

**BEATTY TOWN ADVISORY BOARD  
P.O. BOX 837  
BEATTY, NV 89003**

**Minutes  
6/10/09**

**THE BEATTY TOWN ADVISORY BOARD MET IN REGULAR SESSION AT 6:30PM IN THE BEATTY COMMUNITY CENTER.  
THE BEATTY TOWN ADVISORY BOARD HEREAFTER WILL BE REFERRED TO AS THE (BTAB)  
THE BEATTY TOWN ADVISORY BOARD MEMBERS HEREAFTER WILL BE REFERRED TO AS THEIR RESPECTIVE INITIALS.**

**MIKE LASORSA (ML)  
BERT BERTRAM (BB)  
LARENE YOUNGHANS (LY)  
TERESA SULLIVAN (TS)**

**1 Pledge of Allegiance**

Meeting called to order @ 6:31

**2 Action - Approval of the Agenda for the Beatty Town Advisory Board's meeting of June 10, 2009**

BB - Motioned to approve with the pulling of Item #4; seconded by LY 4-0

**3 GENERAL PUBLIC COMMENT**

Joannie Jarvis - Chamber of Commerce is actively planning the Beatty High School reunion; we're going to be celebrating 70 years of Hornet Pride, we're really excited about that, I had an epiphany the other day, doesn't happen very often but, I'm really excited about them when I do, I realize that there's a select group of young men and women who won't be joining us for the reunion and Beatty doesn't really do very much to honor our young men and women that are currently serving in the military and so we want to have a banner to hang to commemorate all of our kids that are currently serving in the military, I have a couple of examples, we're actively seeking as many names of kids that are currently serving in the military, what I'm asking you for is, do I need permission to hang a banner on the wall and if I do, do I need to be agendized to have a large banner hanging in here with all of our kids on it and 3; would the board be willing to let us leave the banner in here for a period of time to honor all of our kids that are currently serving. BB - I don't see a problem with it as long as we don't damage something when we hang it. TS - Do you want to hang it in the big room? Joannie Jarvis - I think we're planning on having the banner in here. TS - Do you guys want it agendized or just allow... Joannie Jarvis - At this point we don't know how big it will be, because we don't know how many photographs and how many kids we're talking about, we're trying to get the word out, we're trying to get as many names back to us as possible, I know Josh's is overseas right now, hopefully you'll give us his picture, as many kids as possible. LY - I don't have any problem with it, it sounds great to me, even if you had to stick a permanent screw in the wall ... BB - They've got all kinds of adhesive things you can stick on the wall that will hold banners &... LY - But if we're going to leave it up there, to honor the kids, we could put it up permanently... Joannie Jarvis - Well, the museum said if you guys wanted to take it down at some point that they would add it to their permanent military display, we just thought we wanted to leave it hanging here for a period of time it would be a great... this is where people certainly come through and see things, our community, our kids and it will be a professional banner, it's not going to be anything Mickey Mouse by any means. TS - Sounds good. ML - I think we can just go with that, it doesn't have to be agendized. BB - I don't see any problems. TS - Ok. ML - Everybody agrees to it? LY - And who's taking the names of the kids and stuff? Joannie Jarvis - Currently we have a link on the Chamber of Commerce website, I was going to try and get with Charley after the meeting today to see if we could get him to add a little blurb to his paper and we're actively calling parents that we know that have kids that are serving in the military and don't care if they're in Kuwait or Virginia, if they're not going to be here, because they're serving in the military, we want to honor them. I've always maintained that it takes a village to raise a child and they're our kids, they're not going to be here; we want to put them on our banner. TS - Good idea. Joannie Jarvis - Again, if anybody knows any kids that are serving that aren't going to be here, give me their picture and give me the names.

David Spicer - D & H Mining, I'm here tonight to let community know that I've been contracted by Best in the Desert (BITD) organization, Casey Folks, who's here tonight to make his presentation, which is on the agenda, to do all the reclamation in the Beatty area and Southern Nye County area. Casey has committed,

at the moment, over \$10,000.00 so the reclamation will be done. We have worked last year to have the race start on my property, it's my ranch, my right of ways, my mine sites, utilizing the public lands we have under permit, having done all the mitigation for tortoises, endangered species and potential endangered species to keep the controversy, keep the environmental degradation down and to keep it off the public roads. We are also working with Casey Folks to try to bring in some of the others, we're working on programs on some of the other reclamation in the area that hasn't been done prior to, it was done by a different operator other than Casey, to bring into line also, so the roads around our communities are taken care of. We are at this point and time working with Bureau of Land Management, Fish & Game and Division of Wildlife on having routes from our properties out for future race ways, to keep those under control, in areas we are in control of and responsible for under my permits and my licensing right now. David read a letter of support. (Attached) We put our name to this task, our efforts to this task and we are in support of it for what it can do for our community, we will diligently work with him to make sure the roads he uses in the area are reclaimed, so all the rest of us users here have got a good experience with him.

#### **4. Action – Emergency Items**

This item was pulled

#### **5 Action – Board Member's Comments**

None

##### **a. Reports**

**Commissioners** – Joni Eastley – Nye County Commissioner, District 2, I have a couple of things tonight, I don't want to turn this into the Joni show but I have a few things I want to cover; this is an edition, last week's paper, the Tonopah Times, the reason I brought it, is because in the legal section, page a-6, I'll leave it with Janet unless somebody already has a copy; there's a big long column here, this was put into the paper by the Nevada State Treasurer's Office, and I'll read the brief description; Dear Fellow Nevadans, The State of Nevada is holding more than \$339 million for over one million property owners. NRS Chapter 120A requires the State Treasurer to publish the names and addresses of the owners of property presumed abandoned that is valued at \$50 dollars or more. This publication represents new properties reported and received between April 2008 and March 2009 for people living in the Tonopah area. This list is in alphabetical order with the last known reported address. If your name is listed a claim for the property can be prepared and printed out on-line, the reason I'm bringing this to your attention is there's a bunch of Beatty names in here, the State Treasurer is holding property that is valued at \$50.00 or more, I'll leave this with Janet, you can all take a look at it, there are even 2 businesses on here, one of them is the Shell station; has some unclaimed property and one of the motels, I can't remember which one it was, 2 businesses on here. What you can do to determine if there's anything at all for you out there that doesn't fall between this 2008-2009 list is go to this website; [stakeyourclaim-nv.gov](http://stakeyourclaim-nv.gov); I did that today, I listed my name Eastley and there was nothing out there for me; no big surprise right, I listed my son's name, my son's are from a previous marriage, their last name is Vantruan, so I listed that name, there was unclaimed property out there for me from 25 years ago, I had received some stock dividends that never caught up with me when I moved from Manhattan to Smokey Valley to Tonopah, well actually from Cleveland to Manhattan, Smokey Valley to Tonopah, so I'm going to get 4 checks that total about \$45.00, that was a huge surprise for me, it was like a treasure hunt, isn't that very cool, it doesn't take much to thrill me, but that thrilled me because there's \$45.00 worth of mascara or something, please check that, there may be things out there from years ago, check the website, Charley will have it in the paper and I'm sure Janet will be happy to share the information or it's in a publication.

Renie you had asked me on the phone last week, you wanted me to give an update at the last BTAB meeting about the legislature, are you still interested in that? LY – Yes. Joni Eastley – I spent a lot of time in Carson City when the legislature was in session, I'm a nosy person by nature, I wanted to know what they were doing, I wanted to know what was going on, there were some things that I was particularly interested in, especially as your representative, as you know, when things are going to be lost, when we're going to lose something, something of value, in this case it's a service, it seems like those services are always taken away from rural communities first, so I wanted to be there to keep an eye on what we were going to lose from what we had left and we don't have a whole lot left. As you know the services tend to move away from the rural communities into the metropolitan areas, which is generally okay, I'm not really complaining about that because I know where the big population bases are, they need those services, but what makes this particularly egregious to me is there is the fact that there is no public transportation anywhere in the State of Nevada, in rural Nevada, no public transportation, if you want to travel, let's say you want to go from Beatty to Tonopah, let's say you want to go from Reno to Vegas, you can't get a bus to do that because there is no bus, the same holds true in Tonopah which is really bad because when you release prisoners from jail in the county seat, what do they do, they stay there because they can't get out of town. I wanted to see what they (legislature) were going to do knowing that we were facing essentially more than a billion dollar shortfall, some of the things that I was not happy, there were some things I was happy with, I'm not going to tell you that I thought that everything they did was bad, I personally, on behalf of Nye County, submitted a bill for consideration that did pass, it was SB60, a senate

bill, as you know or may not know, I'm a really big champion for the Brownfields, the EPA's Brownfields program, that's taking contaminated property or property that people think might be contaminated and turning it from brown into green, whether that means green grass or money in your pocket through the development, we can leverage more federal dollars through the Brownfields program if we have a state agency that is responsible for certifying that the property that we have cleaned up is clean. Believe it or not there was nothing in the state law that designated one agency for being responsible for saying, "You know what Nye County, you cleaned, you did a great job, and we're going to sign the form that says this property is clean." That's particularly important to me and it should be to everybody on properties that have been seized where methamphetamines have been produced, really bad stuff, we can get funding through the Brownfields program, federal funding so that when the Sheriff's Office seizes a property or when there's a fire and the fire department finds that there was a meth lab there, the sheriff seizes it so it now becomes County property, we can't do anything with that property when it's contaminated, we can get federal funding to clean it up because Brownfields EPA has opened up a new facet of their funding to provide federal funds to clean up methamphetamine contaminated property, but you have to be able to certify that it's clean and we didn't have anybody at the state level who could do that, pretty easy huh, so that was my first foray into actually proposing a bill, what's the old saying, I don't remember who said it, "watching government pass a law is like watching somebody making sausage" or something like that, it wasn't quite that painful but it was a little scary at times because at various points we had agencies from other counties coming out and saying "Yea, we really like your bill, how come we didn't think of it, but we want to amend it to include this or we want to amend it to include that", the bills never what you have to worry about usually, the amendments are what you have to worry about and sometimes they come in the eleventh hour but I have to tell you that overall it was really a very gratifying experience because I had a tremendous amount of support, not only from the health departments in Clark & Washoe Counties, who went with me when I testified on the bill, to testify that they supported what Nye County was doing, but we also had the Department of Public Safety, because there's another component there with the Highway Patrol; because they run into the same problems, they may do a traffic stop, they may find methamphetamine in a vehicle, the vehicle can be seized, how do you sell the vehicle that's been seized if it's contaminated so you can see where all of this is going, we had a tremendous amount of help and support and I'm really happy to say the bill passed, that was a huge success for us, SB60 amends a current law just to designate one state agency that's responsible for given us a signature on a form that certifies that a property is clean so we can get federal funding to reimburse for what we did, now we will be able to, some properties that we have seized that we haven't been able to sell because we know they are contaminated, now we can begin that process and sell that property and there won't be any money coming out of your pocket. That was a good thing, one thing that was not so good that I was really not happy about and I still am pretty much not happy about it, it worked out, well, there was some give and take, but I'm still not happy but it worked out better than I thought it would, there was a bill that was sponsored, AB522 by Assemblyman Marilyn Kirkpatrick, there were a number of bills that were introduced this session in both houses of the legislature that addressed renewable energy, you know that's really, no pun intended, the hot topic right now is renewable energy projects, I really didn't like Assemblyman Kirkpatrick's bill for one reason, because it provided for tax abatements, I am not a big tax person, anybody that knows me will tell you that, I have consistently voted against implementing or raising any tax, one that I particularly took a lot of heat for was, I voted against the sales tax, but I was consistent from the very beginning when it introduced, this provides for a tax abatement, the reason I'm against this, I have no problem philosophically with the tax abatement, my problem is that the tax abatement for the renewable energy companies can apply for, the premise was, they could apply for up to a 55% abatement of property and sales taxes, the State could grant this request for tax abatement and not consult the County, the State stays whole and the school district stays whole, so essentially what happens is any of these renewable energy companies, and we have about 35 applications all over the County, wind, solar & geo-thermal, they can come in and can apply to the State of Nevada for an abatement of up to 55% of the property and sales taxes they would have paid in Nye County and the State has the sole authority to grant that, that is to me a home rule issue which is another one of my hot buttons is that I really want home rule in this State where we have other powers, the County does, besides those which are delegated to us through the Nevada Revised Statutes, here's the thing that really ticked me off about the abatements, besides the fact that the State can grant them without any input from the County, the State stays whole, they're not abating the State's property taxes, they're abating ours, and out of the 45% that we would have remaining, we have to take out of our 45% enough money out of that abatement to give it to the school district so they stay whole. I have nothing against the school district, I value the work they do, I value education but the school district doesn't pave roads. They don't pay for your fire department, they don't pay for your police protection, and they don't pay for any of your services, we pay for those and so I am somewhat upset at that. I testified several times on that bill, we did, if you want to call it getting our way, we kind of got our way on one thing, I really insisted that if the State was going to grant a tax abatement to any of these renewable energy companies that they also delegate the authority to the Nye County Board of Commissioners to negotiate development agreements with the renewable energy companies, this is the way I put it to the legislature and I didn't really mean it this way, we need to exact our pound of flesh out of this somewhere, you're cutting us off on the front end, we've still got to provide services, so we're going to require the assistance of the renewable energy

companies to pay their way, I kind of don't like the term development agreement because I'm not talking about working out an agreement with them where they pay for street lights and curbs and gutters and all of those things we've got going on in Pahrump that have created such a public relations nightmare for us, I really wanted more of a memorandum of agreement that they would pay their own way when it comes to providing services, but the full force and effect of the law does not stand behind an agreement like it does an development agreement or a memorandum of agreement like it does a development agreement, so although it didn't make it in the final language of the bill, Assemblyman Kirkpatrick did go to the legislative counsel bureau(LCB), which is kind of like the DA's office for the legislature, that's where they go to get legal opinions, she did get a legal opinion from the LCB that said we do have the authority to negotiate development agreements outside of a regional planning district, that was my concern, we don't have a regional planning district anywhere but in Pahrump, why, because we don't want them. We don't want that but I wanted to make that outside of a RPD that we still have the authority to negotiate a development agreement if we needed too, the LCB said yes, you have the authority and then Assemblyman Kirkpatrick also had it read into the legislative record so there was no misunderstanding concerning the intent of the legislature about Nye County or any County's ability to independently negotiate a development agreement outside a RPD, so that kind of takes the sting out of it, it's still a Dillon's Rule or home rule issue for me is that we shouldn't have to get permission from the legislature to do things that benefit or protect our citizens, but we do so that's the down side of that. Does anybody have any questions for me? LY - So the sales tax, any of their equipment and installation will get 55%... Joni Eastley - If they buy it in Nye County and that's another reason I was insistent that we have development agreements with these companies, what my intent is, I can't speak on behalf of the Board because pretty much I was the one doing the research and testifying on all this stuff, one thing I would like to see in the development agreement is that they purchase as much as they can inside Nye County, that not only helps Nye County businessmen but the other thing it does is it keeps the sales tax here. If it's something that they absolutely cannot purchase in Nye County, we want them to pay the sales tax to Nye County, whatever the point of delivery is or wherever they purchase it, they just make it clear that the sales tax is going to be paid to Nye County. Janet Rogers - Is that a lifelong agreement or the life of the project or the ... Joni Eastley - Depends on the project, depends on the agreement but AB522 provided, I don't know the how the final came out, but the energy company had to commit to 10 years of continuous operation within the State of Nevada, but the tax abatements were effective for 20 years. LY - Who makes that decision in the State? Joni Eastley - The legislature made that decision. LY - But I meant, you said up to 55%... Joni Eastley - I thought at first it was going to be the Nevada Commission of Economic Development (NCED), now I understand it's not going to be NCED because there's going to be a special energy commission that will be created and the energy commission is being delegated the authority to grant those abatements. LY - So they can abate up to 55% in Nye County and only 20% in Clark? Joni Eastley - No, the law is effective for everybody, all over the State. LY - Yea, but you said that they abate it up to 55%, so is 55% the amount or is it something between zero and 55%? Joni Eastley - It's up to, so it can anywhere between zero and 55%, if I were the Joni Eastley renewable energy corporation, I would be asking for the whole enchilada. LY - What I'm saying is the State, this agency could say the people moving into Nye County get their taxes abated to 55% but the people moving into Clark County, Boulder City, their abatement is only 45% because... Joni Eastley - They could probably say that although what I think they may do is look at it on a case by case basis, there was something that was written into the law, any project that was moving into a County and they wanted to apply for this abatement, as soon as they applied for the abatement, the State was required to, and this was another change that I demanded be made, I didn't demand it I just said, don't do this to us please, change this part and they did, they actually listened, but originally they were required to notify the County Treasurer and the County Auditor that somebody was applying for an abatement, I testified on that, my only comment and said we have, almost every County has a Chief Executive Officer, a County Manager and in the Counties where there is no County Manager, you should also include in that list of notifications the Chairman of the Board of Commissioners, I'm not saying the County Treasurer wouldn't notify us or that the County Auditor wouldn't notify us but you have to plan for anything, you have to plan on somebody being on vacation and a letter laying on a desk for 2 weeks, what is in the law, we are included now, the County Manager would be notified or in the absence of a County Manager the Chairman of the Board of Commissioners and then as soon as we are notified, we have up to 30 days to ask the renewable energy provider to make a public presentation to the Board of Commissioner's stating how much of an abatement they are applying for and why they think they deserve it. That still doesn't mean that we have any control over whether or not they get it, they just have to make a presentation to us. But I do have to say, in spite of all of that, it didn't matter how many times I went up there, how many times I testified, how many legislatures I either called or faxed or e-mailed or visited personally, they were polite and respectful and not just gave the appearance of wanting to bend over backwards to try and help us, they did bend over backwards to try and help us, although I am somewhat critical over some things that happened, I cannot say that Nye County was treated unfairly, because those things they could do for us, they did, the development agreements is a good proof of that and we asked that we please have somebody else notified, they included that, they were wonderful to us on our methamphetamines bill, I still have my issues that you probably read in the paper. I do have some issues with a lot of the things legislature did

but I have to say they were unfailingly considerate whenever I went up there and that was a good thing. Any other questions about the legislative session...

Joni Eastley – Mr. Chairman, may I ask for your indulgence and take a little more time, there are some things I want to bring up about the last meeting. ML – Ok; Joni Eastley – How many people were here for the last meeting, that last kind of public free for all we had, I really want to address this, first I want to tell you that you elected me to do a job at the County level but I take what I do extremely seriously and I try whenever possible to work with the Town Boards that are in my District, that's why you see me here so much, I want to see what's going on, I don't have the benefit of living here so I need to come to your meetings and be visible and try to get an idea of what's happening in your community so that when I have to make decisions at my level I can remember things that happened that I think, oh, this is not going to affect them well, I need to vote this way or whatever. The last meeting, I don't know what happened at that last meeting, it was really contentious, there was a lot of anger and emotion on both sides, on the Board and in the audience and I get that, I've been involved in meetings like that at the County level and I have tried to chair meetings like that at the County level, it's never easy and I just want to... Mr. Chairman if I could direct my comments to you and the Board, if you want me to, offer some suggestions and some observations so that what happened the last time doesn't happen again because I don't think it made anybody happy, I think things like that tend to, it's like creating a scab and then if it happens again somebody picked off the scab and it bleeds all over again, I don't want to see that happen to Beatty because I have always used Beatty in rural Nye County as the standard, I have always told people; they just are tremendous, they have a sense of vision, they know where they want their community to go, they have plans, I just hold them up as the standard and it made me very sad at the last meeting to see what had happened. Having said that, I will tell you what my observations were unless you want me to butt out and then I'll be happy to take my seat. ML – No, we welcome your observations. Joni Eastley – The Chairman position, and I know that a couple of times you tried to make a motion, the Chairman is really one piece of a pie, you have a big pie with 5 pieces, no one piece of that pie is any more important or any less important than the other 4 pieces, the Chairman's job, in my opinion and I can say this because I have not only been a Chairman of a town board for 5 years but I've now been Chairman of the Nye County Commission for 2 years, your job as the Chairman is really pretty easy, your not the boss and you don't tell people what to do anymore than Commissioner Borasky does or Commissioner Hollis does, we're all interchangeable parts of the same machine, but during a meeting there can only be one person in charge, not 5 people up here and not all of the audience, so there's a lot of blame to be shared, so Mike what I'm going to tell you is that, on an agenda item that requires action, what I would do if I were you and I have been you, at least in your position, and I'm going to ask the this audience to, these people serve without compensation, they don't do this for power because they don't have any power, as individuals they have no power, they don't have any power until there's an item on this agenda and they get 2 other people to vote with them, outside of that they don't have any power, so they are volunteering their time to try and move this town in the right direction and generally I think they've done a hell of a job, they really have, but on an action item, please remember that what these people are trying to do is their trying to get their job done in view of the public and it's really difficult and distracting and very frustrating because you can't think and deliberate when you have people shouting things from the audience so let's be considerate to each other, be kind and considerate to each other and remember you're going to have an opportunity to say something so Mike what you need to do is introduce the agenda item, let the Board know this is your opportunity for 2 things, for discussion and deliberation of this item, you need to get that done in view of the public because that's what the law says and that's what the law should say, direct your Board that we're going to discuss and deliberate this item, let them discuss to death so that they get their views heard because that's your job, your job is to make sure that everyone is heard, that both sides of the issue get aired and that your leading the Board in the direction of a motion, you've got a straight path to a motion, either to approve or deny the item, after the Board's finished with their deliberation simply open up the floor for public comment and that's another thing I noticed, it's really important because of the law the comments that you make have to be on the record, just like I'm doing here, I'm standing at the lectern and I'm talking in this microphone and it's going into the recording machine, it's going in to the recording machine because we have to have, no matter what level of government your at; this level or my level or the legislature, you have to have what's called a clean record, a clean record means you have people who are speaking in to the microphone so she can take the minutes and make sure they're published accurately and when folks yell things from the audience and I heard some really valuable stuff coming out of the yelling, the only way it's going to make it into the record is when your standing up here and your saying it into the microphone, be considerate of each other, think of how you would feel if you were sitting up here trying to get to a motion but there's a lot of folks yelling things at you from the audience, I know this, I've been there, I talked to Mike and told him I can remember the days when I would go to Pahrump for a county commission meeting and the morning of the meeting, I would throw up in my motel room until it was time to go the meeting, that's not a lie, I did that, that's how I would get because I knew what I would be facing when I got to that meeting, so I am really sympathetic to the job that these people try to do, you cannot please everybody and I think as their colleague and even as a citizen, the only thing I ask that they use their best judgment and consider all the information that's available to reach that decision that's going to have the best benefit for everyone, the only thing I would say to the Board is focus on the item, don't focus on personalities, don't concentrate on

who sponsored it or what you think their agenda might have been, make your focus very narrow on the item you have to vote on and make a decision based on what is the very best for the community because you're the leaders and I rely on you to give me advice, that's why your called an advisory board, I want to know that when I cast a motion that the very best advice came from the BTAB because the very best advice came from the community, it starts with you and comes up to me, that's all I have.

**Treasurer - LY** - The treasurer's report is as of 6/10/09 and that's at 83% of the year, we have the fire department at 43%, they spent 43% of their budget, they've only spent half of what they were budgeted so far, administration is at 73%, community center is at 62% and the television is at 47%, so we are doing great. Janet, were you able to put together the amount of money that we collected for the community center? Janet Rogers - No, I didn't even work on it today, you said not to worry... LY - I know, thank you.

**Secretary - Janet Rogers** - The \$63,000.00 that you approved to set the earmarked money aside to collaborate with EMS; administration thought it would be best if that was presented to the BoCC all in one fell swoop so that agenda item won't be heard by the commissioners at their next meeting, when they discuss the parcel map, accept the parcel map and the plan, that's when our permission from the commissioners to grant the \$63,000.00 will be heard. LY - Are you talking about the ambulance? Janet Rogers - Yes

The website agreement will be on the BoCC's agenda on the 16<sup>th</sup>

I received a phone call from Bobby Revert this morning, he was unable to attend the meeting, and he wants the fence straightened out where the bench is located on the corner of Hwy 95 & Watson, so I would like direction from the Board as to how to handle that? ML - I spoke to Bob also, drove by and looked at it, it just looks like there are 3 or 4 poles bent over and I think we can straighten them back out unless he wants something more, he said that's all it really requires, I think we can do it or have Ricardo do it. LY - Do we need to assign somebody to make sure it gets done? Janet Rogers - I'll make sure it gets done. LY - Ok

**Beatty Area Plan - BB** - The last time I talked to Jack Lohman and Cheryl Beeman who are at the County level involved in this, they are in the very, very last part of getting the Amargosa Valley Area Plan finished, if their done then we are going to be able to get back in progress with our portion. TS - When will they be here? Janet Rogers - Cheryl Beeman is scheduled to be here on the 24<sup>th</sup> when the DA's office gives the presentation on the town boundary. TS - And we will continue to work on the plan at that time. That's all I'm looking for, it's been a long time since we've touched this, and I would just like to see it get done. Janet Rogers - Normally we would, the Chairman instructed me not to take anymore agenda items for the 24<sup>th</sup> since that will be the election, if this Board so chooses, and then the presentation. TS - Ok, rather than waiting till the last meeting of July can we put this on the first meeting in July so we're not waiting an additional month to get moving on this again. Janet Rogers - Yes ma'am. TS - That's all I'm asking, just so we can get something going. BB - AT some extent we are going to need Cheryl Beeman's availability to go along with this. TS - Ok, that's why I'm asking the Board, can we work toward that goal to do this the first meeting of July instead of the last meeting of July so we're not putting yet another month. ML - I think we should be able to do that. It's up to the Board, I mean the 24<sup>th</sup> is going to be busy and we want to give it its due, it's important. TS - Sure, I understand that, so Janet if you wouldn't mind, I guess contacting Cheryl to see if she would be available and maybe work towards that, if she's not, she's not... Janet Rogers - Ok

**Beatty Town Square - BB** - I'm continuing to do some research on this and trying to come up with some alternatives for everyone to consider and maybe we'll hit on one where we can get enough votes to get going on it. LY - Well I sent Bert an e-mail about the town square listing some things that I thought would be important to be in it and he corrected some of the items and sent it back and hopefully we'll be able to bring it to the Board, we decided not to do it on the 24<sup>th</sup> but maybe we'll be able to do it on the first meeting in July, to get the Board to agree that these are the items we need in the town square so then we can go to an engineering firm to design and tell us what it will cost and go forward with some engineering for the town square. ML - again, it's an item we need to look at; I know we've talked about that; id we can do it in the first meeting in July, I think it's good; we've had direction before by other agencies, I've told you about that, the school gave us plans, we had UNLV plans, we had Spicer's plan... LY - And I've looked at all those plans; they all have good ideas but we need to say this is what we want in it and so... TS - I'm pretty sure we did; on those one minutes ... BB - We did that before... TS - It doesn't mean we can't add more; we can add more stuff if we want to but I agree, we finalize it, get a plan, get to a firm that's going to design it for us and give us some costs, without some overall costs moving forward doesn't make sense. BB - It may only be my opinion but I think we really need to get some barricades or something up to keep the vehicles out of the park, that's the first measure.

**Ordinances** - on our agenda

**Beatty Medical Clinic** - TS - I don't have an update

**6 Consent Agenda Items**

**a. Action – Discussion of any item from the Consent Agenda Items that needs review before a decision is made.**

**b. Approval of Town Vouchers**

BB – Motioned to approve consent items; seconded by TS 4-0

**7 General Business**

**Action – Discussion and possible decision to hold an informal election for the vacancy caused by the resignation of Joe White and all other matters properly relating thereto**

ML – I think it's the general consensus that we're going to have an election, I've heard and saw that there were petitions out wanting to do this, this is the wishes of the Commissioner to do this and Joni if you would like to add something to that. Joni Eastley – First of all I have to apologize to the Board because I lied without the intent of deceiving, I just passed along some bad information that I got, I thought we were going to have to amend your ordinance so that it matched Amargosa's because Amargosa supposedly adopted through the ordinance process or the bill process for town elections; that's what I was told by an elected official in the County; who I'm not going to blame for this so I'm not going to say who it was but then when I went on-line because I thought I would just start drafting the ordinance for Beatty myself and when I on-line to look for Amargosa's ordinance, it wasn't there, I called the elected official back and said I can't find that ordinance you're referring too and she told me "yea, you're right, that's because I gave you bad information, they didn't adopt through ordinance, they adopted it through their by-laws so that's what I want to tell you tonight is right now the BoCC of whom I am a representative, we prefer that the advisory board towns hold informal elections, that's what we prefer, I prefer that when I cast my vote it's for somebody you want me to cast my vote for and the only way we're going to do that is if you hold an election and say who you want appointed, I think that's the fair way to do it so we are going to have an election to fill Joe White's unexpired term, what you need to do is, if you have by-laws, please provide in your by-laws for those elections so you can formally adopt that document so this might be a good time to pull out your by-laws, dust them off, see if there's anything else that you think needs to be changed or updated or added and then just approve it all in one motion, my apologies, I said it was an ordinance because that's what I was told and I just didn't check until I went to help update the ordinance and it wasn't there. ML – But that shouldn't hold up the election right? Joni Eastley – No, absolutely not; Janet Rogers – We just need to make the motion like we did for the previous election ... Joni Eastley – Right, make a motion tonight to set a time, date and location for the election and that's all you need to do. TS – But in the absence of by-laws, we have to outline how it's going to happen as well, because we don't have anything in place... Joni Eastley – Sure, but what you can do is get that information from Jan Cameron in Amargosa Valley because I really don't think that they're going to be any substantial changes to the way Amargosa Valley did it. Janet Rogers – I already have their copy. Joni Eastley – Good, so you don't anticipate, you thought everything went smooth last time, oh, now here's one thing I will say; if you want me to, I don't know how the board is going to address the issue of who counts the ballots, I can certainly, I'm unfortunately not going to be here, my parents are having some elder health issues and I really need to fly back to Cleveland and take care of some things for them so I won't be here, but I can recommend a little independent team, maybe somebody from the DA's office, somebody from the Clerk's office, somebody from another town board because I understand Jan Cameron is not going to be bringing her team with her this time, they're not coming, just tell me what you want me to do, if you want to appoint your own team right from the community, that's fine too, if you want somebody removed from the process and completely independent that's fine too, whatever you want to do. ML – I'd like to see Jan Cameron do it again, I think it worked well and she didn't have any problem with that, I just don't understand why she can't bring her team, we paid those people to come up... TS – Well, we reimbursed their travel, we didn't pay them, and we reimbursed them. ML – Then we should pay them whatever they feel like... Joni Eastley – Well Janet, you can call Jan and... Janet Rogers – I will to get the verification, but I personally, with all due respect to the Board, would ask that you would inquire with the Clerk's office and the DA's office... Joni Eastley – Yea, maybe Maria or somebody would come in for the evening from the DA's office and maybe someone from Sam Merlino's staff or Sam herself... TS – And maybe the best way to do it is similar to the way we did it last time, having Jan come up and her team, if she's willing still because they did do a great job and then after that time we can adopt some by-laws that gives us; as a community; a way to do this... Joni Eastley – There you go, so then everybody knows, it will be published and they'll all know how this is going to work. LY – because Jan does it herself, their team does it for their election, they don't bring in ... Joni Eastley – It's not always the same people all the time... LY – The board picks them. Joni Eastley – Pretty close to the same people all the time; TS – In the absence of any by-laws at this point that would be the easiest way to move forward rather than haggling over who does what, simplest, clean cut and then after that we can adopt our own by-laws that would designate a way to designate individuals to do it all. Joni Eastley – There you go... TS – I know one thing that we did do differently last time is Amargosa takes nominations from the floor on the day of the election, previously we asked that letters be submitted and I really feel that's important, I think we all need to take at least one step in letting people know that you want to be on the board, you're running for the board rather than

just jumping up that night and saying Hey, elect me, I think there needs to be some previous notification to everybody. Janet Rogers – Teresa, if I may, it's a correction, they do not take nominations from the floor on the night of the election, that's their meeting in November, they take nominations at their September and October meetings, Amargosa only meets once a month... TS – Ok, so prior to, so that would be similar to advance notice... that would be fine with me, just not on that night. Joannie Jarvis – So if we were to have the election at the very next meeting which is roughly 2 weeks away, when would letters need to be submitted to fill this seat, what would the deadline be? ML – The 22<sup>nd</sup> ... Janet Rogers – Monday the 22<sup>nd</sup> at 4:00pm then I can get the ballots made on Tuesday and be ready for Wednesday TS – Janet already prepared a flyer for us to look at that shows letters of interest being in by 4:00pm, if we all agree on this, on Monday June 22<sup>nd</sup> with the informal election on the 24<sup>th</sup>, any tie will be broken at that time, whomever has the most votes their name will be forwarded to the BoCC, that gives everybody time to put in their letters of interest, if your interested in knowing who has filed those you can call that Monday, if you want to wait till election night then you can wait till the 24<sup>th</sup>. LY – So we need a motion to say that we'd like to have the election on June 24<sup>th</sup> at 6:30 at the community center to elect a replacement for Joe White. Janet Rogers – I wouldn't put the time on it because the agenda will actually have the election on it, so you'll start the meeting at 6:30, you do the pledge, you accept the agenda then you can go to elections... LY – I think it should be the first thing on the agenda. Janet Rogers – It is... ML – It will be agendized Janet Rogers – We have to accept our agenda first before ... LY – Yea, I understand that... BB – I think the way you would get around the exact time, the motion that it would be scheduled, would be held at the regularly scheduled meeting on the 24<sup>th</sup> at 6:30. LY – There's going to be people who want to come for the election and not for the rest so; I think the motion should say that the election is going to be... TS – The first item on the agenda... LY – The first item on the agenda so that they know that. TS – And one thing that was important that Jan Cameron had talked about before is a tie, so people who want to come and vote and even if it's the first thing on the agenda they really need to stay until the votes are counted in the event of a tie then a vote off or whatever you want to call it, that night. We do need to encourage people to stay. ML – **So Renie do you want to make that motion? LY – I just made it.** ML – Ok, we have a motion by Renie; I think we all understand that, do we have a second? TS – With Jan Cameron to oversee it in the same fashion as before? is that... ML – Yes, and if she can't get her crew then we'll take, maybe Joni can talk to Sam Merlino or someone in the Clerk's office. **TS – I'll second.** ML – Seconded by Teresa, motion by Renie. Renie would you like read this for the people so they understand exactly what's going on and we can vote on it. LY – read the flyer (attached) and these posters, I assume, will go up all over town. Janet Rogers – Yes, they will and there was a question I have once again, do you want these bulk mailed? TS – Did we bulk mail last time, I can't recall? BB – Yes, we did. TS – Then I would suggest we do the same as last time. ML – If no other discussion, call for the vote; **motion passes 4-0**

**Action – Discussion and possible decision to grant permission to use County roads through the Town of Beatty for the 2009 "Vegas to Reno" event on August 20, 2009 – Casey Folks**

Casey Folks – First of all I would like to thank the Town Board of Beatty for allowing me to be here tonight, I am the Director of Best in the Desert Association located in Las Vegas. I'm here before the Board tonight to seek their permission and their blessing in regards to the 2009 Vegas to Reno event. The event for 2009 will be called Vegas to Reno the long way, it will be a 3 day staged event, 1,000 mile race with 2 overnight stops, one being in Tonopah and the other in Hawthorne. The event will have cars, trucks, motorcycles as well as quads. The date for the event itself, the actual race dates will be Thursday the 20<sup>th</sup> of August, Friday the 21<sup>st</sup> of August and 22<sup>nd</sup> of August which is a Saturday. The total entries we are expecting are somewhere in the neighborhood of 250-300 entries. One of the reasons I'm here tonight is to explain some of the course changes we've had to make, in the last 30 days, the Federal Fish & Wildlife Service who protects the endangered tortoise species, Mohave Tortoise, has had some new guidelines that they've laid down, put a great deal of expense on anybody promoting off road races in southern Nevada, the original intended start for this race was going to be Fort Amargosa, some call it Indian Springs some call it Lathrop Wells some call it Amargosa, that was going to be the start of this event because of the Mohave Tortoise, we have moved the start and the new proposed start for the event is Fluorspar Road right here outside of Beatty. With the cooperation of NDOT; they have allowed me to use their fenced, it's just about one square mile, fenced in area right off Highway 95 for an off load area as well as some of the major parking that we'll have. Following this event, right now we have registered about 400 motor homes that will be actually following the event, reason for so many motor homes, both Tonopah & Hawthorne are limited on housing so people are bringing a lot of motor homes because there's only about 250-300 rooms in both of those towns so we are accommodating them by having that gravel pit, I've also just received tonight that we're getting permission here to use the old golf driving range down by your high school, across from there, to park overflow parking for motor homes as well as, of course the folks at the Phoenix Inn have allowed me use all their back lot parking as well as the Stagecoach with their new location for the proposed hotel to also park motor homes so I think we've got a lot of room to park these folks there. The race itself once again will start, plans start on Fluorspar Road, we will use the parallel sand washed road, I have been in touch with both Dave Fanning of Nye County, road supervisor as well as Stretch Baker in Tonopah in regards to the County roads that we'll be using. The only actual road that is really right now, that I know of , that I'm aware of, that's a dedicated Nye



County road that is actually maintained by Nye County is Fluorspar going from the Specie Springs turn off to the microwave site on top, however as David Spicer said earlier, I have contracted David and his company to come in immediately and grade all roads in this area, of course anything that is Nye County, I have talked with Dave Fanning in regards to that as well as corresponding him with a letter and he is an assistant that is working with me in regards to that and they have approved Dave Spicer to do the work on that. I have to compliance both pre-race compliance as well as post-race with the Bureau of Land Management and also I'm dictated by them, this is the roads we want fixed and we don't just have the Beatty roads, we have 1,000 miles across the State of Nevada they we'll be working on. From Fluorspar start to the first pit which is called Springdale, it is above Springdale about 3 miles on the left hand side of Highway 95, that portion of the course which is 34 miles from the start to there will be cleaned of any race material that day of the race which would be Thursday, the last vehicle will be through that section around 12 noon, there will be a crew to clean up so David Spicer and his team can start immediately either Thursday night or Friday to start grading all those roads and I did tell Dave Fanning that we're not only grade to the Specie Spring Road, we're going to all the way clear out into the Yucca Mountain area out there where we leave that good road out by Daisy Mine if anyone is familiar with the Daisy Mine. Somebody asked me are we going down the old Chinese Road, the answer is absolutely no, that road is closed to any kind of off road racing and has been for the last 4 or 5 years, we will not be using that. Some of the things that I also was asked once, do you ever do anything for Beatty, my answer is well, I'd like to think first of all with the economic times that we are in we will bring a tremendous amount of money to not only Beatty but all of rural Nevada including Mina, Gabbs, Pahump, Tonopah, Hawthorne all the way up to Fallon and on to Reno, we bring a lot of dollars in there, but talking to your local community, I know we are doing the same thing with the Tonopah High School, I did speak with your principal here at your high school as all high schools in rural Nevada, there always desperate for dollars so I understand somebody on the Board works for the high school, TS - I do. Casey Folks - We have \$1,000.00 donation that we're presenting to the Tonopah High School. TS - I believe the principal is here, Mrs. Hines. Casey Folks - The principals here; BB - Beatty High School Casey Folks - What did I say, no, this is for Beatty, if you would like to come up and get this I would be more than happy to give it to you. The only thing I asked the principal to do was make sure we use that on some kind of program for the kids also, talking to a fellow named Rupert, I think it was James Rupert, was it James Rupert, no James Revert, I think he's a member of the volunteer fire department, somebody on the Board is a volunteer fire department member, ML - I am Casey Folks - We also have a check for \$500.00 for your volunteer fire department for Beatty; ML - Thank you. Casey Folks - Then what comes into play, I think the Amargosa Toad and it's been a problem, at least with some folks in regards to the races I've put on and I can tell you that I am from Nevada, I've been in Nevada my entire life, I really enjoy rural Nevada most especially and I care for this State and I do believe we live in the greatest country in the world, the United States of America, I'm never here to create problems for anybody and I don't want to damage the tortoises and that's why I moved my race because I thought it was important this year until we get things sorted out with Federal Fish & Wildlife, something that we're doing for the Amargosa Toad, my contribution there, where Fluorspar Road is, the Amargosa River runs across that particular cattle guard if you know where that's at, at the expense of Best in the Desert we have ordered and had delivered here all of the culvert to create a culvert there not only for all the people going in to the race but all future traffic, it will save cause the Toads due hatch in that area, with the help of NDOT and David Spicer, I think and his advice we've had the culvert brought in here, it's sitting here ready to be put in and I think it will save your toad, it's going to be quite wide, it'll be a beautiful project and like I told somebody, there's a hundred people a day can drive across that road and they would do just as much jeopardy to the toad as we would so that's our contribution also, we have paid for all that culvert to have it put in over here. With that said, I'm more than happy to answer any questions that you folks might have for me. Ts - I think it's Crowell Road, when he's saying Fluorspar, he's talking Crowell Road. Casey Folks - What do you call it? TS - Crowell Road, it goes up to the old Crowell mine and Specie Springs... Casey Folks - I've never heard that before, the map says Fluorspar, there's always names that I've never heard of... TS - And the race will start at that point, is that what you're saying? Casey Folk - We will off load in the NDOT gravel pit, we will stage up the road and about 1/2 mile from the NDOT gravel pit fence or the gate, will be the official start of the race. Motorcycles will leave approximately 5:45 in the morning, first car or truck will be approximately 10:00 in the morning. TS - I know in the past I've heard from different people in the community that they didn't see a lot of benefit from the race because it passed through but I do believe last year when it started in this area there was a huge benefit, a lot of people staying in the community, much more economic benefit to this community than when it started farther south and just passed through town. Casey Folks - I can tell you if you had another 4 or 5 hundred hotel rooms you'd rent them, everything in Beatty, I can't even get, I mean I was trying to get a couple more rooms for people and everything is booked here. I understand what you're saying. LY- Does it go behind the mountain and then comes out at Springdale, does it come to the highway at Springdale. Casey Folk - Above Springdale, the only phone call I have received was a fellow who lives on Fleur Di Lis ranch and he was concerned about pit crews, support crews, people running down Fleur Di Lis at great amount of speed and I assured him there is nobody allowed there. I have even spoken to Tom Seely from BLM as well as the BLM ranger who's in charge of this event; I believe his name is David Hall; we are going to put a sign up on Fleur Di Lis Road, I promised the man I'd put a sign at the highway "No support crews allowed here" there is a check point back there

but to be honest with you, whoever goes there their going to stop and say it's too dangerous, don't go in here until the race clears here and their definitely not going to allow any support crews in there so I assured that fellow that won't happen. To answer your question, we are going by the old Coffey Ranch, I'm sorry not the old, the upper Coffey Ranch, I may have that wrong too but that's what I was told it's called, around that, we cross Highway 95 approximately mile and a half to two miles above Springdale, there's a crossing with two gates on both sides of the highway, I kind of call that road where we cross as the back road in to Death Valley Monument, we're not using that road other than to cross it, so that's where we cross. ML - Ok, before we take action on this item, I would like to call for any public comment. Jerry Hammes - Just how much of a benefit, I'm just looking for a benchmark, just how much of a benefit did the town achieve last year, I don't know if that's the Chamber of Commerce that knows that or money we received from bed tax or whatever, I would like an idea on really how much; that was one question and the other one a specific request that you leave a map in the town office that would be available for Beatty citizens to go up and look at that shows the route within a radius of 5 miles, I understand from last year you don't want to publish that because you don't want people fiddling around out there ahead of time, I would like to see a map given to Janet that shows the route that you've been talking about and if Janet can restrict that to Beatty residents that we can to the office and look at it, that's it. ML - Thank you Jerry, any additional comments? Richard Stephens - I just had a question; you said you were going to use the wash parallel to the Fluorspar Road and I'm wondering if that's what we've personally called the low road, I'm kind of hoping it might re-open it because it's been blocked off for years, they put boulders in the road and blocked it off, it was kind of a scenic drive. Debbie Baker - Casey, my observation is the last race, we had, I don't know if it was yours or not, but it was a problem, the racers started out by the airport and the pit crews were 3 deep on either side of the highway and those of us going to work out of town that day had to dodge the racers and the pit crews and I don't know if it was your people or not but it could have the same potential this year with them starting up that road, if the 400 motor homes that are coming in are going to go up that road or park on the highway because they need to back up 95, are they going 3 deep and are we going to have to dodge them also? ML - Casey, did you want to respond to that? Casey Folks - I'll try to address a couple of these folks, first of all the gentleman asked for a map, one of the reasons we don't produce maps, that we don't produce, number 1; is to make sure competitors don't get it because this is non pre-run event number 2; it is a safety factor, we don't want to get somebody that decides hey, I've got a favorite spectator area, I'm going to up there and watch and then guy gets bored and says I'm leaving and runs into a motorcycle or vehicle that we don't know about, I did bring a map with me, it's a GPS map mile by mile of the entire Beatty area, I would be more than happy to have you look at it if you like, you can see it first hand and know exactly where we're going as far as, I can't give you any dollars because the Chamber of Commerce has not told me, but I can tell you that we filled every room last year, I personally, motor homes, this fellow I told you his name was Bob Revert, at one time he told me the other day on the telephone, in one hour you \$10,000 worth of business at my gas station alone, everybody that's coming from Vegas is going to fill their vehicles here so economic wise and tax wise; I can't tell you; I did ask the Phoenix Inn to have a representative here as well as the Stagecoach, the fellow that owns the Phoenix Inn is in Reno, lives there, he promised me he would try to have someone here, Stagecoach Keith told me he would be here... Kelly Kinney - I'm representing the Stagecoach tonight, economic wise, we filled every room we had last year, Death Valley Inn is full, Motel 6 is full, Phoenix Inn, and every motel in this town is full for this event and we will bring in a lot of money and room tax for Nye County besides the food, restaurant, the eating establishments which we have more of this year and they can get out and eat wherever they want too, there's more to offer so economic wise this is really good for this town and I'm hoping there's not going to be any problem about it. Casey Folks - In regards to the second lady that spoke, you said something about the airport road and I'm not sure where, I mean the airports out here and last year we started on David Spicer's property and I know I had NDOT personnel with me, we were keeping them off the highway, we pushed them right into David's land, that was last year and I'm not sure of the event you're talking about at the airport personally we've never started at the airport so, well we did about 5 years ago, 2005 we started there, maybe that's what you're talking about, in 2005 we started by Bragg-Smith's property right there, that's before it was paved but that maybe what you're talking about, in regards to, the best I can do is tell you we will tell all of our people to get off Highway 95, like I said the Phoenix Inn was nice enough to let me use their property, the Stagecoach with the new facility, we just permission to use that driving range and the NDOT pit itself has got to be a square mile, at least so we'll be able to keep all those people, most of those motor homes by the way are headed for Tonopah, not all of them are going to stop here, the vehicles you'll see here are what we call off load vehicles, off loading the race vehicles but basically the motor homes are keep on going. That's my best answer, I know 400, I'm not exaggerating it's going to be about 400 motor homes. LY - I have a question; do you have any extra highway patrol on the road to make sure the chase cars don't speed? Casey Folks - The highway patrol, we know... LY - Well they do and they'll run you over Casey Folks - Well, first of all I can only notify highway patrol, just to give you an update, we have to have a highway patrol permit to do this race because we cross highways, we have to have an NDOT permit to do this event because we cross Nevada highways so both of those folks are notified because they're the ones that signed the permit and second all of your Sheriff's all the way across the State, all of the first aid folks across the State are all being notified by my medical director, he's putting all this into letters, the BLM, whom I think wants to speak here, will also receive all medical plans and everything else,

I can't speak for your sheriff's or your highway patrol except to tell you that they're notified and that's my best answer there and they know what they're doing. TS - You just asked if you could use the area around Fluorspar Road or Crowell Road, that's the area you're asking; Casey Folks - Fluorspar Road, not the highway portion, the dirt road. TS - Do you have the map; do you mind if we take a look at it. Casey Folks - No ma'am... Brad Hunt - While they're looking at the map; one requirement that we do have and we've already discussed it with Carson City any place that the race crosses our highway, there is no parking within 1,000 feet and we ticket and we tow, what we're going to do down here due to the fact of the visibility coming around that corner is that be marked, we're going to have message boards up and there will be no parking out on our right of way from the bridge into town and we will have the sheriff's office out there working because that's where we always have a problem and it's something that Casey can't do anything about, we all know, I talked the driver's as much as I can, it's the pit crews we always end up having trouble with, they want to be there when the cars start, they want to be there, everybody wants to wait until their cars out to make sure they're going that's why we've had to make ours as strict as we are so we will have no parking from the bridge to the cattle guard on the right of way and we will have officers out there ticketing, at times we've had driver's get in a hurry and have tried to off load out on the highway, I've stopped them, I flat told them if your tires touch the ground, you're disqualified and Casey will back me on that so we've really had good, working with those guys here the last couple of years, we really haven't had a lot of problems, you're always going to have them with pit crews because even though they're not in the race, their adrenaline flowing and they get stupid, the driver's realize that, they do as much as they can but the guys don't always have the same pit crews because, somebody can't come so they call on some friend Oh, you bet, I'd love to go with you, he's never been around the race car, never been to these events, like I said, when the race starts their adrenaline goes too, but there won't be any parking anywhere at any of our crossing within 1,000 feet, it will be a little longer here due to the visibility of coming around the turn and coming into town, so. Tom Seley - Field Manager for the Tonopah Field Office (BLM) I wanted to give you a brief update, back in February, I believe on the 24<sup>th</sup> we held a public scoping meeting, began the environmental assessment for this race this year, at this point, we are continuing to work on that document, we're trying to address all the concerns that were raised by the public both through the public meetings also through public scoping comments received by mail. With luck, as we get everything shined up we should have that out in a week to 2 weeks, until I have that document completed, we'll have a complete analysis of the environmental impacts, I cannot permit the race until I have that document completed, I can sign what's called a "Finding of No Significant Impact" then I can issue the decision or approve the race so I know some of the folks in the room like Shirley is on the mailing list for that and if anyone else would like to get on the mailing list, please contact the office, give us your contact information and we'd be more than happy to send you that EA. TS - I'm assuming this has to go in front of the Commissioner's for final approval but we're just recommending to the Commissioner's, **I'd like to motion that we recommend that the Commissioner's approve the permission for County roads to be used as designated by Casey Folks for the Vegas to Reno race in August of 09; BB - I'll second; 4-0** Casey Folks - One other thing, first of all, I'd like to tell you thank you and I wanted to address this fellows, I forgot to address your concerns sir, that road is on BLM and that's a BLM road, so it's really up to Tom Seley, I don't know that it's closed, you can discuss that with him as far whether he's going to keep it re-opened or not, we will grade it after we're done and as far as he's concerned, that's up to him. I'd like to thank everybody for your time and I appreciate it very much. Thank you.

**Action - Discussion and possible decision to write a letter to the BoCC regarding the District Attorney's office working on the Town of Beatty's ordinances - L. Younghans**

LY - I was contacted by a previous board member to find out what happened to his, I shouldn't say his ordinance but, an ordinance that the previous board agreed on mobile homes and I found out there's a problem with all of the ordinances and we have referred them to the DA's Office and you had a workshop that I was not involved in, so anyway I thought we should write a letter to the County Commissioner's asking them for their support to go to the DA's office to get somebody assigned to the BTAB to correct all of our ordinances and bring them up to date so they can be passed or legalized or whatever we need to do to get it done because the previous board members have done a lot of work and their just sitting in limbo so Janet wrote a letter and I would like to entertain a motion to approve this letter... **BB - I've read the letter and I would make a motion we send it as written.** LY - Do you have the corrected one? BB - I'm not positive... LY - Does he have the corrected one Janet? Janet Rogers - Yes. TS - Can I see a copy of the corrected one, I did look at the first one and it looked pretty good, I just wanted to see the final. TS - I'll second your motion Bert. ML - We have a motion and a second and before anymore discussion do we have any public comment? Joni Eastley - Would you mind very much directing it to the attention of the County Manager and copying the entire Board of Commissioners on it. LY - Ok, I'd like to amend Teresa's motion to address the letter to the County Manager with copies to all commissioners. BB - Mr. Chairman, point of order, I made the motion I need to amend... TS - Under Robert's Rules anybody can amend a motion. LY - And I said Teresa, I mean Bert's. ML - Bert, would you like to amend your motion? BB - Pleasure of the Chairman. ML - I'll amend your motion if that's what you'd like to do. **BB - I no longer have the copy of the letter in front of me but I would make a motion to amend the letter to be sent to the Nye County Manager with info copies to each member of the Board of County**

**Commissioners and otherwise sent as written.** TS - I can't even hear you down here. BB - Normally these things are working good (microphones). **I want to amend my motion to have this letter addressed to the Nye County Manager with information copies to each member of the Board of County Commissioners and otherwise as written.** TS - **Second.** ML - We have a motion by Bert a second by Teresa, any other discussion or public comment, if not let's call for the vote. **4-0**

**Action - Discussion and possible decision to allow use of audio-visual equipment during building rental on July 3, 2009 - D. Baker**

Debbie Baker - representing the Chamber of Commerce, I also have Kelly Kinney, our vice chairman and Joannie Jarvis our director in the audience. The Chamber of Commerce has rented the community center for July 3<sup>rd</sup> for our all school reunion and in the 10 page rental agreement we were sent we discovered that there's a audio system that we would like to use and the rate is \$300.00 with a \$50.00 per hour rate. Are intentions are to have a DVD in this room that we've designed for the graduates, it's a culmination of all the pictures from 70 years and it'll be going on a DVD and be shown on the slide right here and we'd like the use of the audio system that the community center has similar to the one that Suzy McCoy used when she gave her presentation of her website and is that part of the audio system and the fee schedule? Janet Rogers - No, actually Debbie, that's what's wrong guys the mikes are... BB - there turned down or something... Janet Rogers - Anyway, the audio system that is referred to in the policy agreement is actually the audio system that's locked up in the sound room and it's what these speakers are all hook up too and this machine is hooked up to it and when Renie asked me about it I said I wasn't sure, I assumed you wanted the portable audio system as far as the video goes, all we have is a projector and Suzy hooked up her lap top to the projector so all you would need would be a lap top that would play the DVD and hook it into the projector, but it's 2 separate things but don't be confused about the audio system that's in the policy, that's the big fancy one locked up in the closet. LY - What did Suzy use? Janet Rogers - Her lap top hooked up into our projector. BB - She didn't actually use any audio... LY - The portable projector or to the system; Janet Rogers - No, just to the projector; TS - So you guys are looking for the projector to show a DVD not necessarily the audio or sound system. Debbie Baker - It's not spelled out in the agreement what it is, just audio system, is that your projector, is that your... Janet Rogers - No, that has nothing to do; the audio system that is referenced in our policy is the audio system that is hard wired in the building... BB - What we were referring to is those huge speakers that are mounted in the main room in there and the sophisticated equipment that goes with that, the mixer and everything. TS - So you guys have a lap top you're just looking for usage the projector, so the projector will be available to them, that doesn't need to go through the rental agreement or through the board, is that correct. Janet Rogers - First and foremost this is the first time we've had a request for the use of the projector since we purchased it so that would be entirely up to the board, we do have our portable sound system Teresa as you are aware of that we'll set up for groups, the school, Valley Electric, those things, that isn't, no one is charged for the use of that equipment, it just can't leave the building, we set it up, but that is separate from the audio system that is listed in the policy. LY - Do we need a motion to give them permission to use that? BB - I see nothing wrong with them using the video projector as long as they take reasonably good take care of it, it's sort of like the portable sound system, it's something we've got... TS - You know what, since it's on the agenda, **I motion that we allow the Chamber of Commerce to use the projector and screen equipment in order to show the DVD in this room during their reunion;** BB - Is that the motion... TS - **And the portable audio equipment if necessary.** Janet Rogers - I would need to know before Friday the 3<sup>rd</sup> or whenever... LY - We can go ahead a make that motion and say if they need it, they can come and look at it and decide which part they need. TS - Or and any of the audio equipment if needed, let me state it that way... LY - They can come and look at it so we don't have to put it back on the agenda. TS - Right. Joannie Jarvis - May I just interject that we'll have our final DVD within the next week and a half and so we probably could do a little test run and decide if we want the audio to go along with it, because I'm thinking that with the band playing in the back we're probably not going to need audio, but we can make that final decision at that juncture. ML - We have a motion by Teresa, do we have a second? LY - **Second;** ML - **Second** by Renie, if no other discussions call for the vote; **4-0**

**Action - Discussion and possible decision on rental rates for the community center and all other matters properly relating thereto - T. Sullivan**

TS - This just came to my attention when we we're talking about the Chamber's use of the building and the deposit fee and the charge for the building and I honestly hadn't seen this before, hadn't asked to see it before so but there are a couple of items in this policy agreement that do concern me, one of them, item #3a, a rental fee and cleaning/damage deposit will be collected from every person, group or entity reserving the use of the building except, then we go into 3 exceptions, one number 2 being when it is used by a civic or nonprofit organization, so that tells me that civic and nonprofits shouldn't be charged the cleaning/damage deposit or rental fee, there then is, and I know we've, that's in there charge, we've asked them for a deposit on it so that part tells me there shouldn't be a deposit, there's an exception further down that says any function for profit of these groups will be charged at the regular rate. That to me makes no sense, nonprofits and civic organizations that charge for entry into any kind of event are doing it as a fundraiser or to pay for the event so their still a nonprofit, it's still a nonprofit organization, even though you might make money on an event, it's still a nonprofit that allows that nonprofit to

function, so that whole item to me makes no sense at all, I know the school uses it, we charge for the dances to get in but it's just to try to cover some of our costs, the fire department does bingo here, they charge for that but it's not to make a profit for anybody, it's to help the fire department, the Lion's Club, the Chamber there are all these different organizations that use this and charge for their events but it's not to benefit any individual or to make nonprofit organization a for profit organization, that particular one, I would ask that we just remove that cause it just doesn't make sense to me. MI - When were these developed, how long ago? BB - When the building was brand new, I believe that in the area of 2003-2004, it's been awhile. LY - Well I went through this and Teresa and I; and I think there's a lot of items that, and I don't think we need to do it tonight, but I think we need to go through the whole thing and make corrections on everything, but the issue tonight is whether we're going to charge the chamber and to me the chamber is a civic organization whether their charging a fee for, an entrance fee or whatever it is to use the building, I don't think we should charge them rent. BB - If I may, when these were developed I was, at that time on the board to, and I think the intent really, I can't speak for exactly for all the wording in this thing, but the intent was for somebody like these tool people that come in and sell tools and stuff like that, they would pay, but most functions that had something to do with nonprofits or government entities were not to be charged, it may need re-wording some. TS - Well, the thing is, this part specifically addresses those exceptions which were, funeral service, civic or nonprofit and County, State or Federal Official. And I think those exceptions are fine and should be there but, any function for profit of any of these groups will be charged at the regular rate. BB - And like I said I think the intent back then as I recall it was if someone, in the very early days of opening this new part of the community center, we we're really hoping to attract something like some of the stuff we lost, like the fiddler's convention and some rock concerts and stuff like that so I think that's what that wording was about. TS - Well sure but those aren't civic nonprofits and that's fine, I would just ask that that item be removed and that, it says a rental fee and cleaning/damage deposit won't be collected from these groups as well so it would be both ways, the damage deposit isn't collected and then there's no fee, a rental fee and cleaning/damage are excepted for these for these types of organizations. ML - Can I suggest something, why don't we allow it this time, I agree with Renie, we need to check our by-laws, there all outdated and we need to be more specific, I'm not sure what was going through the board members mind when they did that, there was probably a reason but if we try to make a decision right now there's probably ramifications that we're not aware of so when we get ready to do our bylaws and we digest all this we'll try to make a decision then and spell it out specifically. LY - Bert I do have a question, these policies and agreement for the, this looks like a pretty legal document, did somebody look at this in the DA's office or; BB - I can't answer specifically whether it went to the DA or not but I do recall there was quite a bit of work that when in it and it's a, I can say it was written with the idea that since we had the new improved main room and everything that there would be a mix of profits and nonprofit involved, like I said we were hoping to attract events that would actually make a profit on and we charge for the room for it. I don't remember the particulars of whether it made it actually to the DA's office or not but I know it was looked at pretty hard. Janet Rogers - Rachel Nicholson wrote these policies for the community center. LY - That explains the wording. ML - And I'd like to make a recommendation also, maybe we can check with Amargosa, maybe Pahrump, Tonopah and see what they do with their buildings, how they do that and we can get valuable input for our workshop on bylaws. TS - And most of it looks pretty good but some of it just doesn't make sense. BB - It just needs to be tuned up. TS - Well here's my concern, if we're going to charge the chamber for this event, we need to be charging everybody and I don't think that's the intent of anybody with this board, is to charge nonprofits or civics or city, state or federal governments when they charge a fee at the door, I don't think it's the intent... BB - My basic instinct is try to keep it as low or free as we can for most everybody and only charge people who stand to make a profit on what they're doing. TS - And nonprofits don't profit by definition, nonprofits don't make a profit, they do make money on events because they have to make money to function but they're not a for profit entity, that money goes back into their organization to run that organization and to continue to benefit the community, the school, the Lion's Club; whatever it happens to be. BB - I tend to agree with Mike about making a decision tonight to go ahead and let the chamber use it and then work these rules over... TS - To allow the chamber to use it at no cost... BB - For this one event and then we can look at the rules and re-do them. ML - Because there are expenses incurred, if it's in the winter time, we have heating; in the summer time we have AC... TS - Of course... ML - I think we should look at this closely and be very specific. TS - And I agree I think we need to look at the whole thing too but if we're not charging everybody else it doesn't make sense to charge this organization either. LY - Are you saying to wave the cleaning deposit, damage deposit also. TS - According to this, there's and I mean I wasn't aware that until I looked at this too, but according to this there's rental fee and cleaning/damage deposit will be collected from every person, group or entity reserving the use of the building except and there's the exception with the civic and nonprofit organization. ML - I don't see a problem taking a deposit, a damage deposit, I mean if there's no damage then people get their money back and in most cases I know you take a check you don't even cash it, you just give back the check, right? Janet Rogers - Yes ML - So I mean, I don't see a problem with that. I think we need to have accountability regardless of who it is. LY - I agree with you Mike but the problem is what do we do tonight; we have the Chamber of Commerce that we've told them they were going to have to pay rental fee and a deposit. TS - And this specifically exempts them. ML - Like I said for the purposes of getting done with this, if we all agree let's just allow this; this one time until we get these

bylaws taken care of. Joni Eastley – I’m going to save you from yourself here, remember what the agenda item says, focus on the agenda item, the agenda item is not whether or not to waive the requirements from the Chamber of Commerce; if you make a motion and pass that motion, you’ve violated the open meeting law, your agenda item specifically says discussion and possible decision on rental rates for the community center so any reasonable thinking person in the audience would think that by looking at this that you are going to make some recommendations and possible decisions on changing the rental rates so just focus on that, if Teresa is saying that according to the way that she interprets your document, that they, how did you put it, that they wouldn’t be paying these fees anyway, my opinion is and I’m not telling you this as a legal representative, focus on the agenda item, make your motion relative to what the agenda item says and don’t stray from that. If those rules don’t apply to the chamber than you really don’t have an issue, does that sense to everybody, just be careful and remember the law, the open meeting law says everything has to be transparent, when somebody looks at that agenda item, they have to know your decision was only focused on this agenda item and nothing else, if you make a motion to waive the fees for the chamber, you just violated the law so just be careful, that’s all I’m saying, just trying to be maternal here and watch out for you. ML – Thank you Joni. BB – Teresa can you make a legal motion? LY – We can then take item 4 out of this document tonight, which says any function for profit of these groups will be charged at a regular rate, if we take this out of the document, work the document later, we’ve solved the problem and I had a note in here that said any function for profit; how do you define for profit? That’s the big thing. Joni Eastley – I’m not speaking as a county commissioner, I’ also belong to an organization in Tonopah called the Tonopah Development Corporation, we are a nonprofit organization, we have our nonprofit status through the Internal Revenue Service, but when we hold a function at the Tonopah Convention Center, we have to pay a fee because we are just as libel, when we hold a public event, as any other organization to cause damage to that building and if we, and Mike it’s like I told you earlier, particularly if we hold an event where we serve food, you got to know there’s going to be kool-aid on the floor unless we come in the next day and completely clean that building than we’re going to be paying a fee, so even though we’re a nonprofit, we pay like everybody else. BB – Is that a rental fee or just a deposit for cleaning. Joni Eastley – There’s a deposit for cleaning; TS – That’s not what our contract says... Joni Eastley - but again unless we use the kitchen, if we use the kitchen and we serve food we pay a fee. BB – An actual rental fee; Joni Eastley – and that’s non refundable, we pay an actual rental fee. ML – Joni let me ask you a question here since you have a little more experience than we have, how can we get around this so we can allow this to happen until we can amend our bylaws. Joni Eastley – I’m not offering you a legal opinion, but if I were sitting where you are and I were making a motion, I would make the motion that Renie did, because that is a decision on the rental rate, your removing that from your policy and then great idea, whoever’s idea it was to hold a workshop and to go over the policy item by item and clean it up if you think that’s what needs to happen, Mike I don’t think it was a bad idea at all to get copies of the policies from Amargosa, Pahrump, Tonopah and whoever else rents a community center, see how they do things. ML – So Teresa do you want to make that motion. BB – I think Renie made the motion. TS – Did you make a motion? LY – I’d like to make a motion that we eliminate #4; #3-4 out of the rental fees and cleaning/damage deposit section of the policies agreement for the community center; BB – Exactly where are we at on that. TS – page 3 LY – No, not page 3... number 3 rental fees and cleaning deposit A-4; TS – I’ll second; ML – We have a motion by Renie a second by Teresa, any other discussion, if not call for the vote; 4-0. ML – Just keep note that in the future we need to look at these bylaws. TS – I would like to schedule, look at dates and schedule a time to get that taken care of before we forget because we all get busy and things go by the wayside. I don’t have a calendar with me so but maybe we can schedule that at the next meeting, I know there’s a lot on but if... BB – I would suggest that it would be nice if we had the full board, schedule it as soon as we get a full board back, meeting or so after that. ML – Yea, you don’t mean the 24<sup>th</sup> anyway... TS – It takes 2 minutes to schedule a meeting, I was thinking just get it scheduled as soon as possible, but that’s fine.LY – What date. TS – We didn’t schedule it. ML – Why don’t we look at a calendar before we make a date;

### **8 Adjournment**

TS – Motioned to adjourn at 8:32 pm; seconded by BB 4-0



A Nevada Limited Partnership  
David A. Spicer, General Partner  
(775) 553-2459, FAX 553-2388  
BATF (Dealer) 9-NV-012-26-6G-12066

Nevada Contractor's Licenses  
0036478 and 0049418

Operational Headquarters  
Boiling Pot Outfit  
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BATF (User) 9-NV-012-33-5J-93911

June 10, 2009

Beatty Town Advisory Board  
100 S. "A" Ave.  
Beatty, NV 89003

Re: Best in the Desert

Dear Board Members,

Casey Folks has contracted my organization to reclaim the "Best in the Desert" race track immediately after the event in the Beatty/Southern Nye area. All reclamation will be done to Federal Standards as directed by the Bureau of Land Management. Our agreement directs special attention to be given to roads that are used by the public, particularly, Flourspar Canyon Road. We are in agreement with this action, as it supports our land use practices.

This letter also stands as support for the "Vegas to Reno" race. Important economic benefits of commerce and donations come to our community during this event.

We will continue to work with the BLM and State agencies in routing the race across our mine sites, Rights-of-Ways, and roads to ensure less environmental as well as public impact.

By working together with public land users, whether they be a mine, solar power, wind power, Rights-of-Way, recreational trails, or a race we can achieve the diversity of the "Multi-Use" concept.

The land use proponent, as well as our community, prosper together.

Thank You,

David A. Spicer