

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; Ronni Boskovich, Deputy District Attorney

Not Present: Sharon Wehrly, Sheriff

1. Pledge of Allegiance

The Pledge was recited.

2. Approval of the Agenda for September 4, 2018 (Non-action item)

Tim Sutton said items 5 and 24 could be removed from the agenda. A closed session would be held after the regular meeting.

3. 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).

Diane Southworth said the Democratic Party would have their Roosevelt-Kennedy Dinner on October 27, 2018. Also, the outreach people still needed towels and blankets for the homeless, which could be given to Nye Communities Coalition, the outreach group or the Lighthouse Covenant Church.

Priscilla Lane thought it was rude for Commissioners Schinhofen and Wichman to leave during the public comment period at the last meeting. She then talked about how shutting down Dennis Hof's business hurt his employees, including those who were not working girls.

3. 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.

Commissioner Koenig read the language on the first page of the agenda regarding public comment and how the Commission may prohibit comments if the content of the comments was a topic that was not relevant to, or within the authority of, the Commission, or if the content of the comments was 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. Commissioner Koenig cautioned everyone to be careful because he would cut them off and have them removed.

Dwight Lilly said it was embarrassing to read in nationwide papers and see on television how the County Commissioners were ruled to be in retribution against fellow citizens and felt it was time to turn the other cheek. He then mentioned the private well owners would have a booth at the Fall Festival this year and provide information on wells and the aquifer.

Dave Stevens thought the Commissioners were the best anyone could have for a town. He commented how he did not see Dennis Hof or Tina Trenner at the veterans' event this weekend.

Regarding the motorcross track on the fairgrounds property, Robert Adams advised there were \$2 million worth of grants available again this year. The grant process opened in November. He thought the motorcross track would strengthen the application for patent by showing the property was being used rather than sitting as fallow ground. Mr. Adams asked any Commissioner interested in pursuing this and getting it on the agenda to contact him.

Zachary Hames asked why Commissioner Schinhofen was at the Love Ranch at 5:30 a.m. or 6:00 a.m. this morning looking at the property and business he was not allowed to vote on. He also wondered why NRS 244.100 was not being followed and said he appreciated Commissioner Wichman's reasoning in court for supporting legalized prostitution.

Dawn Duncan said during the court case it was discussed how a particular Commissioner disputed the fact that she did not understand the State Fire Marshal had signed off on everything. Ms. Duncan wondered why that Commissioner did not inspect things herself. She also wanted Commissioner Wichman to state again that she hated Dennis Hof.

Tina Trenner said at the last meeting Commissioner Koenig mentioned that he could hear her voice and she apologized for that. Unfortunately they felt very disrespected when the Commissioners walked away and she believed that was the reason the crowd

3. 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.

got so loud. She then pointed out that the Commissioners constantly picking on Dennis Hof was actually generating sympathy for him and people were starting to feel bad for a guy just trying to run for office and help his community.

Annette Fuentes stated she supported Dennis Hof because she knew what the federal government had done to them and what the Commissioners had done was a personal vendetta. She asked them to stop as it was costing the taxpayers a lot of money.

Terry Svjeda said he personally thought it was time to let it go because the County would lose the lawsuits and the taxpayers would have to pay it.

Jeanine Pinkerton said none of this would even be discussed right now if the Commissioners gave Dennis Hof the exact same rights as the other brothels.

4. For Possible Action – Discussion and deliberation of the minutes of the joint meeting of the Nye County Board of Commissioners, Board of Highway Commissioners, Licensing and Liquor Board, Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District, on August 7, 2018.

Commissioner Wichman made a motion to approve; seconded by Commissioner Schinhofen; 5 yeas.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

5. For Possible Action - Emergency Items

This item was removed from the agenda.

6. Commissioners'/Manager's Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)

Commissioner Wichman stated it was a Commissioner's job to uphold the codes, County laws, State laws and the Constitution of the United States. To those who wished to focus on who or what to blame for lost jobs, she suggested they look to those who were willing to operate without adhering to those codes especially when all other businesses in the County were required to do so. Further, she thought people needed to go back and read what the judge ordered. While the judge ordered the return of Mr. Hof's license, the judge also noted that Commissioner Wichman had been absolutely consistent and it was a requirement of her job as the Liquor and Licensing Board to

6. Commissioners'/Manager's Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)-Cont'd.

consider the character and history that had been building over the last year. She stated it was uncomfortable to sit and listen to what amounted to a character assassination and her only option at the last meeting was to leave. She also never said she hated Dennis Hof much less anyone else.

Commissioner Schinhofen said he left the meeting because of the total disrespect shown by the mob and he was not going to sit and have his character assassinated. He was always available to talk with anyone as long it was not about Dennis Hof. Also, Commissioner Schinhofen recused himself originally at the advice of the lawyer, but on March 26, 2018, he said he would not recuse himself anymore because NRS did not require him to. On May 1, 2018, he voted on an issue for Mr. Hof that Mr. Hames called and thanked him for afterwards. That left him with the issue of having to vote again upon renewal because he took an oath, had not violated that oath, and would be here until December 31, 2018, to fulfill that oath. When it came time to vote Commissioner Schinhofen stated it was solely based on the fact of continual violation of the County Code and had nothing to do with any personal animus or political retribution. He added his financial and physical health had suffered greatly from the continued harassment. He hoped everyone would move on and that Mr. Hof would abide by the rules.

Commissioner Cox spoke about the portion of the agenda that Commissioner Koenig read regarding people's freedom of speech. She read an article entitled "The Right to Criticize Public Officials Clearly Established" into the record, which was about how a person speaking at a Board of Education meeting had his microphone shut off to silence him. He sued alleging they violated his First Amendment freedom of speech by prohibiting him from criticizing school officials. On the question of qualified immunity the judge ruled solidly in his favor. Commissioner Cox thought it was time to rewrite that portion of the agenda as she did not believe what was on there was constitutional or in the best interest of the County or the people in the audience.

Commissioner Koenig advised Commissioner Cox that part of the agenda was provided by the Attorney General.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

Commissioner Schinhofen assumed the Chair of the Board of Highway Commissioners.

8. General road report by Public Works Director.

Public Works Director Tim Dahl advised there was a little delay in the Homestead Road project because a change order needed to be completed. Pahrump Utilities would also submit plans to do some improvements before that road got covered with new asphalt. Until then it would be a little hectic while continuing to drive through non-paved surfaces and he asked the public to be patient.

8. General road report by Public Works Director-Cont'd.

Commissioner Cox said she received a phone call last week that someone was cutting trees down and cut a tree down on this person's property. She asked Mr. Dahl if he knew anything about that.

Mr. Dahl asked for the location and said he would be happy to look into it.

Commissioner Borasky expressed his concern with people speeding down Homestead as he did not think they realized the dust they kicked up was PM10. If the seniors in town breathed that it could kill them. He asked Mr. Dahl if he could something to safeguard against that. He also noted that group was only working a four-day week and asked in the future if something could be done to speed that up so it was not caught in the monsoons.

Mr. Dahl said he would look into that. He would also put up more 25 mph signs on Homestead and call the Sheriff to help enforce that.

Commissioner Wichman asked for the start date for the work planned in Round Mountain and Belmont.

Mr. Dahl stated as soon as the bonds and contracts were all signed there would be a pre-construction meeting with the contractor and he would know then when to turn them loose. His best guess was next week sometime.

Commissioner Koenig suggested having the Sheriff put the speed trailer on Homestead.

Commissioner Koenig assumed the Chair of the Board of County Commissioners.

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

BEATTY

9. For Possible Action – Discussion and deliberation regarding approval of Karl Johnston's request to nominate BLM land adjacent to the parcel 018-361-06, and part of parcel 018-361-04 on Cottonwood Drive, Beatty, NV for auction. BLM land described has been designated as disposal on the Beatty Area Plan.

Commissioner Wichman made a motion to approve; seconded by Commissioner Schinhofen; 5 yeas.

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.

Commissioner Wichman asked to have item 10 pulled for discussion.

11. For Possible Action – Approval to accept Grant Notice of Sub-Recipient Award for the Emergency Solutions Grant (ESG) in the amount of \$10,000.00, along with Requirements and Attachments for the purpose of providing assistance for Nye County’s very low to low-income population that are at-risk of being homeless. No County match required.

Commissioner Schinhofen made a motion to approve items 11-14; seconded by Commissioner Wichman; 5 yeas.

12. For Possible Action – Approval to accept funding revenue in the amount not to exceed \$13,908.45 from Nevada Housing Division Welfare Set-Aside Program for the purpose of offering rental assistance, utility assistance and security deposit assistance to eligible clients. Agreement to run from July 1, 2018 through June 30, 2019.

Commissioner Schinhofen made a motion to approve items 11-14; seconded by Commissioner Wichman; 5 yeas.

13. For Possible Action – Approval to accept amendment #2 to the subgrant award from the Nevada Department of Health and Human Services, Division of Public and Behavioral Health to fund the Women, Infants, and Children (WIC) Clinics in Pahrump and Tonopah. WIC is a federally funded program providing nutrition education information to participants, a food delivery system, and facilitating the delivery of health services to participants in the program. Amendment #2 to Subgrant award is in the amount of \$11,726.00, for computers, monitors, scanners and printers. This Amendment #2 to subgrant shall be administered out of Fund 10340 Grants and there is no County match required. Amendment #2 to Subgrant period of time is October 1, 2017 through September 30, 2018.

Commissioner Schinhofen made a motion to approve items 11-14; seconded by Commissioner Wichman; 5 yeas.

14. For Possible Action – Approval to 1.) Accept grant award for 2019 State of Nevada, Office of Traffic Safety “Joining Forces” Grant in the amount of \$24,500 and; 2.) Fund from Grants fund 10340. Matching funds in the amount of \$4,900 is required and can be satisfied with the cost of vehicle use and maintenance.

Commissioner Schinhofen made a motion to approve items 11-14; seconded by Commissioner Wichman; 5 yeas.

10. For Possible Action – Approval of Assessor’s Office Change Requests to: 1) allow the Nye County Treasurer to process and send an amended tax bill of \$35.00 to the owners of APN 006-252-11; 2) allow the Nye County Treasurer to process and send an amended tax bill to the owners of APN 001-272-10; 3) allow the Nye County Treasurer to process and send an amended tax bill of \$306.30 to the owners of APN 040-032-17; 4) allow the Nye County Treasurer to process and send an amended tax bill of \$727.62 to the owners of APN 045-263-10; 5) allow the Nye County Treasurer to process and send an amended tax bill of \$507.57 to the owners of APN 044-481-05; 6) allow the Nye County Treasurer to process and send an amended tax bill of \$340.63 to the owners of APN 045-316-01; 7) allow the Nye County Treasurer to process and send an amended tax bill to the owners of APN 045-211-03.

Commissioner Wichman made a motion to approve 1), 2), 5), 6) and 7) as she believed changes were needed to 3) and 4); seconded by Commissioner Schinhofen; 5 yeas.

BOARD OF COMMISSIONERS

15. 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.

There was no action taken on this item.

16. 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.

The closed meeting was held after the adjournment of the regular meeting.

17. For Possible Action – Discussion and deliberation on labor negotiations, issues and other personnel matters presented in closed meeting.

There was no action taken on this item.

18. For Possible Action – Discussion and deliberation regarding entering into a Memorandum of Understanding (MOU) with the United States Department of Agriculture (USDA) Forest Service Intermountain Region for the purpose of preparation of environmental documents for amendments to the Greater Sage Grouse plans created in 2015 (Greater Sage Grouse Plan Amendments).

Commissioner Wichman explained this would allow the County to have a seat at the table.

Commissioner Wichman made a motion to approve; seconded by Commissioner Schinhofen; 5 yeas.

19. For Possible Action – Discussion and deliberation regarding a request to extend the deadline for abatement of 2650 River Plate Dr., Pahrump, NV to add thirty (30) days to complete the abatement. Harold D. Sandquist – Property owner.

Commissioner Wichman said this item was voted on during the August 7, 2018, meeting. The motion of the Board determined this was a nuisance and it was turned over to the County to abate. She noted 30 days had already passed and it would take as long as the County needed to abate it. She also thought it should have been agendized as a public hearing as it was a nuisance complaint.

Commissioner Wichman made a motion to remove it from the agenda; seconded by Commissioner Schinhofen.

Commissioner Cox said she was going to do the same thing as the people who asked her to put it on were not present.

The motion to remove it from the agenda passed with 5 yeas.

CLERK

20. For Possible Action – Discussion and deliberation to appoint one member to the Amargosa Valley Town Board. This term is for an unexpired term to end January 2021.

Commissioner Wichman made a motion to appoint Carmen Brown; seconded by Commissioner Schinhofen.

Trevor Dolby said the Amargosa Town Board had not had any action on this item, but he endorsed Ms. Brown.

Pat Minshall, Amargosa Town Board member, also thought Ms. Brown would be a great addition.

20. For Possible Action – Discussion and deliberation to appoint one member to the Amargosa Valley Town Board. This term is for an unexpired term to end January 2021-Cont'd.

Jimmy Thomas, Chairman of the Amargosa Valley Town Board, said while he thought Ms. Brown had many attributes that would make her a good member, he recommended the Board appoint Joseph LaBossiere.

The motion to appoint Carmen Brown passed with 5 yeas.

21. For Possible Action – Discussion and deliberation to appoint one member to the Gabbs Town Advisory Board. This term is for an unexpired term to end January 2019.

Commissioner Wichman made a motion to appoint Diane Jacobson; seconded by Commissioner Schinhofen; 5 yeas.

DISTRICT ATTORNEY

22. For Possible Action – Discussion and deliberation to authorize the Nye County District Attorney to pursue legal action regarding revocation of Conditional Use Permit CU-10-0013 and non-conforming use of the property at 2790 E. Camellia Street, Pahrump, NV, APN044-811-08, Property Owner Vasili Platunov.

Commissioner Schinhofen made a motion to please move this forward to get the dogs moved; seconded by Commissioner Wichman.

Commissioner Koenig explained this was being done because the gentleman was originally approved to have 30 dogs, and these were very large dogs. He came back for permission to have 50 and he ended up with 150 that barked all the time.

Dwight Lilly said he felt sorry for Commissioner Schinhofen if there were that many dogs because there were nine behind him that barked all the time and it was going on three years trying to solve the problem with Animal Control. He urged the Commission to move on this to resolve it.

Ronni Boskovich asked that the motion include direction to the District Attorney's Office to pursue legal action.

Commissioner Schinhofen rescinded his motion.

Commissioner Schinhofen made a motion to direct the District Attorney's Office to take legal action and get this cleared up; seconded by Commissioner Wichman; 5 yeas.

SHERIFF

23. For Possible Action – Discussion and deliberation on appeal (pursuant to Nye County Code Title 6, Animals, Section 6.40.010) of the Nye County Sheriff's Office's amended denial of a Special Conditions Animal Permit application (as required by Nye County Code Title 6, Animals, Section 6.30.030) to allow the possession of ten (10) special conditions animals (tigers) located at 6061 N. Woodchips Road, Pahrump, Nevada 89060, AP# 027-241-26. Karl Mitchell/Kayla Mitchell/Big Cat Encounters – Appellants; Arlette Newvine, Esq. - Attorney for Appellants; Raymond Mielzynski – Property Owner.

Commissioner Wichman made a motion to continue this item to October 16, 2018; seconded by Commissioner Cox.

Louis DeCanio said from what had seen there was never a problem with the tigers and thought they should be used to draw tourists into the community.

Commissioner Koenig reminded Mr. DeCanio that it was against federal law to exhibit them.

The motion to continue this item to October 16, 2018, passed with 4 yeas.
Commissioner Schinhofen voted nay.

Commissioner Schinhofen explained he voted nay because this was the third CUP with this gentleman and every time leeway was given to people who held CUPs or other limited licenses the County ended up in trouble so he just did not think it should be put off.

TREASURER

24. Treasurer's Report.

This item was removed from the agenda.

COUNTY MANAGER

25. For Possible Action – Discussion and deliberation to allow Justice of the Peace Judge Jasperson, as he deems necessary, to invite any available Justice of the Peace, within the confines of NRS 4.340(2), to provide him temporary assistance, until a new Justice of the Peace for the Pahrump Township is elected.

Commissioner Wichman made a motion to approve; seconded by Commissioner Schinhofen; 5 yeas.

26. For Possible Action – Discussion and deliberation to appoint one (1) member to the Nye County 9-1-1 Advisory Committee to one unexpired term.

Commissioner Wichman made a motion to appoint Ashley Castillo; seconded by Commissioner Schinhofen.

Commissioner Cox said she did not see this advertised and asked if it needed to be, to which Samantha Tackett responded it did not.

The motion to appoint Ashley Castillo passed with 5 yeas.

27. For Possible Action – Discussion and deliberation regarding a site rental agreement with the Board of Regents of the Nevada System of Higher Education on Behalf of the Desert Research Institute (DRI) for the purpose of installing, maintaining and operating a remotely controlled cloudseeding generator and weather station for the purpose of research and operations of weather modification in the Spring Mountains on county property located at Assessor Parcel Number 047-041-02, 7401 E. Manse Rd., Pahrump, Nevada, Nye County – Owner.

Commissioner Schinhofen made a motion to approve based on staff recommendation; seconded by Commissioner Wichman.

Dwight Lilly was concerned about what material would be used because his research found that in northern California they had issues with wildlife, as well as health-related issues around the world, because of the material used. He said nothing in the lease listed what materials would be used or restricted them so he cautioned the Commissioners to find out exactly what the material would be. He also thought something should be put in the agreement to restrict them from using materials that had been shown to harm animals or people.

John Bosta asked that his written comments be included in the minutes [attached]. In summary, Mr. Bosta was concerned that neither a site-specific hydro-geological assessment of cloudseeding nor other factors such as project design, construction practices, and long term management to protect the sole source aquifer were considered. He also discussed the recent findings on health effects due to exposure to high levels of silver iodide over a long period.

Kenny Bent thought the project was absurd as the risk certainly outweighed any benefit. Generally cloudseeding was done in clouds and he did not understand the thinking to do this at the location listed. He thought legislation should be passed to put one of the ground bay seeders on Mt. Charleston. He also pointed out it was toxic to several species.

Frank McDonough said he ran the cloudseeding program at the Desert Research Institute and offered to take questions.

27. For Possible Action – Discussion and deliberation regarding a site rental agreement with the Board of Regents of the Nevada System of Higher Education on Behalf of the Desert Research Institute (DRI) for the purpose of installing, maintaining and operating a remotely controlled cloudseeding generator and weather station for the purpose of research and operations of weather modification in the Spring Mountains on county property located at Assessor Parcel Number 047-041-02, 7401 E. Manse Rd., Pahrump, Nevada, Nye County – Owner-Cont'd.

Commissioner Schinhofen said he was sure the process had to be overseen by NDEP or possibly a federal department and asked what kind of hoops Mr. McDonough had to go through.

Mr. McDonough explained cloudseeding was overseen by the State of Nevada Department of Conservation and Natural Resources. Cloudseeding had been conducted for nearly 60 years with the goal to increase snowfall by up to 10% to 15%. He said the silver iodide molecule used to cloudseed had been studied extensively and the silver quantities were the same in lakes that had been seeded compared to the lakes that had not. Additionally cloudseeding molecules were insoluble and not absorbed by plants and wildlife.

Pat Minshall said anything she read on silver iodide disputed what had been said. It was toxic, it got into the plants and animals, and she thought this should be looked at further before being passed.

Joe Markley said he was a farmer in Michigan. They tried this experiment there because they had prevailing west winds off of Lake Michigan and got so much rain it practically flooded everything out. He said every morning there was silver iodide on the cars and if it was that fine people inhaled it and it stuck in the lining of the lungs with the effect of smoking.

Tom Saitta told the Board to get away from this project and leave it alone as Mother Nature was in charge.

Priscilla Lane thought more investigation was needed. She said her sister lived in Arizona and there were areas there they were no longer allowed to swim in or do anything. The trees were dying, the ground was dying, people were getting sores, and it all seemed to be connected to the cloudseeding.

Commissioner Cox asked if the seeding was going on already.

Mr. McDonough said yes. Northern Nevada had been cloudseeding since the 1960s, and Mt. Charleston had been seeded on and off a few times over the last several decades, but not in at least the last ten years as far as he knew.

Commissioner Cox asked Mr. McDonough to explain cloudseeding.

27. For Possible Action – Discussion and deliberation regarding a site rental agreement with the Board of Regents of the Nevada System of Higher Education on Behalf of the Desert Research Institute (DRI) for the purpose of installing, maintaining and operating a remotely controlled cloudseeding generator and weather station for the purpose of research and operations of weather modification in the Spring Mountains on county property located at Assessor Parcel Number 047-041-02, 7401 E. Manse Rd., Pahrump, Nevada, Nye County – Owner-Cont'd.

Mr. McDonough said the target area was elevations above 8,500 feet. As the storm moved south the cloudseeding generator (which was like a burner) would light and emit a small plume of cloudseeding material, which put out a quarter of an ounce of silver iodide. The wind would lift that into the clouds over Mt. Charleston and initiate freezing events. The small silver iodide particles created small ice crystals which took the liquid water drops and converted them to snow to add snow to the mountains. Mr. McDonough reassured everyone this was not toxins. The goal was snow pack, and cloudseeding had been done in the Sierra Nevadas since the 1950s with no toxic effects that he knew of.

Commissioner Cox said she had been here for 64 years and there was always enough snow. She admitted there was a shortage of water in the aquifer, but that was because of people, not because of the lack of rain or snowfall. She was not sure she believed the information about there being no environmental health affects arising from cloudseeds as silver was toxic and iodide caused thyroid issues. Commissioner Cox thought they were doing this more for the money and making jobs instead of making rain or protecting the public and that there was a better place to put this.

Tyna Dickson said she would not want her grandchildren in Pahrump exposed to this. She referred to the comment made earlier in the meeting about driving slower on Homestead because the dust could be troublesome to residents, but introducing silver iodide into the environment was now being talked about. If creating snow was the goal she suggested doing it in the mountains.

Tim Hafen advised the Board as a matter of disclosure, not a comment on whether it was good, bad or indifferent, that they had a signed lease (free) to Desert Research Institute and the lease was on a piece of ground the Hafens owned in Trout Canyon.

The motion to approve based on staff recommendation passed with 4 yeas.
Commissioner Cox voted nay.

FINANCE

28. For Possible Action – Discussion and deliberation regarding the budget status through July 2018 for Nye County General Fund Fiscal 2019 budget projections; and discussion regarding tentative FY18 closing and audit schedule.

Savannah Rucker said AP was closed on August 20, 2018, and the GL for receipts would be closed sometime this week. The tentative date for presentation of the audit to the Commission was December 4, 2018.

Mrs. Rucker said the first page of back-up was budget to actual revenue for FY19. Typically most revenues did not start coming in until the third month of the current fiscal year. She mentioned revenues were up 4% from this point compared to last fiscal year. The August report for revenues would be low also, but the September report would show significant revenues trickling in. She explained Emergency Management salaries forecast was at 107% because of accrual payouts to two former employees, but she anticipated that to level out in the next month or so. The current projection was 96.75% of the general fund utilized.

Commissioner Wichman stated this was the first time in almost ten years on the Board that she had seen such a pristine budget report and she thanked Mrs. Rucker for that.

PLANNING/BUILDING/CODE COMPLIANCE

29. For Possible Action – Discussion and deliberation on a request for a Parcel Map PM-2018-000045 proposing to divide an 11.52-acre (gross) parcel into three parcels as follows: Parcel 1 6.60 acres (gross), Parcel 2 1.96 acres (gross) and Parcel 3 2.96 acres (gross). Town of Round Mountain – Property Owner. APN: 006-201-33.

Commissioner Wichman made a motion to approve; seconded by Commissioner Schinhofen; 5 yeas.

PUBLIC WORKS

30. For Possible Action – Discussion and deliberation for the County to assume the financial responsibility of Valley Electric Association (VEA) account associated with the electrical service for five (5) street lights on SR 160 south of Basin Avenue.

Commissioner Schinhofen explained that for the last few years VEA had been assuming the lights in front of the shopping center, but now wanted the County to pay for them. If the Board did take them on he thought it could try again to get the property owner to pay for them.

30. For Possible Action – Discussion and deliberation for the County to assume the financial responsibility of Valley Electric Association (VEA) account associated with the electrical service for five (5) street lights on SR 160 south of Basin Avenue-Cont'd.

Commissioner Schinhofen made a motion to assume financial responsibility for those lights; seconded by Commissioner Cox; 4 yeas. Commissioner Wichman voted nay.

PUBLIC PETITIONER

31. For Possible Action – Discussion and deliberation regarding the appointment of representatives from Nye County to the Central Nevada Regional Water Authority (CNRWA) including recommendation by the Nye County Water District Governing Board.

Commissioner Wichman made a motion to appoint Joni Eastley, Midge Carver and retain John Koenig; seconded by Commissioner Schinhofen; 4 yeas. Commissioner Koenig abstained.

6. Commissioners'/Manager's Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)

Commissioner Koenig said he read the Open Meeting Law and on page 70 it was word for word the first paragraph on the front page of the agenda.

TIMED ITEMS

7. 10:45 – For Possible Action – Public Hearing – Discussion and deliberation regarding a request to: 1) adopt, amend and adopt, or reject Nye County Bill No. 2018-14: A Bill proposing to amend Nye County Code Title 2 Administration and Personnel, by adding Chapter 2.88, License Department; establishing provisions for the License Department; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Set an effective date.

Lorina Dellinger explained towards the end of last year discussions began about consolidating licensing and permitting to one department. On January 2, 2018, the Board took action to move forward with that transition identifying privilege licenses to be the first to move under the licensing department. There were three chapters in Nye County Code that needed to be amended, so the application intake would remain with the Sheriff's Office until those amendments were done, at which point a licensing department manual would be proposed to avoid conflict with the Code. She also clarified that the intent was not to introduce business licensing at the County level and that would remain with the towns.

7. 10:45 – For Possible Action – Public Hearing – Discussion and deliberation regarding a request to: 1) adopt, amend and adopt, or reject Nye County Bill No. 2018-14-Cont'd.

Tim Sutton stated that per the advice of counsel Commissioners Borasky and Schinhofen were not required to abstain from this item.

Commissioner Koenig pointed out one thing this would do was stop things like unreceived notices, late notices, and the Board approving things that were not being done correctly.

Commissioner Koenig opened the public hearing.

Dave Caudle was adamantly opposed to the establishment of a licensing department and thought the timing appeared to be another attempt by some members of the Board to further their vendetta against Dennis Hof. He felt the new department would simply add another layer of government and cost the taxpayers. He noted that Chapter 2.88.040.D.3. stated the administrator could deny a license and Mr. Caudle wondered if that person should really have that power. He suggested instead of creating a whole new department at taxpayer expense the Commission should consider giving this proposed administrator to the Sheriff's Department to provide additional help processing applications. Mr. Caudle then asked that his statements be entered into the record [attached].

John Bosta asked that his written document be included in the minutes [attached]. He discussed the district judge's issuance of a preliminary injunction ordering the County to reinstate Dennis Hof's brothel and liquor licenses and the restriction on Commissioners Schinhofen and Borasky from participating in any votes related to Mr. Hof's business in the future. It was Mr. Bosta's opinion those Commissioners must abstain from participating in any votes related to a brothel license that would affect Mr. Hof.

Kenny Bent felt inspections on many businesses, especially home based businesses, was another attempt by government to tax and control every aspect of human existence. As was to be expected, government inspections would always lead to exploring for other violations and further restrictions and regulations. He strongly encouraged the Board to not proceed with creating the new licensing department and keep the process as it currently existed.

Dwight Lilly said he did not understand the need for this department in a County with less than 50,000 people with no rash of businesses coming in. He felt it pointed to a lack of training and supervision on the current way things were done which could be solved without going to the added expense of having another administrator on the payroll. Additionally, while he respected the opinion of the County Manager, Mr. Lilly said he looked into what the federal judge ruled on and rather than create an issue where it might be another lawsuit he asked that Commissioners Schinhofen and Borasky recuse themselves.

7. 10:45 – For Possible Action – Public Hearing – Discussion and deliberation regarding a request to: 1) adopt, amend and adopt, or reject Nye County Bill No. 2018-14-Cont'd.

Debra Strickland said she would like to see this move forward, and pointed out there was an Assistant County Manager that could do a very good job of writing a manual. If she were on the Board right now she said her motion would be to adopt the bill contingent on the future approval by the Board of that manual and then make the effective date based on that approval. Mrs. Strickland also asked that the two Commissioners abstain only because more controversy and/or lawsuits were not needed.

Zachary Hames stated their attorneys requested a call in to speak and were denied that. Since privilege licenses would be the first ones to move over, and considering the court proceedings, he asked that either Commissioners Borasky and Schinhofen recuse themselves as it would affect Dennis Hof's business or that this item be tabled until the new administration came in to avoid further lawsuits or complaints from the community.

Commissioner Koenig closed the public hearing.

Tim Sutton advised the comment that Commissioners Schinhofen and Borasky did not need to recuse themselves came from the insurance counsel, not him or Angela Bello.

Commissioner Koenig said this was to create a licensing department and creating that department by itself did nothing to anybody. He could see how it could affect someone's business when it got to the point of changing the Code, but it was his opinion that doing this now did not affect anyone's business as it could sit there forever not doing anything.

Commissioner Borasky said he could not see making additional codes and regulations because the County did not enforce what it had now. This Board chose not to make the brothel code more restrictive or enforceable so he questioned making a new department. Originally he was in support of this, but right now he said he had to say no as there was no plus side for anyone.

Commissioner Wichman said this action would move the process under the supervision of the County Manager and affected all businesses in that it would provide consistency, which was the goal.

Commissioner Cox asked what licenses were going to be put under this new department and what the intent of the department was.

Mrs. Dellinger explained Section 2.88.020, Responsibilities of the Department, identified liquor, brothel and gaming licenses would be the responsibility of the license department.

7. 10:45 – For Possible Action – Public Hearing – Discussion and deliberation regarding a request to: 1) adopt, amend and adopt, or reject Nye County Bill No. 2018-14-Cont'd.

Commissioner Cox asked who would be hired to oversee this.

Mrs. Dellinger advised no one and this would not increase head count. The administrator could be appointed by the County Manager from his current staff.

When Commissioner Cox asked who that was, Tim Sutton responded right now they were looking at Samantha Tackett, but that had not been finalized. The Board would not vote on that appointment as that was how the ordinance currently read, but Mr. Sutton advised something different than that could be included in the discussion today.

Commissioner Cox stated she had had an issue with the agenda and wondered if this item could be held until the September 18, 2018, meeting. She felt it was somewhat misleading as it did not mention brothels at all so the public would not be aware of that. She thought it needed to be re-agendized to list liquor, brothel and gaming. Additionally, the spreadsheet was not put out until 24 hours before the meeting and that violated the Open Meeting Law. As far as Commissioners Schinhofen and Borasky recusing themselves, the order stated they were enjoined from participating in any decision by the Board in relation to the plaintiff's brothel license during the pendency of this action. Considering this would affect all brothels, including Dennis Hof's, Commissioner Cox believed that part of the order applied to this item. If they had something in writing she would be okay with that, but she was not okay with them just saying it. Further, she believed it did increase the size of the government and that there would have to be more additions to this department as time went by. Commissioner Cox thought the Sheriff's Office was doing a fine job and could maybe streamline themselves a little bit or have another person in their department to administer this. She had also received a complaint that this would circumvent the NRS by taking the license bureau away from the Sheriff's Office and she would like to have a little time for that to be checked out.

Commissioner Koenig pointed out that originally a year ago the Board was going to take this over and the NRS said if it was to be removed from the Sheriff's Office then this had to be created.

Commissioner Cox said she did not see any reason to take it away from the Sheriff.

Commissioner Cox made a motion to hold this item until the next meeting to have it looked at closer.

Commissioner Koenig advised the Sheriff was in Washington, D.C.

Commissioner Cox said she would allow her input also then. Since it had been going on for a year she did not think another two weeks would make a difference.

7. 10:45 – For Possible Action – Public Hearing – Discussion and deliberation regarding a request to: 1) adopt, amend and adopt, or reject Nye County Bill No. 2018-14-Cont'd.

Commissioner Borasky seconded the motion to hold this item until the next meeting to have it looked at closer; 2 yeas. Commissioners Koenig, Schinhofen and Wichman voted nay. The motion failed.

Commissioner Wichman made a motion to adopt Nye County Bill 2018-14 and to set the effective date of September 24, 2018; seconded by Commissioner Schinhofen.

Commissioner Schinhofen commented this had been a long time coming and he also had something in writing from the attorney if Commissioner Cox wanted to see it.

The motion to adopt Nye County Bill 2018-14 and to set the effective date of September 24, 2018, passed with 3 yeas. Commissioners Borasky and Cox voted nay.

Commissioner Borasky stated his nay vote had nothing to do with Dennis Hof or anything else. He did not agree with creating more codes and regulations when the County did not enforce what it had.

32. GENERAL PUBLIC COMMENT (second)


There was none.

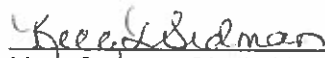
33. ADJOURN

Commissioner Koenig adjourned the meeting.

APPROVED this 2nd day ATTEST:

Of October, 2018.


Chair


Nye County Clerk / Deputy

I request that my comments are reflected in the minutes and I submit a copy of my prepared written remarks for inclusion in the minutes also.

Thank you for allowing me to comment on Item No. 27 a rental agreement with Desert Research Institute (DRI) for the purpose of installing, maintaining and operating a remotely controlled cloudseeding generator and weather station for the purpose of research and operation of weather modification in the Spring Mountains on county property.

The County nor the DRI has made a site-specific hydrogeological assessments of cloud seeding to be considered along with other factors such as project design, construction practices, and long-term management to protect the health and contamination of the sole source aquifer for drinking water and air quality. There is no bench mark to determine the success of cloudseeding to increases the amount of rainfall in Spring Mountain and Pahrump area.

In many areas of the world, including California's Mojave Desert, rain is a precious and rare resource. To encourage rainfall, scientists use "cloud seeding," a weather modification process designed to increase precipitation amounts by dispersing chemicals into the clouds.

But research now reveals that the common practice of cloud seeding with materials such as silver iodide and frozen carbon dioxide may not be as effective as it had been hoped. In the most comprehensive reassessment of the effects of cloud seeding over the past fifty years, new findings from Prof. Pinhas Alpert, Prof. Zev Levin and Dr. Noam Halfon of Tel Aviv University's Department of Geophysics and Planetary Sciences have dispelled the notion that seeding is an effective mechanism for precipitation enhancement.

The findings were recently reported in *Atmospheric Research*.

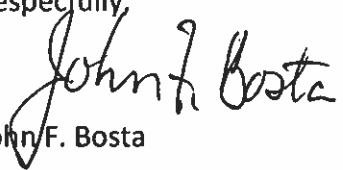
Human Toxicity Excerpts:

Seven cloud seeding operators with extensive exposure to silver iodide knew of no persons who had experienced any ill effects due to silver iodide, despite the fact that their hands may have remained yellowed for weeks.

[USEPA; Ambient Water Quality Criteria Doc: Silver p.C-26 (1980) EPA 440/5-80-071] **PEER REVIEWED**

Exposure to high levels of silver over a long period of time can result a gray or blue-gray discoloration of the skin and other tissues known as argyria. While this condition is permanent, it is thought to only be a cosmetic problem that is not otherwise harmful to health (ATSDR, 1990; ATSDR, 1999). Most doctors and scientists believe that argyria is the most serious human health effect of silver exposure (ATSDR, 1990). No studies are available on whether silver exposure may cause cancer in people, and the U.S. Environmental Protection Agency (EPA) has determined that silver is not classifiable as to human carcinogenicity (ATSDR, 1999).

Respectfully,


John F. Bosta

9/4/18

Nye County Commission Meeting

September 4, 2018

Agenda Item #7

My name is Dave Caudle and I am adamantly opposed to the establishment of a License Department for Nye County. The timing of this action appears to be another attempt by some members of this board to further their vendetta against Mr. Hof. This new license department simply adds another layer of Governmental Bureaucracy and cost to Nye County taxpayers. It will not simplify the licensing process. NRS 244.335 1 (b) states that county license departments may fix, impose, and collect a license tax for revenue or for regulation or for both revenue and regulation. That means that an unelected entity can impose another tax on businesses. That's the County Commissions job. That's what we hired you all for and this authority should not be given to some bureaucrat. Both NRS 244.345 and 244.350 state that the County Commission and County Sheriff constitute the license board for both liquor and brothels.

The Sheriff's Department will still be responsible to investigate license applicants and to perform background checks unless additional individuals are hired as licensing department investigators, thereby increasing costs to the taxpayers or to the applicants as additional or increased license fees. Legally this department will not be able to issue citations for a licensee's violation of codes or ordinances but must rely on the appropriate law enforcement agency, such as the Sheriff's Department, District Attorney or a sitting Judge, to do so. According to 288.040, D. 3. the Administrator can deny issuance of a license. Should he really have that power? In 288.040 E. 2. the administrator shall base his decisions on violations or concerns identified by the Sheriff's Office or an agent of the Licensing Department. Since Mr. Koenig assured me that only an administrator was being hired, who is this agent? Also, I may be mistaken but it appears that this proposed Chapter 2.88 is so broadly worded that it can be construed to encompass all businesses that require a license, not just liquor, brothels and gaming.

Currently the Sheriff's Department is responsible for processing these licenses and has been doing so adequately for many years. However, since the recent County Commission action against Mr. Hof hinged on late submission of renewal fees and documents it appears that this proposed action is in retaliation against the Sheriff's Department for the embarrassing decision by the Federal Judge. Perhaps instead of creating a whole new department at taxpayer expense the Commission should consider giving this proposed administrator to the Sheriff's Department to provide additional help processing applications. Apparently, this person is not needed in their current position. Thank you.

I would like for my statements to be entered into the record for this meeting. Thank you.

I request that my comments are reflected in the minutes and I submit a copy of my prepared written remarks for inclusion in the minutes also.

Thank you for allowing me to comment on Item No. 7 for Bill No. 2018-14 to add Chapter 2.88 to Nye County Code Title 2 Administration & Personnel. Pursuant to NRS 364.010 (a) the BoCC may adopt an ordinance for a License Department for a License Department to replace the Sheriff as the ex officio collector of county license.

The Aug. 7, 2018 BoCC agenda item no. 26 Set a date, time and location for a Public Hearing on Nye County Code Title 2 Administrative and Personnel, by adding Chapter 2.88, License Department; establishing provisions for the License Department.

Pursuant to NRS 2.88.020 (A) The responsibilities of the License Department regarding Liquor Licenses, Brothel License, and Gaming Licenses shall issue licenses for Brothels.

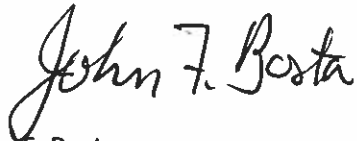
Aug. 29, 2018 Robin Hebrock/Pahrump Valley Times article; Aug. 27, 2018 U.S. District Court Judge Richard Boulware issued a preliminary injunction ordering the county to reinstate Dennis Hof's brothel and liquor licenses. The judge went farther; also restrict Nye County Commissioners Dan Schinhofen and Butch Borasky from participating in any votes related to Hof's business in the future.

Nye County Public Information Officer Arnold Knightly the order is a preliminary injunction and as such, only a temporary injunction and not a final action. In fact that judge Boulware did not tie the county's hands with his order either and that the liquor and licensing board retains its authority over licensing. "Today's ruling, the judge made clear, does not prevent the county from continuing with oversight of Dennis Hof's business or taking any action on any current or future violations," Knightly said,. "The county will continue to enforce its county codes regarding these privileged licenses."

I'm not an attorney; however it is my opinion that Dan Schinhofen and Butch Borasky must abstain themselves from participating in any votes related to brothel license that would affect Hof.

It will require a 3-0-2 vote to adopt Bill No. 2018-14. If this happens, it might cause another lawsuit. The counties retaliation of Hof must stop!

Respectfully,



John F. Bosta