



**JOINT MEETING OF THE  
NYE COUNTY BOARD OF COMMISSIONERS  
NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS  
NYE COUNTY LICENSING AND LIQUOR BOARD  
NYE COUNTY BOARD OF HEALTH  
AS THE GOVERNING BODY OF THE UNINCORPORATED TOWN OF PAHRUMP  
AS THE GOVERNING BODY OF UNINCORPORATED TOWNS OF BEATTY GABBS MANHATTAN  
AND AS THE BOARD OF TRUSTEES FOR THE PAHRUMP POOL DISTRICT**

**2100 E. Walt Williams Drive, Pahrump, NV 89048**

**November 16, 2021**

**10:00 a.m.**

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

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

**The teleconference is also viewable at [www.NyeCounty.net](http://www.NyeCounty.net). There is a 30 to 40 second delay between the teleconference and the meeting video.**

**NOTE:** All items are approximate except for bid openings, public hearings, and any other items agendaized at a specific time. Items on the agenda without a time designation may be taken out of order. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. **NOTICE: It is anticipated that the items of business before the Board of Commissioners on November 16, 2021 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 16, 2021 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

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 16, 2021

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

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 16, 2021 (Non-action item)**

5. **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).**

**6. For Possible Action – Emergency Items**

7. [For Possible Action](#) – Discussion and deliberation regarding meeting minutes from the October 12, 2021, and October 19, 2021, joint meetings of the Nye County Board of Commissioners, Board of Highway Commissioners, Licensing and Liquor Board, Board of Health, the Governing Body of Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Gabbs, and Manhattan, and the Board of Trustees for the Pahrump Pool District.

**SITTING AS THE BOARD OF COUNTY COMMISSIONERS**

**TIMED ITEMS**

8. **10:00 a.m. – [For Possible Action](#) – Public Hearing**, discussion and deliberation on AP-21-4: An Appeal of the Pahrump Regional Planning Commission's denial of the following application: WV-2021-000137 Waiver from Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, Article VI, Development Standards, Section 17.04.770 Signage Requirements, to allow a proposed free-standing sign to exceed the maximum height allowed, for property located at 4960 E. Manse Road, Pahrump, NV. Assessor's Parcel Number 045-031-19. Clubhouse, LLC. – Property Owner. Wendy Black – Applicant/Appellant.

9. **10:00 a.m. – [For Possible Action](#) – Public Hearing**, discussion and deliberation on ETSU-21-83: An application for a Special Use Permit to allow a marijuana cultivation facility, located at 9680 S. Oakridge Ave., Pahrump, NV. Assessor's Parcel Number 044-851-30. Fortress Oakridge, LLC. / Dean Jalili – Property Owner. Jesse Joel Peters / 46 and 2 Properties – Agent/Applicant.

**10. 10:00 a.m. – [For Possible Action](#):**

a. For Possible Action – **Public Hearing** discussion, and deliberation on ZCMP-21-30: An application for a Minor Master Plan Amendment to change approximately four (4) adjacent parcels totaling 83.15 acres from the Community Development Area (CDA) to Business

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Industrial Area (BIA) on property located at 6621, 6691, 6811, 6931 E. Chromium Blvd., Pahrump, NV. Assessor’s Parcel Numbers 047-021-23, 24, 25 and 26. Wulfco, LLC. – Property Owner. Double M Construction – Applicant.

- b. For Possible Action – **Public Hearing**, discussion, and deliberation on ZCMP-21-31: An application for a (Nonconforming) Zone Change to change four (4) adjacent parcels totaling approximately 83.15-acres from General Commercial (GC) to Heavy Industrial (HI) on property located at 6621, 6691, 6811, 6931 E. Chromium Blvd., Pahrump, NV. Assessor’s Parcel Numbers 047-021-23, 24, 25 and 26. Wulfco, LLC. – Property Owner. Double M Construction – Applicant.

- 11. **10:00 a.m.** – [For Possible Action](#) – 4<sup>th</sup> Community Development Block Grant (CDBG) Public Meeting: 1) Discuss eligible projects based on CDBG decisions; and 2) Prioritize the following application for submittal:

Sponsored Projects:

- 1. Rural Critical Home Repair Program – Project Cost \$90,000.00.

- 12. **10:00 a.m.** – [Presentation](#) by Tyson Falk with Ioneer regarding the development of the Rhyolite Ridge Lithium/Boron project.

**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 Elected Official Collection Report regarding fees collected from elected county departments for services rendered by or provided to county citizens.
- 14. [For Possible Action](#) – Approval to set the date and location for the second Board of Commissioners meeting in February for Tuesday, February 15, 2022 in Pahrump, NV.
- 15. [For Possible Action](#) – Approval to: 1) Accept the Updated FY 2020 Emergency Solutions Grant Notice of Sub-Recipient Award (ESG) Homeless Prevention in the amount of \$20,704.10, to include the addition of the Federal Award date and language regarding 2 CFR Section 576.407(c) and 2 CFR Section 200.331(a); to offer short to medium-term assistance, rental application fees, arrearages, security deposits/utility assistance to very low to low-income residents at-risk of being homeless, along with Requirements and Attachments with no County match required; 2) Execute the Award; and 3) Fund from 10340 Grants.
- 16. [For Possible Action](#) – Approval to: 1) Accept the FFY 2021 Notice of SubAward (NOSA) AMENDMENT 1 from Aging and Disability Services Division (ADSD) extending the subaward period from October 1, 2020 to March 31, 2022, for Nutrition Services Incentive Program (NSIP) funds to assist with providing congregate meals at the Tonopah Senior Center; and 2) Execute the Subaward.
- 17. [For Possible Action](#) – Approval to: 1) Accept the FFY 2021 Notice of SubAward (NOSA) AMENDMENT 2 from Aging and Disability Services Division (ADSD) extending the subaward period from October 1, 2021 to March 31, 2022, to assist with providing congregate meals at the Tonopah Senior Center; and 2) Execute the SubAward.

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- 18. [For Possible Action](#) – Approval to: 1) Accept FFY 2022 Notice of Sub-Award (NOSA) from the Nevada Aging and Disability Services Division (ADSD) in the amount of \$48,960.00 with a match amount of \$7,344.00 to provide congregate meals to seniors at the Tonopah Senior Center; 2) Execute the Sub-Award; and 3) Fund \$48,960.00 from 10281 Senior Nutrition and \$7,344.00 from 10101 General Fund.
- 19. [For Possible Action](#) – Approval to: 1) Accept FFY 2022 Notice of Sub-Award (NOSA) from the Nevada Aging and Disability Services Division (ADSD) in the amount of \$40,150.82 with a match amount of \$6,023.00 to provide home-delivered meals to seniors in Beatty and Tonopah; 2) Execute the Sub-Award; and 3) Fund \$40,150.82 from 10281 Senior Nutrition and \$6,023.00 from 10101 General Fund.

**BOARD OF COMMISSIONERS**

- 20. For Possible Action – Closure of meeting, pursuant to NRS 241.015(3)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.
- 21. Closed meeting, pursuant to NRS 241.015(3)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.
- 22. For Possible Action – Discussion and deliberation on conference with legal counsel regarding potential or current litigation presented in closed meeting.
- 23. For Possible Action – Closure of meeting, pursuant to NRS 288.220 for purposes of conferring with the County’s management representatives regarding labor negotiations, issues and other personnel matters.
- 24. Closed meeting, pursuant to NRS 288.220 for purposes of conferring with the County’s management representatives regarding labor negotiations, issues and other personnel matters.
- 25. For Possible Action – Discussion and deliberation on labor negotiations, issues and other personnel matters presented in closed meeting.
- 26. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2021-39: A Resolution to Call on the State Legislature to Immediately End the State of Emergency Called by the Governor for the COVID-19 Pandemic.
- 27. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2021-40: A Resolution Opposing Critical Race Theory in Nye County.
- 28. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2021-41: A Resolution Disfavoring Vaccine Passports or Vaccine Mandates.
- 29. [For Possible Action](#) – Presentation, discussion, deliberation and direction to staff regarding the Nye County Water District Governing Board.

**SHERIFF**

- 30. [For Possible Action](#) – Discussion and deliberation to: 1) Ratify the Undersheriff, Michael Eisenloffel’s acceptance of the Memorandum of Agreement with Nye Communities Coalition for the purpose of performing Complete Compliance checks for Alcohol Retail Stores throughout Nye County in the amount of \$2,000.00; and 2) Deposit funds to 10340 Grants Fund.

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## COUNTY MANAGER

31. [For Possible Action](#) – Discussion and deliberation on selecting a redistricting proposal submitted by the Nye County Redistricting Advisory Committee.

## FINANCE

32. [For Possible Action](#) – Discussion and deliberation regarding the budget status for September 2021 for Nye County and all sub-entities for Fiscal Year 2022.
33. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2021-42: A Resolution to Augment and Amend the 2021-2022 Budget of Nye County, State of Nevada.  
Fund 10205 Road Fund in the amount of \$1,300,000.00
34. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject budget transfer of appropriations between functions within the Public Improvement Fund 10253.

## PUBLIC WORKS

35. [For Possible Action](#) – Discussion and deliberation to: 1) Approve, amend and approve, or reject Task No. 11 between Atkins North America, Inc. and Nye County to provide review and evaluation of existing Disadvantage Business Enterprise (DBE) Program in an amount not to exceed \$18,000.00; 2) Execute the Agreement; and 3) Fund \$16,875.00 from 10340 Grants and \$1,125.00 from 10402 Special Capital Projects.
36. [For Possible Action](#) – Discussion and deliberation to approve, amend and approve, or reject the updated, combined Water Conservation Plan for the Amargosa Municipal Water Systems.
37. [For Possible Action](#) – Discussion and deliberation to approve, amend and approve, or reject the updated Water Conservation Plan for the Nye County Complex (Petrack Park) Water System.
38. [For Possible Action](#) – Discussion and deliberation to approve, amend and approve, or reject the updated Water Conservation Plan for Manhattan Town Water System.
39. **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).**
40. **Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**
41. **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:

## NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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**ITEM #    SUBJECT**

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**November 16, 2021**

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- 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