



**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

September 7, 2022

10:00 a.m.

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

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

The teleconference is also viewable at www.nyecountynv.gov. There is a 30 to 40 second delay between the teleconference and the meeting video.

NOTE: All items are approximate except for bid openings, public hearings, and any other items agendaized at a specific time. Items on the agenda without a time designation may be taken out of order. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. **NOTICE: It is anticipated that the items of business before the Board of Commissioners on September 7, 2022 will be fully completed on that date. However, should item(s) not be completed, it is possible item(s) could be carried over and be heard before the Board of Commissioners beginning at 8:30 a.m. on the next day.**

Public Comment during the Commission Meeting on September 7, 2022 will be for all matters off the agenda and be limited to up to three minutes per person. Additionally, public comment of up to three minutes per person may be heard during individual action items. The Commission reserves the right to reduce the time allowed for public comment. The Commission may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the Commission, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting. **Decorum** during the meeting must be upheld pursuant to the BOCC Rules of Procedure sections 7.5.3 and 7.5.4 whereby no person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting. Any person who becomes disruptive or interferes with the orderly business of the Board may be removed from the Board Chambers or other meeting room for the remainder of the meeting.

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

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

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

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

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

September 7, 2022

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

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

WEBSITE: www.nyecountynv.gov

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

- 1. Pledge of Allegiance**
- 2. GENERAL PUBLIC COMMENT (up to three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (first).**
- 3. Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**
- 4. Approval of the Agenda for September 7, 2022 (Non-action item)**
- 5. For Possible Action – Emergency Items**

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

TIMED ITEMS

- 6. 10:00 a.m. – [For Possible Action](#) – Fiscal Year (FY) 2023 Community Development Block Grant (CDBG) 3rd Public Meeting: 1) Presentation of potential projects; and 2) Invite the Public to participate in providing ideas, comments and suggestions concerning proposed projects.**
- 7. 10:00 a.m. – [For Possible Action](#) – **Public Hearing** – Discussion and deliberation to adopt amend and adopt, or reject Nye County Bill No. 2022-06: A Bill proposing to amend Nye County Code Section 17.04.925 Temporary Use Permits, by amending 17.04.925.C.6, 17.04.925.J.4, 17.04.925.K.4, and 17.04.925.L.4.C by removing “personally delivering a copy of the written notice to the permittee” from the code and adding “The written notification may be sent to the permittee by personal service, registered or certified mail to the permittee’s address as specified on the temporary use permit application or by electronic delivery within the on-line application portal or via email”; and providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto.**
- 8. 10:00 a.m. – [For Possible Action](#) – **Public Hearing** – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2022-07: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, Section 17.04.700.A.49, by removing Sexually Oriented Business as an allowed use in the General Commercial (GC) zoning district and adding Sexually Oriented Business as a use allowed in the Light Industrial (LI) zoning district; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.**

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

September 7, 2022

- 9. **10:00 a.m. – [For Possible Action](#) – Public Hearing** – Discussion, discussion and deliberation to adopt, amend and adopt or reject Nye County Bill No. 2022-13: A Bill proposing to amend Nye County Code Title 21, titled Gabbs, Chapter 21.08, titled Water Service, Section 21.08.010 titled Definitions, by amending the definitions to include Town Administrative Coordinator, Town Advisory Board and Water System, and amending Section 21.08.190, titled Schedule of Rates, by amending the customer service charges; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

- 10. **10:00 a.m. – [For Possible Action](#) – Public Hearing** – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2022-14. A Bill Proposing to Add to the Nye County Code Title 21, Titled Gabbs, by Adding Chapter 21.09, Titled Sewer System, to Establish Terms and Conditions of the Town’s Wastewater Collection System Including Definitions, Applications for Connection and Service, Fees, Billing Periods, Delinquent Accounts and Unlawful Acts; and providing for the severability, constitutionality, and effective date thereof; and other matters properly relating thereto.

- 11. **10:00 a.m. – [For Possible Action](#) – Public Hearing** – Discussion, and deliberation to issue an Outdoor Festival License to the Beatty Chamber of Commerce for the Beatty Days Festival 2022 to be held October 28-30, 2022, at 300 W. Amargosa Street, Beatty, Nevada.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

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

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

- 13. **[For Possible Action](#)** – Discussion and deliberation to: 1) Discuss the bid proposals received for Bid No. TOP 2022-02 Completion of Veterans Memorial Building; 2) Award Bid No. TOP 2022-02 Completion of Veterans Memorial Building to Double M Construction in the amount \$686,000.00 for the alternative bid response that includes complete demolition of the existing structure and foundation or \$771,000.00 for the requested bid response; 3) Approve, amend and approve or reject the contract with selected bidder; 4) Fund \$500,000.00 from 25272 Pahrump Cemetery and \$186,000.00 from a fund determined by the Comptroller; 5) Reject bid and provide direction to staff on how to proceed with the project.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

CONSENT AGENDA ITEMS – These are items that Staff recommends for approval. The Board reserves the right to move any consent agenda item to the regular segment of the agenda should issues arise that need to be addressed. Discussion of any item from the Consent Agenda Items that needs review before a decision is made.

- 14. **[For Possible Action](#)** – Approval of Assessor’s Office Change Requests to allow the Nye County Assessor/Treasurer to process and:
 - 1) Issue an amended tax bill in the amount of \$385.23 to Annette Osterhoudt, owner of 71 N. Dove St., Pahrump, NV, Assessor’s Parcel Number 036-103-01.
 - 2) Issue an amended tax bill in the amount of \$3,798.93 to Timothy Ray, and Janeen M. Casebolt, owners of 1040 S. Nail Creek Ct., Pahrump, NV, Assessor’s Parcel Number 039-482-06.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

September 7, 2022

15. [For Possible Action](#) – Approval of meeting minutes from the regular joint meeting on June 7, 2022, and June 22, 2022.
16. [For Possible Action](#) – Approval to: 1) Accept the Federal Fiscal Year 2023, Victims of Crime Act (VOCA) Award #2020-V2-GX-0049 through the State of Nevada Department of Health and Human Services, Division of Child and Family Services, in the amount of \$34,756.00 with a County Match of \$34,756.00, for the period of July 1, 2022 through July 31, 2023, to provide advocacy through the criminal justice process and provide training and education; 2) Execute the grant award documents; and 3) Fund \$34,756.00 to Grants 10340, and Fund \$34,756.00 to General fund 10101.
17. [For Possible Action](#) – Approval to renew cannabis licenses for Fiscal Year 2023 pursuant to Nye County Code 5.32.080(A).
18. [For Possible Action](#) – Approval of LD-21-112 Merger Re-subdivision Parcel Map for Tonopah Elks Lodge, parcels 17 through 27 and the northwest 15 feet of parcel 28, Block N, Town of Tonopah, Assessor’s Parcel Numbers 08-061-06, 08-061-08 and 08-061-10, a portion of Section 35, Township 3 North, Range 42 East, MDM, Tonopah. Property Owners – Nye County Board of County Commissioners, and Benevolent and Protective Order of the Elks of the U.S.A.

BOARD OF COMMISSIONERS

19. For Possible Action – Closure of meeting, pursuant to NRS 241.015(3)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.
20. Closed meeting, pursuant to NRS 241.015(3)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.
21. For Possible Action – Discussion and deliberation on conference with legal counsel regarding potential or current litigation presented in closed meeting.
22. For Possible Action – Closure of meeting, pursuant to NRS 288.220 for purposes of conferring with the County’s management representatives regarding labor negotiations, issues, and other personnel matters.
23. Closed meeting, pursuant to NRS 288.220 for purposes of conferring with the County’s management representatives regarding labor negotiations, issues, and other personnel matters.
24. For Possible Action – Discussion and deliberation on labor negotiations, issues and other personnel matters presented in closed meeting.
25. [For Possible Action](#) – Discussion and deliberation to declare Kent Jasperson’s Justice of the Peace position vacant and determine whether to: 1) Fill the unexpired term ending in 2027 by appointment; or 2) Pass a resolution to hold a special election to fill the position for the unexpired term.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

September 7, 2022

CLERK

- 26. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint one member to the Railroad Valley Advisory Board due to a resignation from the following list of applicants: James Drayton; or 2) Readvertise for the appointment.
- 27. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint one member to the Smoky Valley Library District due to a resignation from the following list of applicants: Jamie Grimes; or 2) Readvertise for the appointment.

COUNTY MANAGER

- 28. [For Possible Action](#) – Discussion and deliberation to approve the election and allocation of funds from the Secure Rural Schools (SRS) Act from the following list of title options: 1) Title I, secure payments for schools and roads; 2) Title II, special projects on federal land; 3) Title III, County funds for specific purposes; or 4) Elect a combination of titles as allowable through the conditions of the Act.
- 29. [For Possible Action](#) – Discussion and deliberation to approve the Memorandum of Understanding (MOU) with the Bureau of Land Management (BLM) establishing Nye County participating as a Cooperating Agency to BLM during the Natural Environmental Policy Act (NEPA) process for renewable energy projects.
- 30. [For Possible Action](#) – Discussion and deliberation to: 1) Consider participating as a Cooperating Agency with the Bureau of Land Management (BLM) during the Natural Environmental Policy Act (NEPA) process for the following projects: Augusta Gold Bullfrog Montgomery project, Anglo Gold N. Bullfrog, Silicon and Mother Lode project, Nevada Lithium and Iconic Minerals LTD Bonnie Claire Lithium project, and Coeur’s Crown Exploration Project; and 2) Request two points of contact for the Cooperating Agency (CA) Status from Natural Resources Director, Lorinda Wichman and Beatty Town Advisory Board clerk, Carrie Radomski.

EMERGENCY MANAGEMENT

- 31. [For Possible Action](#) – Discussion and deliberation to: 1) Ratify Director of Emergency Management and Chair of the Local Emergency Planning Committee, Scott Lewis’ acceptance of the State of Nevada Emergency Response Commission’s (SERC) Fiscal Year (FY) 2023 Hazardous Materials Emergency Preparedness (HMEP) grant, 22-HMEP-13-01, in the amount of \$20,267.00 to attend the Fire Shows West training conference; and 2) Fund \$20,267.00 to Grants 10340. There is no county match required.

PLANNING/BUILDING/CODE COMPLIANCE

- 32. [For Possible Action](#) – Discussion, deliberation, and direction to staff regarding the composition of the proposed Nye County Planning Commission pursuant to NRS 278.030.

PUBLIC WORKS

- 33. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2022-35: A Resolution Adopting Customer Service Charges as Set Forth in Nye County Code Title 21: Gabbs, Chapter 21.08: Water Service, Section 21.08.190: Customer Service Charges.
- 34. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2022-36: A Resolution Adopting Customer Service Charges as Set Forth in Nye County Code Title 21: Gabbs, Chapter 21.09: Sewer System, Section 21.09.140: Customer Service Charges.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

September 7, 2022

35. [For Possible Action](#) – Discussion and deliberation to 1) Approve the purchase of additional Right-of-Way (ROW) needed for road and drainage improvements, consisting of 2.365 acres or 101,033 square feet located at 4870 West Bell Vista Avenue, Pahrump, NV 89060 Assessor’s Parcel Number 027-161-08; 2) Approve compensation for the ROW to the property owner based on the appraisal in the amount of \$25,000.00; 3) Direct staff to prepare and record the documentation necessary to transfer property; and 4) Fund the purchase from 10205 Road Funds.
36. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2022-37: A Resolution to exercise the County’s power of eminent domain to acquire a portion of that parcel identified as Assessor’s Parcel Number: 027-161-08, situated within Nye County for certain easement rights necessary to provide and facilitate roadways to meet the needs of the traveling public; for a project applied to a public use; to-wit a road improvement project known as NV FLAP NYE 10(1), Bob Ruud Memorial Highway and Bell Vista Avenue.
37. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2022-38: A Resolution to exercise the County’s power of eminent domain to acquire a portion of that parcel identified as Assessor’s Parcel Number: 027-381-41, situated within Nye County for certain easement rights necessary to provide and facilitate roadways to meet the needs of the traveling public; for a project applied to a public use; to-wit a road improvement project known as NV FLAP NYE 10(1), Bob Ruud Memorial Highway and Bell Vista Avenue.
38. [For Possible Action](#) – Discussion and deliberation to: 1) Discuss the bid proposal(s) received for Bid No. 2022-15 Type II Gravel – Tonopah; 2) Award Bid 2022-15 Type II Gravel - Tonopah to Wulfenstein Construction at the prices per ton listed on the Schedule of Items and Prices within their proposal; 3) Approve, amend and approve or reject the contract with selected bidder; 4) Fund from 10205 Roads; or 5) Reject bid(s) and provide direction to staff on how to proceed with the project.
39. [For Possible Action](#) – Discussion and deliberation to: 1) Approve, amend, and approve, or reject a Letter of Agreement with Atkins North America for topographic data in support of the Tonopah Airport Master Plan project; 2) Execute the Letter of Agreement; and 3) Approval to waive the GIS Program Fees in the amount of \$1,000.00.
40. [For Possible Action](#) – Discussion and deliberation to: 1) Approve, amend, and approve, or reject a Letter of Agreement with CA Group for topographic data in support of the Pahrump Regional Planning District Capital Improvement Plan; 2) Execute the Letter of Agreement; and 3) Approval to waive the GIS Program Fees in the amount of \$4,000.00.
41. [For Possible Action](#) – Discussion and deliberation to: 1) Approve the purchase of one Cimline DuraPatcher P5 Patch Truck in the amount of \$283,180.00 from Cimline, Inc utilizing Sourcewell Contract #080521-CME; and 2) Fund from 10208-RTC.
42. **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).**
43. **Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**
44. **ADJOURN**

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

September 7, 2022

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