



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

101 Radar Road, Tonopah, NV 89049

February 1, 2022

10:00 a.m.

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

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

The teleconference is also viewable at www.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 February 1, 2022 will be fully completed on that date. However, should item(s) not be completed, it is possible item(s) could be carried over and be heard before the Board of Commissioners beginning at 8:30 a.m. on the next day.**

Public Comment during the Commission Meeting on February 1, 2022 will be for all matters off the agenda, and be limited to up to three minutes per person. Additionally, public comment of up to three minutes per person may be heard during individual action items. The Commission reserves the right to reduce the time allowed for public comment. The Commission may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the Commission, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting. **Decorum** during the meeting must be upheld pursuant to the BOCC Rules of Procedure sections 7.5.3 and 7.5.4 whereby no person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting. Any person who becomes disruptive or interferes with the orderly business of the Board may be removed from the Board Chambers or other meeting room for the remainder of the meeting.

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

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

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

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

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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

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

WEBSITE: www.nyecountynv.gov

Special Note: Any member of the public who is disabled and requires accommodation or assistance at this meeting is requested to notify the Nye County Manager's Office in writing or call 775-482-8191 prior to the meeting.

- 1. Pledge of Allegiance**
- 2. GENERAL PUBLIC COMMENT (up to three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (first).**
- 3. Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**
- 4. Approval of the Agenda for February 1, 2022 (Non-action item)**
- 5. For Possible Action – Emergency Items**

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

TIMED ITEMS

- 6. 10:00 a.m. – [For Possible Action](#) – Discussion and deliberation to approve the audits of fiscal year 2020-2021 for Nye County and all component units of Nye County conducted by Daniel McArthur, LTD.**
- 7. 10:00 a.m. – [For Possible Action](#) – Discussion and deliberation to approve the audit of fiscal year 2020-2021 for the Nye County Water District conducted by Daniel McArthur, LTD.**
- 8. 10:00 a.m. – [For Possible Action](#) – **Hearing to Show Cause**, discussion and deliberation to determine if there is sufficient cause to revoke Marijuana Establishment Licenses MM-2020-000092 (Medical Cultivation) and RM-2020-000070 (Adult-Use Cultivation) for CWNevada, LLC., located at 9680 S. Oakridge Avenue, Pahrump, NV. Assessor's Parcel Number 044-851-30. Fortress Oakridge, LLC. – Property Owner. CWNevada, LLC. – Grantee.**
- 9. 10:00 a.m. – [For Possible Action](#) – **Hearing to Show Cause**, discussion and deliberation to determine if there is sufficient cause to revoke Special Use Permit SU-2020-000069 granted to Green Cross of America, Inc., for cannabis cultivation on 3.78 acres located at 5101 S. Oakridge Avenue, Pahrump, NV. Assessor's Parcel Number 044-521-41. Oakridge Enterprises, LLC. – Property Owner. Farhad Delrahim, Manager, Oakridge Enterprises, LLC. Moosa Kohanim, Green Cross of America, LLC. – Applicant/Grantee.**

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

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

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SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

11. **10:00 a.m.** – [For Possible Action](#) – Discussion and deliberation to approve the audits of fiscal year 2020-2021 for the Town of Pahrump conducted by Daniel McArthur, LTD.
12. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint five members to the Pahrump Arena Advisory Committee due to six vacancies from the following list of applicants: Cody Chappell, Michelle Chappell, Steven Chase, Darius Mann, and Scot Tibbits; or 2) Readvertise for the appointment.
13. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint two members to the Pahrump Nuclear Waste and Environmental Advisory Committee due to three vacancies from the following list of applicants: Robert Adams and Dale Griffith; or 2) Readvertise for the appointment.

AS THE BOARD OF TRUSTEES FOR THE PAHRUMP POOL DISTRICT

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

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.

15. [For Possible Action](#) – Approval of Assessor’s Office Change Request(s) to allow the Nye County Treasurer to process and:
 - 1) Issue an amended tax bill in the amount of \$2,847.52 to Donald Gene & Ivilma Erwin, owners of 5358 San Pietro Dr., Pahrump, NV, Assessor’s Parcel Number 046-203-03.
 - 2) Issue an amended tax bill in the amount of \$660.87 to Tracy & Timothy Huldermann, owners of 5520 N. Leslie St., Pahrump, NV, Assessor’s Parcel Number 027-761-04.
 - 3) Issue a refund in the amount of \$67.93 to Roland & Margie Charles, owners of 3831 W. Charleston Park Ave., Pahrump, NV, Assessor’s Parcel Number 028-496-01.
 - 4) Issue a refund of \$157.05 to LHL Group, LLC, owner of 545 W. Glacier Ln., Pahrump, NV, Assessor’s Parcel Number 030-531-01.
16. [For Possible Action](#) – Approval to: 1) Execute the “Environmental Review for Activity/Project that is Exempt or Categorically Excluded Not Subject to Section 58.5”, as required as part of Questions #6 and 7 of the Community Development Block Grant Program (CDBG) grant application, on behalf of Subgrantee, Rebuilding Together Southern Nevada; to be submitted to CDBG for review and acceptance by application deadline of February 18, 2022. There is no cost required of the County to execute the Environmental Review.

BOARD OF COMMISSIONERS

17. 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.
18. Closed meeting, pursuant to NRS 241.015(3)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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19. For Possible Action – Discussion and deliberation on conference with legal counsel regarding potential or current litigation presented in closed meeting.
20. 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.
21. 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.
22. For Possible Action – Discussion and deliberation on labor negotiations, issues and other personnel matters presented in closed meeting.
23. [For Possible Action](#) – Discussion and deliberation to: 1) Approve, amend and approve or reject a modification to Section 2 Effective Date of Contract for Public Defender Services between Nye County and: AMD Law Group, PLLC., Boskovich Law Group, PLLC., Jason Earnest, Law Firm of Nathan L. Gent, Morton Law, PLLC. by extending the effective period to June 30, 2023; and 2) Execute the First Amendment to the contract.
24. [For Possible Action](#) – Discussion and deliberation regarding Commissioner Liaison / Representative positions.

CLERK

25. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint one member to the Nye County Wildlife Management Board of Trustees due to a resignation, from the following list of applicants: Allen Lynn; or 2) Readvertise for the appointment.

DISTRICT ATTORNEY

26. [For Possible Action](#) – Discussion and deliberation to: 1) Accept or reject the "Subdivision Settlement Participation Forms" and releases pursuant to the One Nevada Agreement on Allocation of Opioid Recoveries ("One Nevada Agreement") previously agreed upon for participation in settlements with (1) the State of Nevada and opioids distributor defendants AmerisourceBergen Drug Corporation, Cardinal Health, and McKesson as listed in Exhibit C to the One Nevada Agreement, and (2) the State of Nevada and opioid manufacturer defendant Janssen/Johnson & Johnson as listed in Exhibit C to the One Nevada Agreement; and 2) Accept or reject an "Amendment No. 1 to One Nevada Agreement on Allocation of Opioid Recoveries" regarding a reduction in attorney's fees to the One Nevada Agreement for purposes of just the two settlements described in subparagraph A above.
27. [For Possible Action](#) – Discussion and deliberation to: 1) Accept, amend, or reject a proposed settlement agreement with Daniel Kennedy over the impound of his vehicle; and 2) Authorize the County Manager to sign the approved settlement agreement.

COUNTY MANAGER

28. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2022-05: A Resolution of intent to sell county-owned property, specifically identified as 1501 and 1503 E. Calvada Blvd, Assessor’s Parcel Number 042-041-35, located in Section 23 and 26, Township 20 South, Range 53 East, F#173521 P.1B 3.83 Acres Calvada Valley Unit 3, more commonly known as Pahrum Medical Center.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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29. [For Possible Action](#) – Discussion and deliberation to authorize attorney Bret Meich from Downey Brand LLP to: 1) Institute legal action to seek recovery of legal fees incurred by the Town of Pahrump in defending the Town against allegations raised in the case entitled *Christopher Van Leuven v. PERS and Town of Pahrump*, and 2) Authorize the County Manager to execute a retainer agreement with Downey Brand LLP.
30. [For Possible Action](#) – Discussion and deliberation to approve to send a letter to the Bureau of Land Management (BLM) regarding the Rough-Hat Solar Energy Project.

PLANNING/BUILDING/CODE COMPLIANCE

31. [For Possible Action](#) – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2022-01: Comprehensive Land Use Planning and Zoning, Chapter 17.10 entitled Special Use Permits by adding “where the combined systems are designed to collectively produce more than one (1) megawatt aggregate per day” to Chapter 17.10.020: Permit For Construction Of An Aboveground Utility Project Located In A Master Plan Designated Utility Corridor, And Adding “where the combined systems are designed to collectively produce more than one (1) megawatt aggregate per day,” to Chapter 17.06.030: Special Use Permit For Transmission Projects Outside Of Master Plan Designated Corridors; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto and 2) Read the title of the Bill into the record.
32. [For Possible Action](#) – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2022-02: A Bill proposing to amend Nye County Code Section 17.04.110 Definitions, by amending the definitions of Halfway House for Recovering Alcoholics and Drug Abusers, Home for Individual Residential Care, Residential Facility for Groups, and Single-Family Residence; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.
33. **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).**
34. **Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**
35. **ADJOURN**

Nye County Board of County Commissioners Meeting Participation Information:

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

Notes:

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