



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

101 Radar Road, Tonopah, NV 89049

November 7, 2023

10:00 a.m.

Subject to technical difficulties, people may 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 meeting is also viewable at www.nyecountynev.gov. There is a 30 to 40 second delay between the in-person meeting 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 7, 2023 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 7, 2023 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

ITEM # SUBJECT

November 7, 2023

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. Commissioner/Manager Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**
- 4. Approval of the Agenda for November 7, 2023 (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](#) – Presentation, discussion and deliberation by the State of Nevada Department of Indigent Defense Services regarding: 1) Update on the 2023 Nevada Legislative Session as it relates to Indigent Defense Services; 2) Annual Report of the Department of Indigent Defense Services; 3) State contributions for the provision of Indigent Defense Services; and 4) Maximum workloads for attorneys who provide Indigent Defense Services. (10-minute time limit)**
- 7. 10:00 a.m. – [For Possible Action](#) – Presentation, discussion and deliberation regarding: 1) The status of the Rural Desert Southwest Brownfields Coalition (RDSBC); and 2) Approval to sign a Memorandum of Agreement in support of the ongoing partnership with the RDSBC. (10-minute time limit)**
- 8. 10:00 a.m. – [Presentation](#) by Misha Allen and Hayley Maio Extension Educators regarding the Fiscal Year 2023-2024 First Quarter Report for the University of Reno (UNR) Extension in Nye County. (10-minute time limit)**
- 9. 10:00 a.m. – [Presentation](#) by Tyson Falk regarding an update on the development of the Rhyolite Ridge Lithium/ Boron project. (10-minute time limit)**
- 10. 10:00 a.m. – [Presentation](#) by Kathie McKenna with Nevada Outreach Training Organization regarding program status, outcome results, a budget status report and future goals pursuant to the Nye County ARPA Recovery Plan and Policy: Public Health Assistance Grant. (10-minute time limit)**
- 11. 10:00 a.m. – [Presentation](#) by Eric Whalen with Pahrump Valley Public Transportation, regarding program status, outcome results, a budget status report and future goals pursuant to the Nye County ARPA Recovery Plan and Policy: Public Health Assistance-Mental Health. (10-minute time limit)**

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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- 12. **10:00 a.m.** – [For Possible Action](#) – **Public hearing**, discussion, and deliberation to issue an Outdoor Festival License to Jarrett Calicdan for the A Hui Hou Festival to be held December 30, 2023, at Petrack Park, 150 S. Highway 160, Pahrump, NV.
- 13. **10:00 a.m.** – [For Possible Action](#) – **Public Hearing**, discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2023-14: A Bill Proposing to amend Nye County Code Title 17, titled Comprehensive Land Use Planning and Zoning, Chapter 17.04, titled Pahrump Regional Planning District, Article VI, titled Development Standards, Section 17.04.820, titled Manufactured Homes and Factory-Built Homes, amending section 17.04.820(C)(1)(d & e); and providing for the severability, constitutionality, and effective date thereof; and other matters properly related thereto.
- 14. **10:00 a.m.** – [For Possible Action](#) – **Public Hearing**, discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill 2023-15: A Bill Proposing to amend Nye County Code Title 15, titled Building and Construction, Chapter 15.16, titled International and Uniform Building and Construction Codes Effective within Nye County, Section 15.16.092, titled Minimum Standards for Manufactured Homes by amending the minimum standards and adding Waivers and Special Exceptions; and providing for the severability, constitutionality, and effective date thereof; and other matters properly relating thereto.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

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

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

- 16. [For Possible Action](#) – Discussion and deliberation to: 1) Approve, amend and approve, or reject a Lease Agreement between Nye County and Disabled American Veterans Chapter 15 for the purpose of leasing property located at 270 N. Hwy 160, Pahrump, NV; and 2) Execute the agreement.
- 17. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint one member to the Pahrump Veterans Memorial Advisory Committee due to an expiring term from the following list of applicants: Stephen Hall; and/or 2) Readvertise for the appointment.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWNS OF BEATTY, GABBS, MANHATTAN, AND RAILROAD VALLEY

BEATTY

- 18. [For Possible Action](#) – Discussion and deliberation to: 1) Approve the purchase of an 85 X 36 multicolor, scrolling, and programmable electronic reader board and materials for installation in the amount of \$4,000.00 from TV Liquidator; and 2) Fund from 24101 Beatty General Fund.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

19. CONSENT AGENDA ITEMS – These are items that Staff recommend 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.

- 19.1 [For Possible Action](#) – Approval of Assessor's Office Change Request to allow the Nye County Assessor/Treasurer to process and issue a refund in the amount of \$70.05 to Carlen Watson, owner of 681 W. Leffner Dr., Pahrump, NV, Assessor's Parcel Number 029-872-11.
- 19.2 [For Possible Action](#) – Approval to: 1) Accept the Federal Fiscal Year 2024 Notice of SubAward (NOSA) from Aging and Disability Services Division (ADSD) in the amount of \$44,899.00 to provide senior transportation services in Beatty, Gabbs, Smoky Valley and Tonopah in Nye County; 2) Execute the Subaward; and 3) Fund to 10281 Senior Nutrition.

BOARD OF COMMISSIONERS

- 20. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2023-32: A Resolution in Support of the Nation of Israel Following Terrorist Attacks by the Hamas Terrorist Organization.
- 21. [For Possible Action](#) – Discussion and deliberation to adopt, amend, and adopt, or reject Nye County Resolution No. 2023-33: A Resolution Supporting Operation Green Light for Veterans.
- 22. [For Possible Action](#) – Discussion and deliberation to identify a funding source for the purchase of one (1) property described as 1871 E. Mesquite Ave., Pahrump, NV, Assessor's Parcel Number: 035-011-06, consisting of 36.08 acres including improvements thereon for the potential purpose of an alternative location for shooting range and future Pahrump landfill expansion needs.
- 23. [For Possible Action](#) – Discussion and deliberation to terminate the contract with Andrew Coates, Esq. for Public Defender Services effective immediately.

DISTRICT ATTORNEY

- 24. [For Possible Action](#) – Discussion and deliberation to approve, amend and approve, or reject a Subdivision Participation and Release Form regarding opioid defendant Teva Ltd. pursuant to the One Nevada Agreement on Allocation of Opioid Recoveries which itself was previously agreed to by this Commission for participation in a settlement with the State of Nevada and opioids manufacturer defendant Teva Ltd. as listed in Exhibit C to the One Nevada Agreement.

SHERIFF

- 25. [For Possible Action](#) – Discussion and deliberation to: 1) Approve the purchase of 95 rifles to be used by deputies for the Sheriff's Office functions in the amount of \$94,240.00; 2) Determine that firearms purchased from 2018-2020 are no longer required for public use; 3) Determine it is in the best interest to dispose of the firearms via trade in for a credit in the amount of \$19,975.00 to be used towards the purchase of new firearms; and 4) Fund \$37,132.50 to 10340 Grants and \$37,132.50 to 10232 Forfeitures.

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- 26. [For Possible Action](#) – Discussion and deliberation to: 1) Ratify Sheriff Joseph McGill's acceptance of the U.S. Department of Justice grant award in the amount of \$314,000.00 to provide funding for body worn cameras. There is a 50% match required of \$314,000.00 which will be paid from various Public Safety Sales and Use Tax (PSST) funds; and 2) Fund \$314,000.00 to 10340 Grants.

COUNTY MANAGER

- 27. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2023-34: A Resolution Establishing a Nye County Safety Program Policy.

FINANCE

- 28. [For Possible Action](#) – Discussion and deliberation to approve, amend and approve or reject the discontinuance of the 90-day hiring freeze of all vacated positions.

NATURAL RESOURCES

- 29. [For Possible Action](#) – Discussion and deliberation to recommend nominating Natural Resources and Federal Facilities Interim Manager, Megan Labadie, for possible Governor appointment to the State Land Use Planning Advisory Council.

PLANNING/BUILDING/CODE COMPLIANCE

- 30. [For Possible Action](#) – Discussion and deliberation to determine whether the Business Impact of Nye County Bill No. 2023-13: A Bill proposing to amend Nye County Code Title 5, titled “Business Licenses and Regulations,” Chapter 5.32 titled “Cannabis Establishments,” by amending Section 5.32.050 titled “Medical Cannabis Establishment License Fees,” Section 5.32.055 titled “Adult-use Cannabis Establishment License Fees,” Section 5.32.057 titled “Cannabis Consumption Lounge Establishment License Fees,” by amending the fees pertaining to Initial License Fees, License Renewal Fees, and Monthly Fees, is likely to impose a direct and significant economic burden upon a business, or directly restrict the formation, operation or expansion of a business; and, if so, consider methods to simplify the proposed rule, establish a different standard of compliance for businesses, or modify the fees as set forth in the Bill.
- 31. [For Possible Action](#) – Discussion and deliberation regarding Nye County Proclamation No. P2023-11: A Proclamation recognizing November 12th through November 18th, 2023, as Nevada Flood Awareness Week, in Nye County.

PUBLIC WORKS

- 32. [For Possible Action](#) – Discussion and deliberation to approve, amend and approve, or reject the Nye County Snow Removal Policy.
- 33. [For Possible Action](#) – Discussion and deliberation to: 1) Approve, amend and approve or reject a modification to Section 1.3 of the Property Lease Agreement between Nye County and Cypress Holdings by amending the legal description to expand the footprint of operations; and 2) Execute the First Amendment to the lease agreement.
- 34. [For Possible Action](#) – Discussion and deliberation to: 1) Ratify County Manager Tim Sutton's acceptance of the Nevada Water Conservation Infrastructure Initiative Grant Award through the Nevada Department of Conservation and Natural Resources in the amount of \$3,873,038.00 for the purpose of improving the Gabb's Water System; and 2) Fund to 10340 Grants.

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35. [For Possible Action](#) – Discussion and deliberation to set a date, time, and location for a Public Hearing to recommend a course of action to the State Engineer for Nevada Division of Water Resources Temporary Applications 92878T and 92940T, per Nevada Revised Statute 533.363.

PUBLIC PETITIONER

36. [For Possible Action](#) – Discussion and deliberation to release Benjamin Blue "Blue" back to his owner, Summer Grubb or co-owner, Christopher Webber after being detained for biting someone on September 13, 2023 following a 2022 Dangerous Animal Classification.
37. **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).**
38. **Commissioner/Manager Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**
39. **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