

Pursuant to NRS a 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 the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and as the Board of Trustees for the Pahrump Pool District, was held at 10:00 a.m. in the Commissioner Chambers, 101 Radar Road, Tonopah, Nevada 89048.

John Koenig, Chair  
Dan Schinhofen, Vice-Chair  
Lorinda Wichman, Commissioner  
Butch Borasky, Commissioner  
Donna Cox, Commissioner  
Sandra L. Merlino, Ex-Officio Clerk of the Board  
Angela Bello, District Attorney  
Sharon Wehrly, Sheriff  
Tim Sutton, County Manager

Also Present: Lorina Dellinger, Assistant County Manager; Kelly Sidman, Deputy Clerk; Samantha Tackett, Administrative Manager; Savannah Rucker, Comptroller; Bradley Richardson, Deputy District Attorney

Not Present: Lorinda Wichman, Commissioner; Angela Bello, District Attorney

Commissioner Cox was present via telephone.

### **1. Pledge of Allegiance**

The Pledge was recited.

### **2. GENERAL PUBLIC COMMENT (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).**

Kimberly Wanker, the Fifth Judicial District Court Judge for Department 1 as well as the Drug Court Judge, said she attended annual drug court training and was advised to invite the arresting officer when drug court attendees graduated. Four graduations occurred on Monday and all of the arresting officers were invited, but only Officer Joey Marshall showed up and she thanked him for that.

Beth Lee from Valley Electric Association invited everyone to participate in their annual Fill the Bucket Truck school supply drive on August 4, 2018, from 9:00 a.m. to 1:00 p.m. at Albertsons, Smiths and Wal-Mart. They would also take donations in the office lobby through Friday, August 3, 2018.

**2. GENERAL PUBLIC COMMENT (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)-Cont'd.**

Zachary Hames said he liked Commissioner Schinhofen's interview on NPR, but thought he should apologize for calling everyone dumb. Mr. Hames thought he should also apologize to the well owners and the future well owners that he sold out. Mr. Hames then stated his disagreement with the Commission raising the premium to lower the deductible for the POOL/PACT insurance and that open public comment was not a place for name calling.

**3. 10:00 – For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2018-33: A Resolution to Augment and Amend the 2017-2018 Budget of Nye County, State of Nevada.**

Commissioner Borasky made a motion to approve; seconded by Commissioner Schinhofen.

John Bosta said he looked at the back-up and did not understand where the money was coming from. He attended the meeting where the Board tried to pare the budget down and were not able to, but now the budget was being augmented by \$3 million.

Commissioner Koenig explained that a year ago the budget was made very conservatively. At that time he said he believed there would be more money coming in from property taxes, and the County received much more money than was budgeted. Commissioner Koenig said there was more to come because more homes were built, the race track expanded, and everything else he projected came true.

Judge Kimberly Wanker commented on the move of \$50,000.00 from the district court budget to the Sheriff's Office. She referred to the discussion at the last meeting about her using the Sheriff's Office instead of a bailiff and said she sent an e-mail explaining that. She thought the Commission should have asked two questions – why was the judge utilizing the Sheriff's Office instead of getting her own bailiff and why was \$50,000.00 being transferred from the district court budget to cover the expense. Judge Wanker stated the reason why was because they advertised it as an overtime position. By statute the Sheriff or designee must attend all district court sessions. When she was in Tonopah a deputy was sent from Pahrump and was immediately on overtime. She then noted the Sheriff spent \$25,000.00 on recruitment tools such as car adaptors and fidget spinners. While she was not attacking the Sheriff, Judge Wanker wondered what audience she was trying to attract with those. She said she had no problem if they wanted those, but she thought there were some legal issues with taking money from district court.

Commissioner Koenig said there were some legal things being investigated with the District Attorney before this was done. However, the fiscal year ended in another week

**3. 10:00 – For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2018-33: A Resolution to Augment and Amend the 2017-2018 Budget of Nye County, State of Nevada-Cont'd.**

and that \$50,000.00 would go away then. He said steps were being taken today to fix this for next year, but his advice was to hire a bailiff.

Savannah Rucker said the second page of the back-up was the resolution which identified the funds and revenue sources. There was also a schedule for each fund identifying where the revenue was being placed as an expenditure augment.

The motion to approve passed with 4 yeas.

**SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP**

**4. 10:00 – For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Town of Pahrump Resolution No. 2018-08: A Resolution to Augment and Amend the 2018-2019 Budget of the Town of Pahrump, County of Nye, State of Nevada.**

Commissioner Schinhofen made a motion to adopt; seconded by Commissioner Borasky; 4 yeas.

**5. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject FY19 budget transfer of appropriations between functions within the Pahrump Airport Room Tax Fund (25225).**

Commissioner Schinhofen made a motion to adopt; seconded by Commissioner Borasky.

John Bosta wanted to know how the money to be used for an airport could now be transferred to buy a golf course. It seemed to be a misuse of the money to him.

Savannah Rucker explained this was the airport room tax fund. The revenue generated in this fund was based on room taxes collected in the town. It was her understanding that the Pahrump airport was no longer a public airport and these funds could not be used on an airport that was not for public use. The funds were being redirected to jump start the golf course enterprise fund for operations as well as the fairgrounds fund.

The motion to adopt passed with 3 yeas. Commissioner Cox voted nay.

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

**GABBS**

**6. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Town of Gabbs Resolution No. 2018-02: A Resolution to Augment and Amend the 2017-2018 Budget of the Town of Gabbs, County of Nye, State of Nevada.**

Commissioner Schinhofen made a motion to adopt; seconded by Commissioner Borasky; 4 yeas.

**SITTING AS THE BOARD OF COUNTY COMMISSIONERS**

**ASSESSOR**

**7. Presentation of projected expenditures of money in the Assessor's Technology Fund to be used in the 2018-2019 Fiscal Year.**

Nye County Assessor Sheree Stringer said the back-up showed their committed expenditures of \$95,000.00. Projects this year included adding the northern portion of the County to the Pictometry contract for flyovers for an increase of \$80,000.00 to that contract; the Sidwell contract that needed to be done before the office went to DevNet due to the loss of ADS as of December 31, 2019; purchase or lease of a new mail machine; and cameras as they had not been purchased since 2008.

Commissioner Borasky asked if the Nevada Test Site was part of the flyover sectors, to which Mrs. Stringer responded no.

**CLERK**

**8. For Possible Action – Discussion and deliberation to appoint three (3) members to the Pahrump Regional Planning Commission due to one (1) resignation and two (2) expiring terms.**

Commissioner Koenig nominated Leah-Ann DeAnda.

Commissioner Borasky made a motion to approve; seconded by Commissioner Schinhofen; 4 yeas.

Commissioner Koenig nominated Tom Duryea.

Commissioner Schinhofen made a motion to approve; seconded by Commissioner Borasky; 4 yeas.

**8. For Possible Action – Discussion and deliberation to appoint three (3) members to the Pahrump Regional Planning Commission due to one (1) resignation and two (2) expiring terms-Cont'd.**

Commissioner Koenig nominated Sarah Chapman.

Commissioner Schinhofen disclosed that Sarah Chapman was his daughter and while there was no fiduciary benefit, to avoid problems he would recuse himself and leave the room.

Commissioner Schinhofen was not present.

The nomination of Sarah Chapman failed due to lack of a motion.

Commissioner Schinhofen was present.

Commissioner Koenig nominated Carol Curtis.

Commissioner Cox made a motion to approve; seconded by Commissioner Borasky; 3 yeas. Commissioner Schinhofen voted nay.

**9. For Possible Action – Canvass of the returns for the recount of the Primary Election results for Nye County Commissioner District IV.**

Sam Merlino advised a three member board conducted the recount and there were no changes to the results.

Commissioner Schinhofen made a motion to accept the recount; seconded by Commissioner Borasky; 4 yeas.

**SHERIFF**

**10. For Possible Action – Discussion and deliberation to issue a Display Fireworks Event Permit to Las Vegas Display Fireworks Inc. for an Aerial Display at their Annual Fourth of July Event on Wednesday, July 4, 2018. This event is being held at Front Sight located at #1 Front Sight Road in Pahrump, NV. William Scott – Applicant.**

Commissioner Schinhofen made a motion to approve; seconded by Commissioner Borasky; 4 yeas.

**11. For Possible Action – Discussion and deliberation to issue a Display Fireworks Event Permit to Pyrotecnico for an Aerial Display on Saturday, July 7, 2018. This event is being held in the desert behind the Nugget Casino located at 681 S. Highway 160 in Pahrump, NV. Threse Palumbo – Applicant.**

Commissioner Schinhofen made a motion to approve; seconded by Commissioner Borasky; 4 yeas.

The Board went into recess to consult with legal.

**DISTRICT COURT**

**12. For Possible Action – Discussion and deliberation regarding funding and entering into a contract with Pioneer Technology Group for the purchase and implementation of the Benchmark Case Management System for the District Court.**

Commissioner Schinhofen made a motion to approve with the addition that the County be a signatory on it and that \$40,000.00 come from fund 10247; seconded by Commissioner Cox.

Tim Sutton advised the fund number was the district court improvement fund.

Judge Kimberly Wanker pointed out that the Commissioners were not here to approve the contract and were making an error as a matter of law if they did. She said the request was for the funds, not to approve the contract, and the motion would violate the separation of powers doctrine.

Commissioner Schinhofen noted the agenda item was for discussion and deliberation of funding and entering into a contract with Pioneer Technology. He felt confident in the motion and said it stood.

Tim Sutton said Judge Wanker prepared the agenda language. Also, the contract specifically mentioned Nye County as a party and that was the reason for the request for a signature line.

Judge Wanker stated the County asked to be a party, but she did not think it had a legal right to be one as the Fifth Judicial District Court was a separate branch of government. The Supreme Court language was clear that if it was necessary for the implementation of the court's day to day functions the County had to provide it. She said she had met with Judge Lane and they would not contribute the court improvement fund to this which the County had no authority over.

Mr. Sutton said if the County was not a party to the contract and was required to fund it solely from County funds then he did not understand what the discussion for the Board was.

**12. For Possible Action – Discussion and deliberation regarding funding and entering into a contract with Pioneer Technology Group for the purchase and implementation of the Benchmark Case Management System for the District Court-Cont'd.**

Judge Wanker said it was because they were asking for the money since they did not have it. The case management system had been antiquated since 2010, which was when the County entered into a contract covering Pahrump, Tonopah, Beatty and the Fifth Judicial District. They contributed \$100,000.00 of court improvement funds to that and it was a disaster. They were not a signatory to that contract and eventually the company went bankrupt. She wondered how the statistical reporting requirements of the Clerk of the District Court would be met without a case management system.

Mr. Sutton asked if it was the judge's position the County was required to fund this contract.

Judge Wanker stated her position that the County was required to put out money to fund a case management system. They had shown what their intent was and asked for the funds. Today she was told the County was taking some of the court improvement funds to fund this and she did not think the Board could enter into it without the judges.

Commissioner Cox asked if the judge wanted the County to put the full amount into the court funds or if she was just stating the County was obligated to do the whole thing but she did not want to put \$40,000.00 into it.

Judge Wanker stated they were asking for the \$400,000.00 today and it would not all be in the same fiscal year. There was a license agreement, the implementation, and a maintenance agreement. The license agreement was \$50,000.00 and 30% of that had to be provided upon signing. As the system was implemented monthly billing would happen and once up and running the County would be obligated on the maintenance portion, although she thought the maintenance system would be self-funding.

As far as the party aspect went, Mr. Sutton thought adding the County as a party was fine and there should be a signatory line. However, if the County was not a party but was mandated to fund it then he did not see what the question was before the Board.

Judge Wanker stated she was here to ask the County to fund the new case management system as the court did not have the money. The law said the County would provide the necessary things for the court to function. She again expressed her concern about how the statistical reporting would happen without the system.

Commissioner Cox said she did not have a problem with doing this if it could be divided into payments.

Commissioner Schinhofen felt the contentious point seemed to be the County asking the court to kick in 10% of this. He noted there was \$300,000.00 in court improvements

**12. For Possible Action – Discussion and deliberation regarding funding and entering into a contract with Pioneer Technology Group for the purchase and implementation of the Benchmark Case Management System for the District Court-Cont'd.**

that the judge spent in her offices and courtrooms so asking for 10% did not seem unreasonable and his motion stood.

The motion to approve with the addition that the County be a signatory on it and that \$40,000.00 come from fund 10247 failed with 2 yeas. Commissioners Borasky and Cox voted nay.

Commissioner Borasky made a motion to bring this back with the exact number the judge wanted; seconded by Commissioner Cox.

Mr. Sutton explained the exact numbers were in the back-up.

Commissioner Borasky withdrew his motion; Commissioner Cox withdrew her second.

Commissioner Schinhofen made a motion to approve the funding and add Nye County as a signatory; seconded by Commissioner Borasky.

Commissioner Cox wanted to hear the judge's opinion as part of the problem was the County could not enter into the contract in place of the judges.

Judge Wanker noted the County was going to be a signatory to a contract that was for state employees. She advised Commissioner Schinhofen they did their entire remodel through the court improvement funds, paid for a \$270,000.00 JAVS system from the court improvement fund, and paid for all of their own IT equipment such as computers, cell phones, etc. Additionally, the drug court received not a single dime of County money as it was funded by the State and grants.

Deputy District Attorney Bradley Richardson said there was an anomaly the County Manager pointed out in the definitions which included Nye County under courts. That could not be in there if the County was not going to be a signatory on the contract.

Judge Wanker said that was put in at the District Attorney's request and she did not think the County should be part of it.

Commissioner Schinhofen said Judge Wanker already agreed to allow the County to be a signatory and this helped the County Clerks that worked for her that the County supplied. The County was not asking for additional funds and he thought this would be a compromise.

**12. For Possible Action – Discussion and deliberation regarding funding and entering into a contract with Pioneer Technology Group for the purchase and implementation of the Benchmark Case Management System for the District Court-Cont'd.**

Commissioner Schinhofen amended his motion to approve as agreed between the judge and the District Attorney's Office to allow the County to be a signatory and the County would fully fund it; Commissioner Borasky amended his second.

Judge Wanker agreed to that compromise.

The motion to approve as agreed between the judge and the District Attorney's Office to allow the County to be a signatory and the County would fully fund it passed with 4 yeas.

**COUNTY MANAGER**

**13. For Possible Action – Discussion and deliberation to: 1) approve a lease agreement with Desert Haven Animal Society for use of the Pahrump Animal Shelter facility located at 1511 Siri Lane, Pahrump, NV; 2) approve to provide a subsidy in the amount of \$50,000 to Desert Haven Animal Society for the Pahrump Animal Shelter facility located at 1511 Siri Lane, Pahrump, NV for Fiscal Year 2019 to be funded from Town of Pahrump General Fund 25101; and 3) approve a Memorandum of Understanding with Desert Haven Animal Society for the purpose of setting terms for the subsidy.**

Commissioner Cox made a motion to approve; seconded by Commissioner Borasky.

Commissioner Koenig said page 2 of 4 referenced Shelter Pro, but on the previous page it was changed from Shelter Pro to Shelter Manager Spillman so that needed to be corrected to use the same language. He also did not see the monthly reporting that was agreed to.

Tim Sutton advised that was included in the MOU under the expectations of the use of subsidy section.

Commissioner Koenig had concern with section 31.3 and the release of impound animals. Theoretically if his dog got out the front door and Animal Control picked it up and took it to the shelter then he was required to get the approval of the Sheriff's Office or Animal Control to get his dog back. He felt that was kind of pain as it was not a cruelty case, but he was not sure how to reword it to say the shelter could authorize the return of the dog.

Commissioner Schinhofen said there may be a couple of other issues that would need to be addressed in the next month or so, but if this was approved now then staff could

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sit down with them and see what else needed to be fixed. He did agree with Commissioner Koenig.

Commissioner Koenig said that as long as he had the right in a month or so to amend this than he was fine.

Mr. Sutton said that was a legal question, but language could be included to provide that.

Commissioner Koenig asked to have language added that a modification could be done to this within 30 or 60 days.

Bradley Richardson suggested putting a more open ended right to amend in favor of the County.

Commissioner Cox amended her motion to approve with the addition of language providing for a modification; seconded by Commissioner Borasky amended his second; 4 yeas.

**14. For Possible Action – Discussion and deliberation regarding approval of a letter of support to the Nye Communities Coalition in for their application to the United States Department of Agriculture (USDA) for a grant to support community facility assistance across Nye County.**

Commissioner Borasky made a motion to approve; seconded by Commissioner Cox.

Commissioner Schinhofen expressed his concern about having a few legal businesses that were not allowed to post jobs at this location because they got federal money. He hoped there would be some way to allow them to post those jobs.

The motion to approve passed with 4 yeas.

**15. 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).**

There was none.

**16. ADJOURN**

Commissioner Koenig adjourned the meeting.

APPROVED this 7<sup>th</sup> day ATTEST:

Of August, 2018.

  
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Chair

  
\_\_\_\_\_  
Nye County Clerk / Deputy