



**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

January 3, 2023

10:00 a.m.

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

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

The 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 January 3, 2023 will be fully completed on that date. However, should item(s) not be completed, it is possible item(s) could be carried over and be heard before the Board of Commissioners beginning at 8:30 a.m. on the next day.**

Public Comment during the Commission Meeting on January 3, 2023 will be for all matters off the agenda and be limited to up to three minutes per person. Additionally, public comment of up to three minutes per person may be heard during individual action items. The Commission reserves the right to reduce the time allowed for public comment. The Commission may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the Commission, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting. **Decorum** during the meeting must be upheld pursuant to the BOCC Rules of Procedure sections 7.5.3 and 7.5.4 whereby no person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting. Any person who becomes disruptive or interferes with the orderly business of the Board may be removed from the Board Chambers or other meeting room for the remainder of the meeting.

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

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

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

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

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

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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 January 3, 2023 (Non-action item)**
- 5. For Possible Action – Election of Chair of the Board of Commissioners.**
- 6. For Possible Action – Election of Vice Chair of the Board of Commissioners.**
- 7. For Possible Action – Emergency Items**

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

TIMED ITEMS

- 8. 10:00 a.m. – [Presentation](#) of certificates to two (2) employees honored for their years of service.**
- 9. 10:00 a.m. – [For Possible Action](#) – **Public Hearing**, discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2022-03: 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.**
- 10. 10:00 a.m. – [For Possible Action](#) – **Public Hearing**, discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2022-20: 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.**

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- 11. **10:00 a.m. – [For Possible Action](#) – Public Hearing**, discussion and deliberation to adopt, amend and adopt, or reject 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 properly relating thereto.
- 12. **10:00 a.m. – [For Possible Action](#) – Public Hearing**, discussion and deliberation to adopt, amend and adopt, or reject 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.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

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

SITTING AS THE NYE COUNTY LICENSING AND LIQUOR BOARD

- 16. For Possible Action – Election of Chair of the Nye County Licensing and Liquor Board.
- 17. For Possible Action – Election of Vice – Chair of the Nye County Licensing and Liquor Board.

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.

- 18. [For Possible Action](#) – Approval of an offer of dedication for road right of way being the entire North 40.00 feet fronting E. Fort Churchill Rd., and the West 40.00 feet fronting N. Pyramid St. of Assessor's Parcel Number 027-301-02 from Chelsea EunHae Han and designate E. Fort Churchill Rd. as a General County Road, accepting maintenance and designate N. Pyramid St. as a Minor County Road, rejecting maintenance for the purpose of future road improvements fronting the property located at 1811 E. Fort Churchill Rd., Pahrump, NV. Assessor's Parcel Number 027-301-02.

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.

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- 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.

CLERK

- 25. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint three members to the Beatty Town Advisory Board due to expiring terms from the following list of applicants: Kelly Carroll, Perry Forsyth, and Melody Koivu; or 2) Readvertise for the appointment.
- 26. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint one member to the Central Nevada Museum Board due to an expiring term from the following list of applicants: Phyllis A. Sorhouet; or 2) Readvertise for the appointment.
- 27. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint three members to the Gabbs Town Advisory Board due to expiring terms from the following list of applicants: Carlton L. Green, Tucker D. Griner, Kenneth R. House and Thomas G. Lyman; or 2) Readvertise for the appointment.
- 28. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint two members to the Nye County Parks and Recreation Advisory Board due to expiring terms from the following list of applicants: Haley Hastie and Elysia Osterhoudt; or 2) Readvertise for the appointment.
- 29. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint one member to the Railroad Valley Advisory Board due to an expiring term from the following list of applicants: Cheyenne Drayton; or 2) Readvertise for the appointment.
- 30. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint three members to the Round Mountain Town Board due to expiring terms from the following list of applicants: Christopher E. Philips, Vicky Richardson, and Sara Sweeney; or 2) Readvertise for the appointment.

DISTRICT ATTORNEY

- 31. [For Possible Action](#) – Discussion and deliberation to: 1) Approve payment to the law firm of Garman Turner Gordon LLP for representation of the Nye County Sheriff’s Office in the matter of Chapter 7 bankruptcy filing by Vasili Platunov, filed on September 29, 2022 in the United States Bankruptcy Court for the District of Nevada, Case Number BK-22-13482-abl, in an amount not to exceed \$10,000.00; and 2) Fund from 10101 - General Fund Contingency.

COUNTY MANAGER

- 32. [For Possible Action](#) – Discussion and deliberation to: 1) Adopt, amend, and adopt or reject Nye County Resolution No. 2023-01: A Resolution Adopting the Comprehensive Economic Development Strategy for fiscal years 2023-2028; and 2) Submit the CEDS to the U.S. Department of Commerce, Economic Development Administration.

NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

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FINANCE

33. [For Possible Action](#) – Discussion and deliberation to: 1) Ratify Commission Chair Frank Carbone's acceptance of the Local Assistance and Tribal Consistency Fund (LATCF) grant award through the United States Treasury in the amount of \$12,000,000.00 for the purpose of providing a general revenue enhancement program within Nye County. There is no County Match required; and 2) Fund \$12,000,000.00 to 10340 Grants.

PLANNING/BUILDING/CODE COMPLIANCE

34. [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. 2022-12: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by amending Chapter 17.04 entitled Pahrump Regional Planning District, relating to Section 17.04.805 Mobile Food Vending; 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.

PUBLIC PETITIONER

35. [For Possible Action](#) – Discussion and deliberation to approve a letter of support from Nye County regarding the Rhyolite Ridge Project to be submitted to the Bureau of Land Management during the National Environmental Policy Act (NEPA) process.
36. [For Possible Action](#) – Discussion and deliberation regarding a request to support the closure of State Highway 318 on May 21, 2023 and September 19, 2023 for the road events held by Silver State Classic Challenge.
37. **GENERAL PUBLIC COMMENT (up to three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (SECOND).**
38. **Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**
39. **ADJOURN**

Nye County Board of County Commissioners Meeting Participation Information:

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

Notes:

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