperson

  
Sandra "Sam" L. Merlino, Nye County Clerk  
And Ex-Officio Clerk of the Board

1 **STATE OF NEVADA        )**

2 **) ss.**

3 **COUNTY OF NYE         )**

4 I am the duly chosen and qualified County Clerk of Nye County (herein "County"), Nevada, do hereby  
5 certify:

6 1.           The foregoing pages constitute a true, correct, complete and compared copy of a  
7 resolution adopted by the Board of County Commissioners of the County (the "Board") at a meeting  
8 held on April 6, 2010.

9 2.           The adoption of the resolution was duly moved and seconded and the resolution was  
10 adopted by an affirmative vote of a majority of the members of Board as follows:

11           Those Voting Aye:

**Joni Eastley; Lorinda Wichman  
Gary Hollis; Butch Borasky**

12           Those Voting Nay:

13           Those Absent:

**Fely Quitevis**

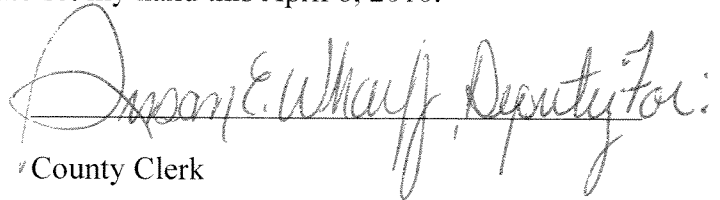
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16 3.           All members of the Board were given due and proper notice of such meeting.

17 4.           Public notice of such meeting was given and such meeting was held and conducted in full  
18 compliance with the provisions of NRS 241.020. A copy of the notice of meeting and excerpt from the  
19 agenda for the meeting relating to the resolution is attached as Exhibit A and was posted at least 3  
20 working days in advance of the meeting on the County's website, at the Board's office, and three other  
21 locations, i.e., at the following locations: Tonopah Convention Center, 301 Brougner Avenue, Tonopah,  
22 NV; U.S. Post Office, 201 Erie Main St., Tonopah, NV; Commissioners' Meeting Room, 101 Radar  
23 Road, Tonopah, NV; District Court, 101 Radar Road, Tonopah, NV; Nye County Administration, 2101  
24 Calvada Blvd, Suite 200, Pahrump, NV; Pahrump Justice Complex, 1520 East Basin Road, Pahrump,  
25 NV; Bob Ruud Community Center, 150 North Highway 160, Pahrump, NV; and Beatty Community  
Center, 100 A Avenue South Beatty, NV.

1 5. Prior to 9:00 a.m. at least 3 working days before such meetings, such notice was mailed  
2 to each person, if any, who has requested notice of meetings of the board in compliance with NRS  
3 241.030(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

4 6. The revenue study presented to the Board which is referenced in the resolution is attached  
hereto as Exhibit B.

5 **IN WITNESS WHEREOF**, I have hereunto set my hand this April 6, 2010.

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7  Deputy For:  
8 County Clerk

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EXHIBIT A

(Attach Copy of Notice of Meeting)



**NYE COUNTY  
BOARD OF COMMISSIONERS MEETING  
101 Radar Rd, Tonopah NV 89049  
TUESDAY, April 6, 2010  
10:00 AM**

**Gary Hollis, Chair  
Butch Borasky, Vice-Chair  
Joni Eastley, Commissioner  
Lorinda Wichman, Commissioner  
Fely Quitevis, Commissioner  
Sandra "Sam" L. Merlino, Ex-officio Clerk of the Board**

**NOTE:** 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 April 6, 2010 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 April 6, 2010 will be for all matters, both on and off the agenda, and be limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during individual action items. The Commission reserves the right to reduce the time or limit the total 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. **NOTE: You will not be permitted to speak during Public Comment without completing and submitting the appropriate forms. Please fill out a Citizen Inquiry form for a general public comment or a Citizen Input form to comment on a specific agenda item located on the public information table.**

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; Pahrump Justice Complex, 1520 East Basin Road, Pahrump, NV; Bob Ruud Community Center, 150 North Highway 160, Pahrump, NV; Beatty Community Center, 100 A Avenue South Beatty, 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 & 2101 Calvada Blvd, Suite 200, Pahrump, Nevada) and on the County's website.

**WEBSITE: [www.nyecounty.net](http://www.nyecounty.net)  
[www.co.nye.nv.us](http://www.co.nye.nv.us)**

The Nye County Board of Commissioners may take a short break every 1 ½ hours.

## **NYE COUNTY BOARD OF COMMISSIONERS AGENDA**

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<b>ITEM #</b>	<b>SUBJECT</b>
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**April 6, 2010**

Gary Hollis, Chair  
Butch Borasky, Vice-Chair  
Joni Eastley, Commissioner

Lorinda Wichman, Commissioner  
Fely Quitevis, Commissioner  
Sandra "Sam" Merlino, Ex-Officio Clerk of the Board

NOTE: All times are approximate except for bid openings, public hearings, and any other items agendized at a specific time. Action may be taken on all items except where otherwise indicated. Items not scheduled for a specific time may be considered at any time and in any order.

**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.

### **NOTICE OF TIMED AGENDA ITEMS**

- 10:15 a.m. Recess to the Nye County Board of Road Commissioners (Agenda Attached)
- 10:30 a.m. Recess to the Nye County Licensing and Liquor Board (Agenda Attached)
- 10:45 a.m. Presentation by Senator Lee on the Nevada's current events.
- 11:00 a.m. Presentation of certificate and/or plaques to four (4) employees honored for their years of service.

### **NYE COUNTY BOARD OF COMMISSIONERS**

- 1 Pledge of Allegiance**
- 2 Action - Approval of the Agenda for the Board of County Commissioners' meeting of April 6, 2010.**
- 3 Action - Approval of Minutes of the Board of County Commissioners' meeting(s) – N/A**
- 4 Awards and Presentations – 11:00 a.m.**
- 5 Announcements (first)**
- 6 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).**
- 7 Action - Emergency Items**
- 8 Action - Commissioners'/Manager's Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)**



## NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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ITEM #	SUBJECT
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April 6, 2010

### 9 Consent Agenda Items

- a. Action – Discussion of any item from the Consent Agenda Items that needs review before a decision is made.
- b. Action – Approval of Elected Official Collection Report
- c. Action – Approval of Assessor's Office Change Request
- d. Action – Approval of Personnel Actions
- e. Action – Approval to pay one (1) Medical Indigent inpatient hospital bill in excess of \$12,500.00 and is budgeted from Fund 230 Medical and General Indigent.
- f. Action – Approval of Nye County Resolution No. 2010-10: a Resolution expressing support for the positive economic impacts of the mining industry in Nevada and opposing industry-specific taxes as counterproductive to our state's economy.
- g. Action – Approval to accept a Grant Award from the State of Nevada, Aging and Disability Services American Recovery and Reinvestment Act supplemental funding in the amount of \$3,155.00 to help provide wage costs in Amargosa Valley, Beatty and Tonopah senior centers. Matching funds of \$557.00 are budgeted from Fund 101 General.
- h. Action – Approval to accept a Grant Award from the State of Nevada, Aging and Disability Services Division in the amount of \$6,003.00 to supplement food costs in Amargosa Valley, Beatty, and Tonopah senior centers. Matching funds are not required.
- i. Action – Approval to accept a Grant Award from the State of Nevada, Aging and Disability Services Division in the amount of \$726.00 to supplement food costs for meals served at the Tonopah Senior Center to Esmeralda clients. Matching funds are not required.
- j. Action – Approval to surplus and dispose of the excess Nye County personal property that is no longer in use. Proceeds are to be deposited into Fund 490 Capital Projects.
- k. Action – Approval to issue a Special Fireworks Permit for Beatty Volunteer Fire Department for an aerial fireworks display on July 4, 2010 in Beatty, Nevada. Mike Lasorsa, Applicant.
- l. Action – Approval to accept a Grant Award from the State of Nevada, Aging and Disability Services Division in the amount of \$898.00 for vehicle repair. Matching funds are not required.
- m. Action – Approval to accept funding revenue in the amount not to exceed \$16,000.00 from Nevada Housing Division Welfare Set-Aside Program. Matching funds are not required.
- n. Action – Approval of Nye County Resolution No. 2010-09: a Resolution to augment the 2009-2010 budget of the Land Sale Fund 269.

## NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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ITEM #	SUBJECT
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April 6, 2010

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|  | <ul style="list-style-type: none"><li>o. Action – Approval to renew a subscription with “LeadsOnLine” to provide law enforcement with a web-based system for investigating crimes involving stolen property, narcotics, and homicide. The annual cost for this service will be \$7,788.00 which is budgeted from Fund 101 General.</li><li>p. Action – Approval to accept the State of Nevada, Division of Emergency Management (DEM) Fiscal Year 2010 Emergency Management Performance Grant (EMPG) award in the amount of \$42,596.00. There is a 50% match required in the amount of \$21,298.00 which is budgeted from Fund 101 General. This grant will be administered out of Fund 247 Grants.</li><li>q. Action – Approval to accept the Nevada Division of Forestry Volunteer Fire Assistance (VFA) Fiscal Year 2009 grant in the total amount of \$55,671.00, for three Volunteer Fire Departments in Nye County. There is a match in the amount of \$5,568.00 which can be in-kind, but is also budgeted out of Fund 101 General. This grant will be administered out of Fund 247 Grants.</li><li>r. Action – Approval to re-enter into a Memorandum of Understanding (MOU) with Eureka County to provide snow removal and minimal maintenance on approximately twenty miles of roads running into Nye County from Eureka County for a period of five years beginning July 1, 2010 and extending to July 1, 2015 with an annual cost of \$1,000.00 and is/will be budgeted from Fund 205 Roads.</li><li>s. Action – Approval to submit an application to Tonopah Public Utilities for water service at the Tonopah Airport. The monthly service fee is budgeted from Fund 220 Airports, and is estimated to be approximately \$500 per year. It is expected that the actual cost associated with the water service will be recovered through the lease agreement with the FAA.</li><li>t. Action – Approval of Technical Assistance Request for Environmental Protection Agency (EPA) to Provide Environmental Review of the Feasibility of Potential Transmission Development at the Tonopah Airport.</li><li>u. Action – Approval of Change Order No. 1 to the Nevada Geo-Tech Professional Services Agreement for site construction of the Administration Building in the amount of \$2,500.00 for the addition of a parking lot and to adjust structure dimension which has been budgeted from Project PE0703 Fund 492 Settlement Agreement.</li><li>v. Action – Approval of Change Order No. 14 to the contract between Nye County and the Design-Build Team of B &amp; H Construction, Inc. (General Building Contractor) and JVC Architects (Architect) for the design and construction of the Pahrump Justice Facility Addition and Remodel Project in the amount of \$351.20 for the installation of a door and the addition of security glazing which is budgeted from the approved 10% holdback of Project PE0841 from Fund 493 Capital Projects.</li></ul> |
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## NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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April 6, 2010

- w. Action – Approval of Change Order No. 15 to the contract between Nye County and the Design-Build Team of B & H Construction, Inc. (General Building Contractor) and JVC Architects (Architect) for the design and construction of the Pahrump Justice Facility Addition and Remodel Project in the amount of \$10,000.00 for the adjustments to the bench assemblies which is budgeted from the approved 10% holdback of project PE0841 from Fund 493 Capital Projects.
- x. Action – Approval of Change Order No. 16 to the contract between Nye County and the Design-Build Team of B & H Construction, Inc. (General Building Contractor) and JVC Architects (Architect) for the design and construction of the Pahrump Justice Facility Addition and Remodel Project in the amount of \$1,500.00 for the wall modifications which is budgeted from the approved 10% holdback of project PE0841 from Fund 493 Capital Projects.
- y. Action – Approval to accept modification number 004 extending the grant period of the Department of Energy (DOE) Amargosa Science and Technology Park Grant to December 31, 2011. There is no financial impact to Nye County.
- z. Approval to: 1) accept modification number 006 extending the grant period of the Department of Energy (DOE) Ground Water Evaluation Grant DE-FG52-06NA27205 to April 6, 2014; and 2) accept change in scope of work to the plan for the Ground Water Evaluation Grant. There is no financial impact to Nye County.

### PUBLIC OFFICIALS

#### 10 Assessor

#### 11 Board of Commissioners

- a. 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.
- b. 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.
- c. Action – Discussion, deliberation, and possible decision on labor negotiations, issues and other personnel matters presented in closed meeting.
- d. Action – Closure of meeting, pursuant to NRS 241.015(2)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.
- e. Closed meeting, pursuant to NRS 241.015(2)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.

## NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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- f. Action – Discussion, deliberation, and possible decision on conference with legal counsel regarding potential or current litigation presented in closed meeting.
- g. Action – Discussion, deliberation, and possible decision to approve to: 1) designate 10 acres of 2871 E. Mesquite Ave. for a Multipurpose Training Facility project; and 2) approve funding in a not to exceed amount of \$293,705.00 which is not budgeted but could be allocated from Fund 490 Capital Projects.
- h. RS2477 Update

### 12 Clerk

- a. Action – Discussion, deliberation, and possible decision to appoint one member to the Amargosa Valley Library Board to fill one vacancy due to a resignation.

### 13 District Attorney

### 14 Recorder

### 15 Sheriff

- a. Action – Discussion, deliberation, and possible decision to apply for the 2010 – 2011 Nevada Office of Criminal Justice Assistance Grant (JAG) Program in the amount of \$200,000.00 to provide funding for our Narcotics Task Force with an estimated match amount of \$55,000.00. The estimated match in support of this grant will be included in our proposed 2010 / 2011 budget request from Fund 101 General.

### 16 Treasurer

- a. Treasurer's Report

### 17 Justice(s) of the Peace

### 18 District Court

- a. Action – Discussion, deliberation, and possible decision on a request to set a date, time and location for a Public Hearing on Nye County Bill No. 2010-07: a Bill proposing to amend Nye County Code Title 3, Revenue & Finance, by adding Chapter 3.48, Fees on Court Actions to Support Programs for Court Security.
- b. Action – Discussion, deliberation, and possible decision to apply for the U.S. Department of Justice, Office of Justice Programs (OJP), Bureau of Justice Assistance Second Chance Act Mentoring grant in the amount of \$231,210.00. Matching funds in the amount of \$87,621.00 is budgeted from Fund 101 General.

### 19 Juvenile Probation

## **NYE COUNTY BOARD OF COMMISSIONERS AGENDA**

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<b>ITEM #</b>	<b>SUBJECT</b>	<b>April 6, 2010</b>
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### **GENERAL NYE COUNTY ADMINISTRATIVE STAFF**

#### **20 County Manager**

- a. Action – Discussion, deliberation, and possible decision to approve, amend and approve or reject the Town Advisory Board Operating Guidelines.
- b. Action – Discussion, deliberation, and possible decision concerning a request to purchase a membership for Western Counties Alliance in the amount of \$7,500.00 annually and is not budgeted.
- c. Action – Discussion, deliberation, and possible decision to approve a not to exceed amount of \$5,000.00 to conduct research and corrective action relating to Nye County water rights. The project can be funded from Fund 101 Contingency.

#### **21 Emergency Services**

- a. Action – Discussion, deliberation, and possible decision to approve the purchase of nine (9) new Powerheart Automated External Defibrillator (AED) G3 Pro Package 9144 and the AED accessories required for each unit to make them fully functional for the five (5) Nye County Volunteer Ambulance Service Departments' needs in the amount of \$23,533.00 which is not budgeted, but could be funded from Fund 495 Health Endowment.

#### **22 Facilities**

#### **23 Finance**

- a. Action – Discussion, deliberation, and possible decision to accept or reject any or all bids and provide direction to staff for Request For Proposals Bid #2010-09 – Four Police Vehicles. The amount of the bid is \$114,844.00 and is budgeted in Fund 491 Special Capital Projects.
- b. Action – Discussion, deliberation, and possible decision to: 1) accept the proposal and fee schedule presented by Charles Abbott and Associates for Public Works Engineering Services – RFQ #2009-09. The funding will come from Fund 205 Road with some projects funded from Fund 859 Public Improvement Fees. Services will be performed on an “as needed” basis; and 2) authorize execution of a contract with Charles Abbott and Associates.
- c. Action – Discussion, deliberation, and possible decision to: 1) accept or reject any or all bids and provide direction to staff for Request For Proposals Bid #2010-07/PWP #NY-2010-165 – Amargosa Valley Science and Technology Park Pump Building Electrical. The amount of the low bid is \$95,235.00. Funding for the project is budgeted from Fund 247 – Grants; and 2) authorize execution of the contract with the low bidder.
- d. Action – Discussion, deliberation, and possible decision on approval to enter into a contract with Verizon Wireless for our cell phone needs not met by the AT&T contract. Each department is responsible for their cell phone costs out of their budget.

## NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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- e. Action – Discussion, deliberation, and possible decision to pay \$33,968.65 to Economic Development Administration (EDA) for interest accrued due to costs improperly billed on EDA Grant Award No. 07-49-04211 which can be funded from Fund 101 Contingency.
- f. Action – Discussion, deliberation, and possible decision concerning a request to set a date, time and location for a Public Hearing for approval of Final Budget for Fiscal Year 2010-11.
- g. Action – Discussion, deliberation, and possible decision to approve a certificate of the County Manager as Chief Administrative Officer of the County and a report of C3 Corrections, LLC, the County’s financial advisor pursuant to NRS 350.155 as it applies to the Nye County Jail Facility project.
- h. Action – Discussion, deliberation, and possible decision to approve Nye County Resolution No. 2010-11: a Resolution of intent, proposing the issuance of, and authorizing the publication of notices relating to general obligation (limited tax) bonds (additionally secured by pledged revenues) for the purpose of financing building projects for the County; authorizing the County Manager or Assistant Manager to arrange for the sale of the bonds; providing other matters properly related thereto; and providing the effective date hereof.
- i. Action – Discussion, deliberation, and possible decision on a request to set a date, time and location for a Public Hearing on the intent of the Board of County Commissioners of Nye County, Nevada, to issue general obligation (limited tax) bonds additionally secured by pledged revenues.
- j. Action – Discussion, deliberation, and possible decision to pay invoices for the Maintenance Agreement with Sungard HTE, Inc. in the amount of \$64,352.40 from Fund 492 Settlement Agreement.

### 24 Health & Human Services

- a. Action – Discussion, deliberation, and possible decision to adopt, amend and adopt or reject Nye County Resolution No. 2010-13: a Resolution adopting and directing the implementation of the revised Nye County Procedures for Health and Human Services.

### 25 H/R and Risk Management

- a. Action – Discussion, deliberation, and possible decision and direction to staff to: 1) authorize the “in-house” filling of one vacant dispatch position due to employee failing to meet probation in the Sheriffs’ Pahrump Office. This position has been vacant since March 19, 2010; and 2) authorize, in the absence of a qualified “in-house” applicant, the recruitment and filling of the position to include applicants outside the current county employees. This position is budgeted in Fund 101 General.

## **NYE COUNTY BOARD OF COMMISSIONERS AGENDA**

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<b>ITEM #</b>	<b>SUBJECT</b>
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**April 6, 2010**

### **26 Information Technology**

- a. Action – Discussion, deliberation, and possible decision to enter into an agreement with Granicus, Inc. for purposes of streaming the Nye County Board of County Commissioners and Regional Planning Commission Meetings over the Internet and to provide an online archive of past meetings in the amount of \$3,696.00 annually which is not budgeted but can be funded from Fund 101 Contingency.

### **27 Nuclear Waste Repository Project Office**

- a. Action – Discussion, deliberation, and possible decision to approve six contract amendments extending the contract terms to December 31, 2010, and to increase the not-to-exceed amount for three of the contracts by \$15,000, and one of the contracts by \$30,000. The increases are necessary to cover the anticipated costs of several technical investigations under the Groundwater Evaluation Grant (GWE) during 2010. The original expiration dates and requested increase amounts are shown for each contract below. The total cost of the increases will be \$75,000, and is budgeted from the Groundwater Evaluation Grant Fund 247(GWE).

- 1 Jim Foster – contract expiration April 1, 2010 – \$15,000 increase requested
- 2 Wilcoxon-Christmann – contract expiration April 1, 2010 – \$15,000 increase requested
- 3 Ryan Lee – contract expiration April 1, 2010 – \$15,000 increase requested
- 4 Jamieson Geological – contract expiration April 1, 2010 – \$30,000 increase requested
- 5 Desert Research Institute – contract expiration April 1, 2010 – no increase
- 6 Thomas S. Buqo, Consulting Hydrogeologist, Inc. – contract expiration April 1, 2010 – no increase

- b. Action – Discussion, deliberation, possible decision and direction to staff to: 1) rescind contract award to Yellow Jacket Drilling; 2) award drilling contract to next lowest bidder: Humboldt Drilling and Pump, for a not to exceed amount of \$300,000.00 which is budgeted from Fund 247 Grants; and 3) authorize execution of the contract with Humboldt Drilling.

### **28 Planning/Building**

### **29 Public Administrator**

### **30 Public Works**

## **NYE COUNTY BOARD OF COMMISSIONERS AGENDA**

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**April 6, 2010**

### **31 Senior Services**

- a. Action – Discussion, deliberation, and possible decision to purchase the land and building that the Gabbs Senior Organization is currently renting for use as a senior center in the amount of \$10,200.00 and is budgeted from funds previously approved from Fund 101. Title search and building inspection have been completed.

### **OTHER BUSINESS**

#### **32 Town Boards/Town Advisory Boards**

#### **33 Public Petitioners**

- a. Action – Discussion, deliberation, and possible decision concerning a request: 1) for KPVM Television to provide local government television 24/7 to the community of Pahrump, Nevada; 2) approve funding in the amount of \$1,250.00 per month for Nye County; 3) approve funding in the amount of \$1,250.00 per month for Nye County Sheriff's office portion.
- b. Action – Discussion, deliberation, and possible decision concerning a request to approve providing tuition for four (4) Beatty High School students in the amount of \$1,440.00 (\$360.00 per student) to cover conference and competition fees for a national competition they qualified for through Nevada Family Career and Community Leaders of America (FCCLA) which has been budgeted from Fund 492 Settlement Agreement.
- c. Action – Discussion, deliberation, and possible decision of Change Order No. 1 to the contract with Franklin Construction Services, Inc. for a change in work and an increase in the amount of \$2,215.68 which is budgeted from Fund 492 Settlement Agreement, PE0606.

#### **34 GENERAL PUBLIC COMMENT (second)**

#### **35 ANNOUNCEMENTS (second)**

#### **36 ADJOURNMENT**



## **NYE COUNTY BOARD OF COMMISSIONERS AGENDA**

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**April 6, 2010**

### **AGENDA** **NYE COUNTY BOARD OF ROAD COMMISSIONERS**

**101 Radar Rd, Tonopah NV 89049**  
**TUESDAY, April 6, 2010**

**10:15 A.M.**

**Lorinda Wichman, Chair**  
**Fely Quitevis, Vice-Chair**  
**Joni Eastley, Member**

**Gary Hollis, Member**  
**Butch Borasky, Member**  
**Sandra "Sam" Merlino, Ex-Officio Clerk of the Board**

NOTE: All times are approximate except for public hearings and any other items agendized at a specific time. Action may be taken on all items except where otherwise indicated. Items not scheduled for a specific time may be considered at any time and in any order.

1. Action - Approval of Minutes for the Nye County Board of Road Commissioners' meeting – N/A
2. GENERAL PUBLIC COMMENT (Three-minute time limit per person and requested to be limited to items not listed on the agenda. No action will be taken by the Board.)
3. Action - General road report by Public Works Director
4. Adjourn

## NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

April 6, 2010

### **AGENDA NYE COUNTY LICENSING AND LIQUOR BOARD**

101 Radar Rd, Tonopah NV 89049  
TUESDAY, April 6, 2010

10:30 A.M.

**Butch Borasky, Chair**  
**Fely Quitevis, Vice-Chair**  
**Joni Eastley, Member**  
**Gary Hollis, Member**

**Lorinda Wichman, Member**  
**Tony DeMeo, Member**  
**Sandra "Sam" Merlino, Ex-Officio Clerk of the Board**

NOTE: All times are approximate except for public hearings and any other items agendized at a specific time. Action may be taken on all items except where otherwise indicated. Items not scheduled for a specific time may be considered at any time and in any order.

1. Action - Approval of Minutes for the Nye County Licensing and Liquor Board meeting – N/A
2. GENERAL PUBLIC COMMENT (Three-minute time limit per person and requested to be limited to items not listed on the agenda. No action will be taken by the Board.)
3. **Consent Agenda Item**
  - a. Action – Discussion of any item from the Consent Agenda Items that needs review before a decision is made.
  - b. Action – Approval to issue a 72 hour permit to the Beatty Volunteer Fire Department for the Annual July 4, 2010 celebration to be held at Beatty Park, Beatty, NV. Mike Lasorsa, Applicant.
  - c. Action – Approval to issue 72 hour permits to the Sons of the American Legion for their quarterly Bingo Games for August 13, 2010; September 10, 2010; and December 10, 2010 to be held at the Don Simpson Center, Round Mountain, NV. Dale Salman, Applicant.
  - d. Action – Approval to issue 72 hour permits to the American Legion Auxilary for their quarterly Bingo Games for May 7, 2010; June 11, 2010; and November 12, 2010 to be held at the Don Simpson Center, Round Mountain, NV. Pat Salman, Applicant.
  - e. Action – Approval to issue 72 hour permits to the VFW Post 6826 for the following events: Amargosa Days, April 30 – May 1, 2010; Independence Day Celebration July 4, 2010; and Christmas in the Night Time Sky, December 4, 2010, Amargosa, NV. Mr. Stuart, Applicant.
4. Brothel
5. Gaming

## NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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April 6, 2010

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| 6. | Licensing |
| 7. | Liquor    |
| 8. | Adjourn   |

## NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

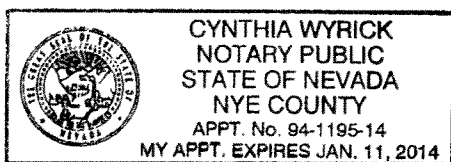
April 6, 2010

### AFFIDAVIT OF POSTING

STATE OF NEVADA

COUNTY OF NYE

The undersigned, being duly sworn according to law, deposes and says: That she is over the age of 21 years; that she posted or caused same to be posted, at the places below mentioned, the Agenda for the Nye County Board of Commissioners' Meeting for April 6, 2010, (including the Agenda(s) for the Nye County Board of Road Commissioners' and the Nye County Licensing and Liquor Board) not later than 9:00 a.m. on April 1, 2010. The undersigned further deposes and says: That on or before April 1, 2010, she delivered or caused to be delivered, the notice of the Agenda to the above meeting to the Tonopah office of the United States Postal Service not later than 9:00 a.m.



A handwritten signature in cursive script, appearing to read "H. Strozzi", written over a horizontal line.

Subscribed and sworn before me  
This 31<sup>st</sup> day of April, 2010

A handwritten signature in cursive script, appearing to read "Cynthia Wyrick", written over a horizontal line.

NOTARY PUBLIC

POSTED:

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  
Pahrump Justice Complex, 1520 East Basin Road, Pahrump  
Bob Ruud Community Center, 150 North Highway 160, Pahrump, NV  
Beatty Community Center, 100 A Avenue South Beatty, NV

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## EXHIBIT B

(Attach Affidavit of Publication of Notice of Intent)

EXHIBIT C

(Attach Affidavit of Publication of Notice of Public Hearing)