



**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

December 6, 2022

10:00 a.m.

Subject to technical difficulties, people may participate by calling 1-888-585-9008 and entering conference room number 255-432-824. Technical difficulties may occur before or during the meeting preventing your ability to call in.

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

The 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 December 6, 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 December 6, 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

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

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

WEBSITE: www.nyecountynv.gov

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

1. **Pledge of Allegiance**
2. **GENERAL PUBLIC COMMENT (up to three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (first).**
3. **Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**
4. **Approval of the Agenda for December 6, 2022 (Non-action item)**
5. **For Possible Action – Emergency Items**

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

TIMED ITEMS

6. **10:00 a.m. – [For Possible Action](#)** – Discussion and deliberation regarding the monthly statement of county treasurer pursuant to NRS 354.280 including receipts, balances in funds, money on deposit, outstanding checks, and cash on hand.
7. **10:00 a.m. – [Presentation](#)** by Atkins regarding the Draft Tonopah Airport Master Plan.
8. **10:00 a.m. – [For Possible Action](#) – Public Hearing** - Discussion and deliberation on ZCMP-22-11: An application for a (Conforming) Zone Change to change one parcel totaling approximately 1.9 acres from Neighborhood Commercial (NC) to Commercial Manufacturing (CM) on property located at 771 W. Mesquite Avenue, Pahrump, NV. Assessor's Parcel Number 035-091-09. Michael Selbach and Jason Gettle – Property Owners/Applicants.
9. **10:00 a.m. – [For Possible Action](#) – Public Hearing** - Discussion, and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2022-17: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, Section 17.04.920: Conditional Use Permit Procedures, by deleting Board of County Commissioners approval and adding "Reconsideration of Conditions", 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 Bill No. 2022-18: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, Section 17.04.110: Definitions, by adding the definition of Planning Commission, and Section 17.04.915: Waivers and Special Exception Procedures, by changing the Planning Commission and Zoning Administrator Evidence to provide for online application verification and adding "Reconsideration of Conditions", and providing for the severability, constitutionality, and effective date thereof; and other matters properly relating thereto.

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SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

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

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

- 12. [For Possible Action](#) – Discussion and deliberation to: 1) Approve, amend, and approve or reject the Interlocal Contract between the Nevada Department of Health and Human Services and Nye County on behalf of Pahrump Valley Fire Rescue to provide ground emergency medical transportation and ambulance services; 2) Execute the agreement; and 3) Deposit funds to 25520 Pahrump Ambulance.
- 13. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint one member to the Pahrump Tourism Advisory Committee from the following list of applicants: Charles Ballow; or 2) Direct staff to readvertise for the appointment.

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 to: 1) Accept the Emergency Management Performance Grant (EMPG) through the State of Nevada Division of Emergency Management in the amount of \$68,601.18 for the purpose of providing 50% of the Personnel and Fringe Benefit costs for the Nye County Director of Emergency Management. In-kind county match of \$68,601.18 is required; 2) Allow for a one-time exception for Comptroller Savannah Rucker or designee to electronically execute the grant award document; and 3) Fund \$68,601.18 to 10340 Grants and fund \$68,601.18 at the discretion of the Comptroller.
- 15. [For Possible Action](#) – Approval to: 1) Accept the Emergency Preparedness Working Group (EPWG) grant award through the State of Nevada Division of Emergency Management in the amount of \$83,759.50 for the purpose of pre-positioning two fully equipped and stocked foam firefighting trailers along vital HazMat transportation corridors and to purchase 10 Pro Pak portable foam systems. There is no county match required; 2) Allow for a one-time exception for Comptroller Savannah Rucker or designee to electronically execute the grant award document; and 3) Fund \$83,759.50 to 10340 Grants.
- 16. [For Possible Action](#) – Approval to: 1) Accept the State Criminal Alien Assistance Program (SCAAP) grant award through the Bureau of Justice Administration in the amount of \$24,517.00 for the purpose of assisting with the costs associated with incarceration of undocumented immigrants who are held in Nye County jails. There is no county match required; 2) Allow for a one-time exception for Comptroller Savannah Rucker or designee to electronically execute the grant award document; and 3) Fund \$24,517.00 to 10340 Grants.
- 17. [For Possible Action](#) – Approval of the annual renewal of Adult Use Cannabis (Cultivation) License CBL-22-34 for NCMM, LLC, located at 340 E. Mesquite Avenue, Pahrump, NV. Assessor’s Parcel Number 029-601-28. Janet L. Jensen – Property Owner. Valerie Small / NCMM, LLC – Applicant.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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18. [For Possible Action](#) – Discussion of an Offer of Dedication for road right of way as shown on Exhibit A and B of the Offer of Dedication with William Lyon Homes, Inc and designate it a Minor County Road, rejecting maintenance, for the purpose of future road improvements fronting the property located at 3620 E Manse Rd. Pahrump, NV. Assessor's Parcel Number 045-501-21.

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 approve, amend and approve or reject Nye County Proclamation No. P2022-13: A Proclamation Recognizing November as All Americans Heritage Month in Nye County.

COUNTY MANAGER

26. [For Possible Action](#) – Discussion and deliberation to approve, amend and approve or reject an Evaluation/Ranking Matrix System for the appointment of an individual to the Pahrump Justice of the Peace, Department B.
27. [For Possible Action](#) – Discussion, deliberation, and direction to staff to set a date for the appointment of an individual to the Pahrump Justice of the Peace, Department B.
28. [For Possible Action](#) – Discussion and deliberation to ratify the County Manager, Tim Sutton’s acceptance of a Memorandum of Understanding with the United States Department of Agriculture to participate in the Rural Partners Network along with Esmeralda County.

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ITEM # SUBJECT

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FINANCE

- 29. [For Possible Action](#) – Presentation, discussion, and deliberation to approve, amend and approve, or reject the program funding request from NyE Communities Coalition under the Nye County ARPA Recovery Plan and Policy: Public Health Assistance-Mental Health Initiatives in the amount of \$82,821.64 to assist with the Youth Protective Factors and Resiliency program.
- 30. [For Possible Action](#) – Presentation, discussion, and deliberation to approve, amend and approve, or reject the program funding request from NyE Communities Coalition under the Nye County ARPA Recovery Plan and Policy: Public Health Assistance-Mental Health Initiatives in the amount of \$97,482.24 to assist with the Remote Area Medical Clinics in Pahrump and Tonopah.
- 31. [For Possible Action](#) – Presentation, discussion, and deliberation to approve, amend and approve, or reject the program funding request from NyE Communities Coalition under the Nye County ARPA Recovery Plan and Policy: Public Health Assistance-Mental Health Initiatives in the amount of \$115,386.70 to assist with the Social Security Insurance and Social Security Disability Insurance Outreach, Access, and Recovery Program.
- 32. [For Possible Action](#) – Presentation, discussion, and deliberation to: 1) Approve, amend and approve, or reject the program funding request from NyE Communities Coalition under the Nye County ARPA Recovery Plan and Policy: Public Health Assistance-Public Homeless Assistance in the amount of \$37,728.02; and 2) If approved, provide direction to staff for reallocation of ARPA funds, as needed.
- 33. [For Possible Action](#) – Presentation, discussion, and deliberation to: 1) Approve, amend and approve, or reject the program funding request from NyE Communities Coalition under the Nye County ARPA Recovery Plan and Policy: Economic Impacts-Assistance to Households in the amount of \$77,658.52; and 2) If approved, provide direction to staff for reallocation of ARPA funds, as needed.
- 34. [For Possible Action](#) – Presentation, discussion, and deliberation to: 1) Approve, amend and approve, or reject the program funding request from No To Abuse-Nevada Outreach Training Organization under the Nye County ARPA Recovery Plan and Policy: Public Health Assistance-Public Homeless Assistance in the amount of \$300,000.00 and Economic Impacts-Assistance to Households in the amount of \$882,291.00; and 2) If approved, provide direction to staff for reallocation of ARPA funds, as needed.

NATURAL RESOURCES

- 35. [For Possible Action](#) – Discussion and deliberation for direction to pursue completion of the Amargosa Valley Science and Technology Park water pipeline.

PLANNING/BUILDING/CODE COMPLIANCE

- 36. [For Possible Corrective Action](#) – Discussion and deliberation to rescind action on agenda item 10 on the agenda on November 1, 2022 regarding action taken by the Board on ZCMP-22-11: An application for a Conforming Zone Change to change one parcel totaling approximately 1.9 acres from Neighborhood Commercial (NC) to Commercial Manufacturing (CM) on property located at 771 W. Mesquite Avenue, Pahrump, NV. Assessor’s Parcel Number 035-091-09. Michael Selbach and Jason Gettle – Property Owners/Applicants.

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- 37. [For Possible Action](#) – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2022-03: A Bill proposing to amend Nye County Code Title 17, titled Comprehensive Land Use Planning and Zoning, Chapter 17.06 titled “Marijuana Establishments; Zoning Requirements,” by changing marijuana to cannabis, amending Section 17.06.040, titled Requirement to Obtain a Special Use Permit, relating to transferability of a Special Use Permit, adding the authority for entering on the property and for quarterly or annual compliance, and adding the time period to accept applications after a previous application was disapproved or withdrawn, and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.
- 38. [For Possible Action](#) – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2022-19: A Bill proposing to amend Nye County Code Title 17, titled Comprehensive Land Use Planning and Zoning, Chapter 17.04, titled Pahrump Regional Planning District, Article III, titled Zoning Districts; Establishment and General Provisions, Section 17.04.210, titled RH-9.5 Rural Homestead Residential, removing solar photovoltaic facility as a permissive use; and providing for the severability, constitutionality, and effective date thereof; and other matters property relating thereto; and 2) Read the title of the Bill into the record.
- 39. [For Possible Action](#) – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2022-20: A Bill proposing to amend Nye County Code Title 5, titled Business Licenses and Regulations, Chapter 5.32 titled “Marijuana Establishments” by changing marijuana to cannabis, amending Section 5.32.005 Definitions to include Cannabis Consumption Lounges and updating the referenced NRS statutes, and adding Section 5.32.057 titled “Cannabis Consumption Lounge Establishment License Fees” and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.

PUBLIC WORKS

- 40. [For Possible Action](#) – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2022-21: A Bill proposing to amend Nye County Code Title 3, titled Revenue and Finance, Chapter 3.04, titled Motor Vehicle Fuel Tax, Section 3.04.020, titled Definitions by amending Motor Vehicle Fuel, and amending Section 3.04.100, titled Imposition and Rate; Motor Vehicle Fuel by imposing a five cent (\$0.05) per gallon excise tax on diesel fuel and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto ; and 2) Read the title of the Bill into the record.
- 41. [For Possible Action](#) – Discussion and deliberation to: 1) Discuss the bid proposal received for Bid No. 2022-16 Tonopah Chip Screening; 2) Award Bid 2022-16 Tonopah Chip Screening 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 and provide direction to staff on how to proceed with the project.
- 42. [For Possible Action](#) – Discussion and deliberation to: 1) Discuss the bid proposal received for Bid No. 2022-17: Pahrump Chip Screening; 2) Award Bid 2022-17 Pahrump Chip Screening 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 and provide direction to staff on how to proceed with the project.

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43. [For Possible Action](#) – Discussion and deliberation to rescind action taken by the Board on September 7, 2022 agenda item 36 to adopt Nye County Resolution 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.
44. **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).**
45. **Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**
46. **ADJOURN**

Nye County Board of County Commissioners Meeting Participation Information:

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

Notes:

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