

PAHRUMP TOWN BOARD AGENDA

Mike	Vicky	Harley	Tom	Carolene
Darby	Parker	Kulkin	Waters	Endersby
Chair	Vice-Chair	Clerk	Member	Member

NOTICE TO MEMBERS OF THE AUDIENCE

The Pahrump Town Board meets the second and fourth Tuesday of each month at 7:00 PM in the Nye County Building, 2100 E. Walt Williams Drive. Agendas are available at the Town Office on the Thursday prior to each Board meeting and are posted on the Town website at www.pahrumpnv.org

BOARD MEMBER	PHONE	EMAIL	TERM EXPIRES DECEMBER 31
Mike Darby	764-0751	mdarby@pahrumpnv.org	2012
Vicky Parker	764-8809	vparker@pahrumpnv.org	2012
Harley Kulkin	727-1525	hkulkin@pahrumpnv.org	2014
Dr. Tom Waters	764-0949	twaters@pahrumpnv.org	2014
Carolene Endersby	764-8791	cendersby@pahrumpnv.org	2014

NOTE: Town Board agendas will be posted online at www.pahrumpnv.org.

There may be a quorum of Pahrump Advisory Board members present at Town Board meetings.

TOWN OF PAHRUMP MISSION STATEMENT

“Our mission is to balance our history as a rural community with our need to provide appropriate and sustainable services to our citizens and those who visit our community. We will do this by demonstrating honest, responsive leadership and partnering, when appropriate, to augment our resources.”

SPECIAL NOTE: Any member of the public who is disabled and requires accommodation or assistance at this meeting is requested to notify the Pahrump Town Office in writing or call 775-727-5107, prior to the meeting. Assisted listening device is available at Town Board Meetings upon request with 24 hour advance notice.

"Audience members and speakers may not use provocative, rude, obnoxious, abusive, inflammatory, slanderous, or offensive comments. Any person who makes such remarks or otherwise disrupts the meeting with loud outbursts, shouting, threats or other disruptive behavior will be warned by the Chair that his or her behavior is unacceptable. If after receiving a warning, any person persists in disrupting the meeting, the Chair shall order that person to leave and may utilize law enforcement to enforce that order. These rules are specifically permitted under Nevada Open Meeting Law and do not violate anyone's constitutional rights."

**PAHRUMP TOWN BOARD MEETING
NYE COUNTY ADMINISTRATIVE COMPLEX
2100 E WALT WILLIAMS DRIVE
TUESDAY – 7:00 P.M.
February 14, 2012
AGENDA**

- 1. Call to Order, Moment of Silence, and Pledge of Allegiance.**
- 2. Discussion and Possible Decision** regarding Moving the Order of or Deleting an Agenda Item(s). (For Possible Action)
- 3. Presentation** of Certificates of Appreciation to the Town of Pahrump Staff Members. (Non-Action Item)
- 4. Announcements** (Non-Action Item)
- 5. Public Comment:** Action may not be taken on matters considered during this period until specifically included on an agenda as an action item – NRS241.020(2)(c)(3). (Non-Action Item)
- 6. Advisory Board Reports** from Advisory Board Chairpersons and/or Town Board Liaisons on the Status of Advisory Boards. (Non-Action Item)
- 7. Discussion** on Town of Pahrump Economic Development Report. (Non-Action Item)
- 8. Discussion and Possible Decision** to Amend Pahrump Town Ordinance# 35 and Providing for Other Matters Properly Related Thereto. (For Possible Action)
- 9. Discussion and Possible Decision** to Approve Resolution #2012-01, A Resolution Adopting a Fee Structure Pursuant to Pahrump Town Ordinance No 35, as Amended. (For Possible Action)
- 10. Discussion and Possible Decision** to Create a Town Board Committee to Negotiate a Contract with the Current Town Manager and All Other Matters Properly Related thereto. (For Possible Action)
- 11. Discussion and Possible Decision** on Creating a New Advisory Board to the Pahrump Town Board for the Purpose of Investigating the Possibility of Constructing a Convention Center/ Civic Center in Pahrump and All Other Matters Properly Related Thereto. (For Possible Action)
- 12. Discussion and Possible Decision** to Approve Additional Annual Leave for Town Employees and All Other Matters Properly Related Thereto. (For Possible Action)
- 13. Discussion and Possible Decision** Consent agenda items: (For Possible Action)
 - a. Action – Approval of Town Vouchers.
 - b. Action – Approval of Town Board Minutes for January 10, 2012 and January 24, 2012.

- c. Action – Approval to Accept Mr. Michael Zaman, Mr. Allan J. Walter and Ms. Elizabeth L. Weikel to the Pahrump Public Lands Advisory Board.
- d. Action – Approval to Accept the Resignation of Mr. Will Bond from the Pahrump Public Lands Advisory Board.

14. Future Meetings/Workshops: Date, Time and Location (Non-Action Item)

- a. Town Board Retreat – TBD

15. Staff’s Comments (Non-Action Item)

16. Town Board Member’s Comments (Non-Action Item)

17. Public Comment: Action may not be taken on matters considered during this period until specifically included on an agenda as an action item – NRS241.020(2)(c)(3). (Non-Action Item)

18. Adjournment

A quorum of Advisory Board members may be present at any Town Board meeting but they will not take any formal action.

Any member of the public, who wishes to speak during public comment on any item, will be limited to three (03) minutes. Items may be taken out of order. Items may be combined. Items may be pulled or removed from the agenda at any time.

Any member of the public who is disabled and requires accommodations or assistance at this meeting is requested to notify the Pahrump Town Office in writing, or call 775-727-5107 prior to the meeting. Assisted listening devices are available at Town board meetings upon request.

This notice and agenda has been posted on or before 9:00 a.m. on the third working day before the meeting at the following locations:

PAHRUMP TOWN OFFICE, COMMUNITY CENTER, TOWN ANNEX, COUNTY COMPLEX, FLOYD’S ACE HARDWARE, and CHAMBER OF COMMERCE

AGENDA ITEM REQUEST

Requests and backup must be into the Town Office by **3:00 p.m. ten (10) business days before the preceding Town Board meeting** you wish the item presented. Town Board meetings are held on the second and fourth Tuesday of each month at 7:00 p.m. in the Bob Ruud Community Center.

<u>DATE AGENDA ITEM SUBMITTED</u> 1/24/2012	<u>DATE OF DESIRED BOARD MEETING</u> 2/14/2012
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CIRCLE ONE: Action Item Non-Action Item Presentation

ITEM REQUESTED FOR CONSIDERATION:
Presentation of Certificates of Appreciation to the Town of Pahrump Staff Members.

If request for funding is approved by the Town Board, an invoice or letter from the requestor to Town of Pahrump/Accounts Payable is required to receive funding.

BRIEF SUMMARY OF ITEM:
See attached copy of a certificate

BACKUP ATTACHED: YES NO

NAME OF PRESENTER(S) OF ITEM: Pahrump Town Board

SPONSORED BY:

<u>Pahrump Town Board</u> Print Name	<u>Pahrump Town Board</u> Signature
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<u>400 N. Hwy 160</u> Mailing Address	<u>(775) 727-5107</u> Telephone Number
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Employee

We, the Pahrump Town Board would like to extend our greatest appreciation to you, an important member of our staff, for all of your hard work and dedication.

As an employee of the Town of Pahrump, you have been an essential part in ensuring our community operates efficiently. Thank you for being a member of our outstanding team.

The 2012 Pahrump Town Board

Mike Darby, Chairman

Vicky Parker, Vice Chair

Harley Kulkin, Clerk

Tom Waters, Member

Carolene Endersby, Member

Announcements

February 14, 2012

- The following advisory boards are currently scheduled to meet at the Town Annex:
 - Parks & Recreation AB on February 15th at 6:30pm. They will also have a special meeting for field allocations on February 22nd at 6:30pm.
 - Veterans' Memorial AB on February 16th at 6:00pm
 - Incorporation AB on February 22nd at 6:00pm
 - Boundary Line AB on February 23rd at 6:30pm
 - PTCC on March 1st at 8:00am
 - Nuclear Waste and Environmental AB on March 2nd at 1:00pm
 - Public Lands AB on March 7th at 6:30pm
 - Arena AB on March 8th at 7:00pm
 - Youth AB on March 14th at 5:00pm

Advisory Boards may choose to change the venue for their meetings in the coming months. This decision will be made by the individual advisory boards.

- The Breast Cancer Support Group will meet February 17th from 11:00am – 12:30pm at the Nathan Adelson Hospice.
- US-TOO Prostate Cancer Support Group will meet on February 23rd at 6pm in the Hospital Training Room.
- The Fiber Arts Show will be at the Pahrump Nugget Event Center Feb 24th – 26th.
- The Social Security Administration will be at the Town Annex on February 28th from 9am-11am.
- The Wrangler Junior Rodeo Association will be holding a rodeo March 3rd and 4th at the McCullough Arena.
- The VITA/TCE program will be providing free Income Tax Service to residents of Pahrump until April 21st on Wednesdays and Saturdays in the Town Annex from 9am. For information or appointments, please contact Fern Payne at 727.4258
- Pahrump Valley Disposal is now accepting electronic waste. Citizens can drop off any electronics for disposal Monday – Friday 7am-4pm or Saturday 7am-12pm.



Pahrump Valley Disposal

1410 E. Mesquite Ave.

Pahrump, NV. 89060

(775) 727-5777

www.CandSwaste.com

Electronic Waste



FREE DROP-OFF

Also please consider donating working electronics to a charity or thrift store.

This program is subject to market pricing.

Se Habla
Español

- Computer systems, peripherals & accessories (printer, mouse, speakers, scanner, keyboard, cables, modems, etc.)
- Stereo equipment, radios, tape players, headphones
- VCR/VHS, DVD players, camcorders
- Fax machines, scanners, copiers
- Telephones, answering machines, cell phones, chargers, PDAs
- Microwave ovens
- Computer Monitors
- Televisions
- Hair dryers, irons, blenders

Bring E-Waste to:

1410 E. Mesquite Ave.

Pahrump, NV 89060

727-5777

(Turn Left at the Red Tires before the landfill)

Hours:

Monday-Friday

7 am – 4 pm

Saturday

7am – 12pm

AGENDA ITEM REQUEST

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<u>DATE AGENDA ITEM SUBMITTED</u> 1/24/2012	<u>DATE OF DESIRED BOARD MEETING</u> 2/14/2012
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CIRCLE ONE: Action Item Non-Action Item Presentation

ITEM REQUESTED FOR CONSIDERATION:
Advisory Board Reports.

If request for funding is approved by the Town Board, an invoice or letter from the requestor to Town of Pahrump/Accounts Payable is required to receive funding.

BRIEF SUMMARY OF ITEM:

BACKUP ATTACHED: YES NO

NAME OF PRESENTER(S) OF ITEM: Town Board & Advisory Boards

SPONSORED BY:

<u>Pahrump Town Board</u> Print Name	<u>Pahrump Town Board</u> Signature
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<u>400 N. Hwy 160</u> Mailing Address	<u>(775) 727-5107</u> Telephone Number
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Economic Development Status Report for Pahrump Town Manager 7Feb12

Company Code	Contact	Date	Type of Contact	Referral	Discussion Company Needs	Need Funds	Info Provided	ED Response Action	Follow-U	Status	% Success
WSR8 CO910	S&M	2/4/2012	Mtg Phone	Business	Funding & Still need Incentives from Town & Nye Co Pahrump & Nye County is uncompetitive. Company seeking other Communities	Yes PPP	Provided	Nothing more ED Mgt can do with-out local incentives to offer from Nye Co or Town. Lack program	Contact 2/16/2012	Active Active Active	**65 **30 30
HEL10 CO911	CEO	2/6/2012	Phone Mtg	Business	Company interested Partnering with Pahrump Energy Project. Discussed candidates & sites	TBD	No further information required until site visit	Site visit planned with partnering company at end of Jan 2012	Contact 2/17/2012	Active Active	70 70
WLR 8P 510	CEO	1/27/2012 1/26/2012 2/2/2012	Phone Email	Town	Still considering Pahrump "Provided Town/County can offer some type of incentives to be competitive	UNK PPP	New potential Pahrump site will work Extended incentives options	Begin new site Due Diligence Good Face to face meeting Follow up end of month in LV	Contact 2/2/2012	Active Pending Pending	**UNK **25 **40
FRI 10CO 708	CEO	2/1/2012	Phone	Business	Company still considering establishing operation in Pahrump. Numerous arrangements & funding	UNK	None needed at this time	Maintaining Contact & Offer help Still pending. Left Message/return call	2/29/2012	Active	50 50
WD10CO 111	Owner	2/2/2012 2/7/2012	Phone meeting	Town	Discussed three options for Pahrump Will be doing Due Diligence all month	Yes	Decide on Pahrump	Provide contact with State regarding Potential incentives Meeting at Town Office	Contact 2/16/2012	Active	**90 90 90
AMX7CO 811	CEO	2/1/2012	Phone	Business	Expanded Due Diligence in area Regulatory changes to industry & local incentives	YES PPP	Already Provided all requested Information	Still evaluating options Conducting due diligence	Contact 2/16/2012	Active	UNK
NEW Leads Unsure		2/9/2012 to 2/16/2012 2/16/2012	Meeting Meeting Meeting	Business State NV Nye Co	Meeting face 2 face with two companies on 2/9/12 3rd on 2/16/12 Details & Info is incomplete for current reporting period. Update upon receiving info	UNK	Still attempting to establishing dialogue with companies and attempting to verify needs	Initial evaluation on 2 of companies concerns with local incentives & workforce skills-availability	Pending	Invest- gating TBD	UNK

BP= Business Plan ** Mark in the % of success box indicates change in rating

CEO= Chief Operating Officer, COO= Chief Operations Officer

Mtg= Meeting TBD = To Be Determined UNK= Unknown, Business= Economic Development Peer/Friend Personal Referral

NCED= Nevada Commission Economic Development

Consul= Consultant

MOU= Memorandum of Understanding

PPP= Public Private Partnership

PM= Project Manager, CMO= Chief Marketing Officer

PAHRUMP TOWN ORDINANCE NO. 35

AN AMENDMENT TO ORDINANCE NO. 35 OF THE UNINCORPORATED TOWN OF PAHRUMP, TO REVISE AND RESTATE THE TOWN'S LICENSING OF BUSINESSES, INCLUDING BUT NOT LIMITED TO: LICENSE REQUIRED; STATE LICENSE REQUIRED; QUALIFICATIONS OF APPLICANTS; LICENSE APPLICATION AND PROCEDURE; EXCEPTIONS; LICENSE TERM; NONPROFIT PERMITS; APPLICABLE BUSINESSES; REPEAL OF PAHRUMP TOWN ORDINANCES NO. 31 AND 52, AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Town Board of the unincorporated Town of Pahrump is desirous of licensing and keeping accurate statistics on businesses in the unincorporated Town of Pahrump; and

WHEREAS, the Town Board of the unincorporated Town of Pahrump is desirous of insuring that citizens and customers will not be subject to illegal or unethical business practices; and

WHEREAS, the Town Board of the unincorporated Town of Pahrump realizes that the licensing of businesses will contribute to the health, safety and welfare of the citizens and consumers of Pahrump; and

WHEREAS, to accomplish this it is appropriate to replace current rules regarding the licensing of businesses within the Town of Pahrump in their entirety.

NOW, THEREFORE, the Town Board of the unincorporated Town of Pahrump, Nye County, Nevada, does hereby ordain as follows:

**BUSINESS LICENSES
PAHRUMP TOWN ORDINANCE NO. 35**

SECTION:

35.000	Declaration of Town Policy
35.010	Purpose of Ordinance
35.020	Short Title
35.030	Scope
35.040	Definitions
35.050	License Required
35.060	License Officer, Powers and Duties; Investigation of Applicants
35.070	State License Required
35.080	Qualifications of Applicants
35.090	License Application and Procedure

35.100	Exemptions
35.110	License Restrictions
35.120	License Posting
35.130	Change of Location
35.140	Change of Ownership
35.150	One Act Constitutes Doing Business
35.160	Separate License for Branch Establishments
35.170	Separate License for Different Business Names Located in Same Building
35.180	License Term
35.190	License Renewal
35.200	Solicitors, Peddlers, and Temporary Merchants
35.210	Enforcement
35.220	Appeal
35.230	Civil Penalties
35.240	Applicable Businesses
35.250	Criminal Penalty
35.260	Responsibilities of Event Organizers
35.270	Constitutionality
35.280	Repeal of Conflicting Ordinances
35.290	Severability
35.300	Effective Date

35.000 DECLARATION OF TOWN POLICY: It is declared to be the policy of the Town of Pahrump to license the operation of businesses in a manner that is consistent with the Nevada Revised Statutes.

35.010 PURPOSE OF ORDINANCE: The business license provisions as set forth herein have been established to license and regulate all lawful trades, callings, industries, occupations, professions and businesses, as more fully set forth in NEV. REV. STAT. 269.170, conducted within the unincorporated limits of the Town and to protect the health, safety and general welfare of the public.

35.020 SHORT TITLE: This ordinance shall be known and may be cited as PAHRUMP, NEVADA, BUSINESS LICENSE ORDINANCE.

35.030 SCOPE: It shall be unlawful for any person, either directly or indirectly, to engage in or carry on any business, trade, profession or calling, within the limits of the Town without first applying for and obtaining a license or permit as hereinafter set forth.

35.040 DEFINITIONS: For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein, unless the context clearly indicates a different meaning:

APPLICANT:	A person who has applied for a Town business license.
BUSINESS	Vocations, occupations, performance of services wherein a charge is made or compensation accepted, as set forth in Section 35.240 herein, professions and enterprises carried on or conducted for profit or benefit within the Town, specifically excluding, however, employees of another with wages and or commissions as the sole compensation.
LICENSE OR PERMIT:	Permission granted by the licensing authority to engage in the business or activity for which the license or permit is granted.
LICENSE FEE OR PERMIT FEE:	Money required by Town ordinances or resolutions to be paid to obtain, renew, or maintain a license or permit.
LICENSE OFFICER:	The Town Manager or the Town Manager's designee.
NONRESIDENT:	Places of business located outside of Town.
RESIDENT:	Places of business located within the Town.
PEDDLER/MERCHANT:	Any person or vendor who performs any of the acts defined as peddling, soliciting or as a temporary merchant.
PEDDLE OR SOLICIT:	Means selling, offering for sale or soliciting orders for goods or services upon the streets, sidewalks or alleys of the Town, or by going from dwelling to dwelling or place to place whether by foot or by other means of transportation.
PERSON:	Natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations; or any officers, agents, employees, factors or any kind of personal representatives of any thereof, in any capacity, acting either for himself or for any other person, under either personal appointment or pursuant to law.
PREMISES:	Lands, structures, places and any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises.
PRINCIPAL:	(A) Any person who is an officer, director, trustee, personal representative or general partner or who has an ownership interest in, or voting control of, the business equal to or greater than ten percent (10%) of the entire ownership or voting control

of such business. If the ownership interest or voting control is held by a person other than an individual, then each representative or general partner of such person is a principal.

(B) Any person who is or will be directly engaged in the administration or supervision of the business; and

(C) Any other person if, in the License Officer's opinion, exercises, or is capable of exercising, significant influence over the business.

TEMPORARY MERCHANT: Any person who engages in the temporary business of selling, offering for sale or soliciting orders for goods or services from a permanent or fixed location. A business shall be deemed temporary if its fixed location is for a period of thirty-one days or less.

TRADE: The performance of a person's means of livelihood for pay without being an employee of a person who holds a valid license within the Town for such occupation.

TRADESMAN: A person residing in the Town, who for his livelihood, operates a business that does not require commercial office space and travels to the job site to perform the service or contract.

TOWN: The unincorporated Town of Pahrump, County of Nye, State of Nevada.

LICENSEE: A person who has been granted a license or permit.

35.050 LICENSE REQUIRED: It is unlawful for any person to commence, carry on, engage in, or continue in the Town any business without holding a valid, unexpired license issued pursuant to this Ordinance. Each day or portion thereof in which a violation is committed, continued or permitted constitutes a separate offense.

35.060 LICENSE OFFICER, POWERS AND DUTIES; INVESTIGATION OF APPLICANTS: The License Officer shall be responsible for the collection of all license fees and shall issue licenses in the name of the Town to all persons qualified under the provision of this Ordinance.

The License Officer shall:

(A) Adopt Forms. Adopt all forms and prescribe the information to be given therein as to character and other relevant matters for all necessary papers.

- (B) Require Affidavits. Require applicants to submit all affidavits and oaths necessary to the administration of this Ordinance.
- (C) Investigate. Investigate and determine the eligibility of any applicant for a license as prescribed herein and the compliance by the applicant with all Town regulations.
- (D) Give Notice. Notify any applicant of the acceptance or rejection of his application and shall, upon his refusal of any license or permit, at the applicant's request, state in writing the reasons thereof and deliver them to the applicant.

35.070 STATE LICENSE REQUIRED: No license to conduct any business shall be issued unless the required State license has been obtained therefore.

35.080 QUALIFICATIONS OF APPLICANTS: The general standards below prescribe the qualifications to be considered and applied by the License Officer to every applicant for a license:

- (A) License History. The license history of the applicant in this or another state. Whether a prior license has been revoked or suspended, the reasons therefore, and the demeanor of the applicant subsequent to such action.
- (B) Federal Personal History. Such other facts relevant to the general personal history of the applicant as shall be found necessary to a fair determination of the eligibility of the applicant for a license.
- (C) No Obligation to the Town. The applicant shall not be in default under the provisions of this Ordinance or indebted or obligated in any manner to the Town except for current utilities.

35.090 LICENSE APPLICATION AND PROCEDURE: Every person required to procure a license under the provision of this Chapter shall submit an application to the License Officer as follows:

- (A) Form. A written statement upon forms provided by the License Officer, to include an affidavit to be sworn to by the applicant before a notary public of this State or the License Officer.
- (B) Contents Required for a business organized pursuant to chapter 82 of NEV. REV. STAT.:
 - a. A copy of their articles of incorporation; and
 - b. A description of their permanent location; and
 - c. Identification of the fictitious name of the business, if applicable; and
 - d. A fire inspection by the Pahrump Valley Fire-Rescue Service of any and all real property to be utilized by the licensee in the Town.
- (C) Contents Required for nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c):
 - a. A letter from the Internal Revenue Service evidencing current 501(c)(3) status; and

- b. A description of their permanent location; and
- c. Identification of the fictitious name of the business, if applicable; and
- d. A fire inspection by the Pahrump Valley Fire-Rescue Service of any and all real property to be utilized by the licensee in the Town.

(D) Contents Required for all other businesses:

- 1. A current copy of their business license issued by the State of Nevada; and
- 2. A description of their permanent location; and
- 3. Identification of the fictitious name of the business, if applicable; and
- 4. A fire inspection by the Pahrump Valley Fire-Rescue Service of any and all real property to be utilized by the licensee in the Town.

35.100 EXCEPTIONS:

The following are not subject to licensing requirements under this Ordinance:

- (A) Governmental entity.
- (B) A person who operates a business from his or her home and whose net earnings from that business are not more than 66 2/3 percent of the average annual wage, as computed for the preceding calendar year pursuant to chapter 612 of NEV. REV. STAT. and rounded to the nearest hundred dollars.
- (C) A natural person whose sole business is the rental of four or fewer dwelling units to others.
- (D) A business whose primary purpose is to create or produce motion pictures. As used in this paragraph, “motion pictures” has the meaning ascribed to it in NRS 231.020.
- (E) A business organized pursuant to chapter 84 of NEV. REV. STAT.

Upon demand by the Town Manager or designee, all persons and entities operating within the Town as an excepted person or entity pursuant to this section must evidence their qualifications for exempt status by competent documentation.

Persons wrongfully claiming exemption are subject to the civil and criminal penalties under this Ordinance.

35.110 LICENSE RESTRICTIONS: No license shall be issued if:

- (A) The conduct of any business or performance of any act in connection thereto would involve a violation of any Ordinance of the Town or the business has engaged in a pattern of unethical business practices.
- (B) An unsatisfactory report is received from the Nye County Health Department in connection with the care and handling of food and the preventing of nuisances and the spread of disease, for the protection of health.

(C) The conduct of any business or performance of any act would involve a violation of any statute of the State of Nevada or other licensing authority, including the County of Nye.

35.120 LICENSE POSTING:

- (A) It shall be the duty of a person conducting a licensed business in the Town to keep his license posted at all times in a prominent place on the premises used for such business. Failure to post the license may be grounds for revocation of the license.
- (B) In the event a license is revoked or terminated prior to its expiration date, it shall be removed from display and may be picked up by the License Officer or designee.

35.130 CHANGE OF LOCATION: The permanent location of any licensed resident business or occupation, or of any permitted act, may be changed, including a resident home business; provided that ten (10) days written submission of a revised application, together with any required fees. Failure to comply with this Section will result in the assessment of a penalty fee.

35.140 CHANGE OF OWNERSHIP: No license may be assigned or transferred to any person other than those named therein to carry on the business. In the event that the ownership of the business changes, a new application must be submitted by the new owner. Any prepaid license fee by the prior owner will be retained by the Town. Failure to comply with this Section will result in the closing of the business and a penalty assessed.

35.150 ONE ACT CONSTITUTES DOING BUSINESS: For the purposes of this Ordinance, a person shall be deemed to be in business or engaging in a profit enterprise, and thus subject to the requirements of this Ordinance, if that person does one of the following acts within the Town:

- (A) Selling any goods or service, excluding a private sale between individuals of real and/or personal property which private sale is unique, exclusive and singular in nature, such as the sale of a private residence or a “garage sale” at a private residence and which sale cannot be construed as a continuous sale of goods or services to the general public at large.
- (B) Soliciting business or offering goods or services for sale or hire.
- (C) Acquiring or using any vehicle or any premises for business purposes.
- (D) Advertising by sign, exhibit, publication, displaying on a motor vehicle or business card indicating that such person is engaged in a business, trade or profession.

35.160 SEPARATE LICENSE FOR BRANCH ESTABLISHMENTS: A license shall be obtained for each branch or location staffed with at least one full-time employee as if each such branch or location is a separate business, provided that warehouses, storage yards and distributing plants used in connection with and incidental to a licensed business shall not be deemed to be separate places of business or branches, but the addresses of such warehouses, storage yards and distributing plants must be included on the business license application.

35.170 SEPARATE LICENSE FOR DIFFERENT BUSINESS NAMES LOCATED IN THE SAME BUILDING: If more than one business is conducted in the same building, with different business names, the license fee shall be assessed separately for each business at such location.

35.180 LICENSE TERM: All licenses issued pursuant to the provisions of this Ordinance shall be subject to payment of the required licensing fees and shall be renewed each year on or before the last day of the anniversary month the license was issued.

35.190 LICENSE RENEWAL:

- (A) The License Officer shall mail a notice of renewal to all licensees not later than thirty (30) days prior to the expiration of such license.
- (B) License fees shall be paid on or before the anniversary month of each license issued. Failure to make such payment shall be grounds for revocation of one's license, in addition to other penalties imposed in accordance with this Ordinance.
- (C) Failure to mail a renewal notice by the Town or the failure of the licensee, for any reason, to receive the notice shall not serve as an excuse or justification for the licensee to fail to obtain a license or renewal thereof, nor shall it constitute a defense in any civil or criminal action for operation of a business without a license or refusal to pay the penalties as provided in this Ordinance.
- (D) If a business license is cancelled due to failure to make payment of required fees and a subsequent application for a license is made, the applicant shall pay the required fee plus any penalties before the requested license may be issued.

35.200 SOLICITORS, PEDDLERS, AND TEMPORARY MERCHANTS: Any solicitor, peddler, or temporary merchant engaging in or transacting business within the Town for the sale of any goods, wares, or merchandise, or for the purpose of selling the same must first obtain a business license as provided herein.

35.210 ENFORCEMENT:

- (A) Notice to Comply. When an inspection report indicates a violation of this Ordinance or of any law or ordinance, the License Officer shall issue to the affected person a notice to comply.
 - 1. The notice issued in compliance with this Ordinance, shall be in writing and shall apprise the person affected of his specific violations, including allegations of unethical business practices. In the absence of the person affected or his agent or employee, copy of such notice shall be affixed to some structure on the same premises. Depositing such notice in the United States mail shall constitute service thereof.
- (B) Compliance Required.
 - 1. The notice shall require compliance within seven (7) calendar days of service on the affected person.

2. If the affected person was found to be operating a business without the proper license, the notice will so state that the business is to cease operations immediately and remain closed until such time that a proper license has been obtained.

35.220 APPEAL:

- (A) An applicant who has been denied a license, or whose license has been suspended or revoked, may appeal such denial, suspension or revocation to the Town Board. The Town Clerk will place the appeal on the next available Town Board agenda. The decision of the Town Board will be final.
- (B) The Town reserves any and all civil remedies and authority available to it, including the authority to seek an injunction or restraining order for the prevention of any threatened violation and for the recovery of any damages suffered.

35.230 CIVIL PENALTIES: Any person violating the provisions of this Ordinance shall be liable for the penalties provided herein or adopted by resolution. Every day of violation of this Ordinance constitutes a separate offense.

35.240 APPLICABLE BUSINESSES: This ordinance shall be applicable to all professions, trades or businesses that the Town has the power to license according to NEV. REV. STAT. 269.170, as amended.

35.250 CRIMINAL PENALTY:

In addition to the civil fines imposed pursuant to this Ordinance, any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and subject to the following penalties:

1. Upon conviction of a first offense shall be sentenced to pay a fine of not less than two hundred (\$200.00) dollars nor more than one thousand (\$1,000.00) dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.
2. Upon conviction of a second offense shall be sentenced to a pay a fine of not less than five hundred (\$500.00) dollars nor more than one thousand (\$1,000.00) dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.
3. Upon conviction of a third offense shall be sentenced to pay a fine of not less than one thousand (\$1,000.00) dollars and be imprisoned for a minimum of ten days and not to exceed six months.

Every day of violation of this Ordinance constitutes a separate offense.

35.260 RESPONSIBILITIES OF EVENT ORGANIZERS: Persons, even if they qualify as an exempt business pursuant to Section 35.100, that organize events within the Town with multiple vendors subject to this Ordinance are required to communicate the licensing requirements and

forms adopted pursuant to this Ordinance to those vendors and ensure their compliance with this Ordinance before the start of the event.

35.270 CONSTITUTIONALITY: If any section, clause, or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

35.280 REPEAL OF CONFLICTING ORDINANCES: All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed. Ordinances 31 and 52 are repealed in their entirety.

35.290 SEVERABILITY: Every Section of this Ordinance, and every part of each section hereof is hereby declared to be independent of each other and parts of sections, and the holding of any section or any part thereof to be voided or ineffective for any reason, shall not be deemed to affect, nor shall it affect, any other section or part of section in this Ordinance contained.

35.300 EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage, adoption and second publication in a publication having general circulation within the Town.

Motioned by Town Board Member: _____

Seconded by Town Board Member: _____

Adopted on the 24th day of January 2012.

Vote: _____ Ayes: _____ Nays: _____

ATTES:

Town Board Chairperson, Mr. Darby

Town Board Clerk, Mr. Kulkin

PAHRUMP TOWN ORDINANCE NO. 35

AN AMENDMENT TO ORDINANCE NO. 35 OF THE UNINCORPORATED TOWN OF PAHRUMP, TO REVISE AND RESTATE THE TOWN'S ~~REGULATIONS CONCERNING THE PURPOSE, SCOPE, DEFINITIONS, LICENSING OF BUSINESSES, INCLUDING BUT NOT LIMITED TO:~~ LICENSE REQUIRED; STATE LICENSE REQUIRED; QUALIFICATIONS OF APPLICANTS; LICENSE APPLICATION AND PROCEDURE; EXCEPTIONS; LICENSE TERM; NONPROFIT PERMITS; APPLICABLE BUSINESSES; ~~AND REPEALING REPEAL OF~~ PAHRUMP TOWN ORDINANCES NO. 31 ~~AND 52~~, AND OTHER MATTERS PROPERLY RELATING THERETO.

~~WHEREAS, current regulations regarding business license management within the Town of Pahrump must be updated to reflect, among other things, additional definitions; and~~

~~WHEREAS, the Town Board of the unincorporated Town of Pahrump is desirous of regulating, licensing, controlling and keeping accurate statistics on businesses in the unincorporated Town of Pahrump; and~~

~~WHEREAS, the Town Board of the unincorporated Town of Pahrump is desirous of insuring that citizens and customers will not be subject to illegal or unethical business practices; and~~

~~WHEREAS, the Town Board of the unincorporated Town of Pahrump realizes that the licensing of businesses will contribute to the health, safety and welfare of the citizens and consumers of Pahrump; and~~

~~WHEREAS, to accomplish this it is appropriate to replace current regulations-rules regarding the licensing of businesses within the Town of Pahrump in their entirety with updated regulations.~~

~~NOW, THEREFORE, the Town of Pahrump, Nevada does ordain:~~

~~35.000 Declaration of Town Policy:~~

~~It is declared to be the policy of this town to regulate the management of Business License in a manner that is consistent with the Nevada Revised Statutes:~~

~~NOW, THEREFORE, the Town Board of the unincorporated Town of Pahrump, Nye County, Nevada, does hereby ordain as follows:~~

**BUSINESS LICENSES
PAHRUMP TOWN ORDINANCE NO. 35**

SECTION:

1

35.000 Declaration of Town Policy

- 35.010 Purpose of Ordinance
- 35.020 Short Title
- 35.030 Scope
- 35.040 Definitions
- 35.050 License Required
- 35.060 License Officer, Powers and Duties; Investigation of Applicants
- 35.070 State License Required
- 35.080 Qualifications of Applicants
- 35.090 License Application and Procedure
- 35.100 Exemptions
- 35.110 License Restrictions
- 35.120 License Posting

~~35.130 Conducting Business at Location Other than Licensed~~

- 35.1340 Change of Location
- 35.1450 Change of Ownership
- 35.1560 One Act Constitutes Doing Business
- 35.1670 Separate License for Branch Establishments
- 35.1780 Separate License for Different Business Names Located in Same Building
- 35.1890 License Term
- 35.19200 License Renewal

~~35.210 Nonprofit Permits~~

- 35.20120 ~~Solietors~~Solicitors, Peddlers, and Temporary Merchants
- 35.21320 Enforcement
- 35.22430 Appeal
- 35.23450 Civil Penalties
- 35.24560 Applicable Businesses

~~35.2680 Existing Businesses~~

~~35.2570 Criminal Penalty~~

35.260 Responsibilities of Event Organizers

- 35.276890 Constitutionality
- 35.3028790 Repeal of Conflicting Ordinances
- 35.3102980 Severability
- 35.32129300 Effective Date

~~35.000 DECLARATION~~35.0000 DECLARATION OF TOWN POLICY: It is declared to be the policy of the Town of Pahrump to regulate license the operation of businesses in a manner that is consistent with the Nevada Revised Statutes.

35.010 ~~PURPOSE OF ORDINANCE:~~ The business license provisions as set forth herein have been established to license and regulate all lawful trades, callings, industries, occupations, professions and businesses, as more fully set forth in ~~Section 35.270~~NEV. REV. STAT. 269.170.

conducted within the unincorporated limits of the Town and to protect the health, safety and general welfare of the public.

35.020 -SHORT TITLE: This ordinance shall be known and may be cited as PAHRUMP, NEVADA, BUSINESS LICENSE ORDINANCE.

35.030 -SCOPE: It shall be unlawful for any person, either directly or indirectly, to engage in or carry on any business, trade, profession or calling, ~~as more fully set forth in Section 35.270,~~ within the limits of the Town without first applying for and obtaining a license or permit as hereinafter set forth.

35.040 -DEFINITIONS: For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein, unless the context clearly indicates a different meaning:

- APPLICANT: A person who has applied for a Town business license.
- BUSINESS Vocations, occupations, performance of services wherein a charge is made or compensation accepted, as set forth in Section 35.270 ~~hereof~~ 2460 herein, professions and enterprises carried on or conducted for profit or benefit within the Town, specifically excluding, however, employees of another with wages and or commissions as the sole compensation.
- LICENSE OR PERMIT: Permission granted by the licensing authority to engage in the business or activity for which the license or permit is granted.
- LICENSE FEE OR PERMIT FEE: Money required by Town ordinances or resolutions to be paid to obtain, renew, or maintain a license or permit.
- LICENSE OFFICER: The Town Manager or ~~designee of the Town of Pahrump~~ Manager's designee.
- NONRESIDENT: Places of business located outside of Town ~~limits.~~
- RESIDENT: Places of business located within the Town ~~limits.~~
- PEDDLER/MERCHANT: Any person or vendor who performs any of the acts defined as peddling, soliciting or as a temporary merchant.
- PEDDLE OR SOLICIT: Means selling, offering for sale or soliciting orders for goods or services upon the streets, sidewalks or alleys of the Town, or by going from dwelling to dwelling or place to place whether by foot or by other means of transportation.

PERSON: Natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations; or any officers, agents, employees, factors or any kind of personal representatives of any thereof, in any capacity, acting either for himself or for any other person, under either personal appointment or pursuant to law.

PREMISES: Lands, structures, places and any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises.

PRINCIPAL: (A) Any person who is an officer, director, trustee, personal representative or general partner or who has an ownership interest in, or voting control of, the business equal to or greater than ten percent (10%) of the entire ownership or voting control of such business. If the ownership interest or voting control is held by a person other than an individual, then each representative or general partner of such person is principal.

(B) Any person who is or will be directly engaged in the administration or supervision of the business; and

(C) Any other person if, in the License Officer's opinion, exercises, or is capable of exercising, significant influence over the business.

TEMPORARY MERCHANT: Any person who engages in the temporary business of selling, offering for sale or soliciting orders for goods or services from a permanent or fixed location. A business shall be deemed temporary if its fixed location is for a period of thirty one days or less.

TRADE: The performance of a person's means of livelihood for pay without being under the supervision of a person who holds a valid license within the Town for such occupation.

TRADESMAN: A person residing in the Town, who for his livelihood, operates a business that does not require commercial office space and travels to the job site to perform the service or contract.

TOWN: The unincorporated Town of Pahrump, County of Nye, State of Nevada.

LICENSEE: A person who has been granted a license or permit.

35.050 -LICENSE REQUIRED:

It is unlawful for any person to commence, carry on, engage in, or continue in the Town any business, ~~as set forth in Section 35.270 hereof,~~ without holding a valid, unexpired license issued pursuant to this Ordinance. Each day or portion thereof in which a violation is committed, continued or permitted constitutes a separate offense.

~~(A) A business license shall only be issued if the applicant identifies a physical location of the business has a fixed place of business from which the business will actually be conducted.~~

~~(B) A license may be issued for a tradesman using an existing business address. A tradesman may use his residential address for conducting business or for advertising purposes and may use the address and phone number of the existing business or for advertising purposes and may use the address and phone number of the existing business or a post office box. An answering service, cellular phone, or pager number may be used for advertising.~~

35.060 -LICENSE OFFICER, POWERS AND DUTIES; INVESTIGATION OF APPLICANTS:

The License Officer shall be responsible for the collection of all license fees and shall issue licenses in the name of the Town to all persons qualified under the provision of this Ordinance.

The License Officer shall:

~~(A) Make Rules. Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this Ordinance.~~

~~(B)~~(A) Adopt Forms. Adopt all forms and prescribe the information to be given therein as to character and other relevant matters for all necessary papers.

~~(C)~~ Require Affidavits. Require applicants to submit all affidavits and oaths necessary to the administration of this Ordinance.

~~(D)~~(C) Investigate. Investigate and determine the eligibility of any applicant for a license as prescribed herein and the compliance by the applicant with all Town regulations.

~~(E)~~(D) Give Notice. Notify any applicant of the acceptance or rejection of his application and shall, upon his refusal of any license or permit, at the applicant's request, state in writing the reasons thereof and deliver them to the applicant.

35.070 -STATE LICENSE REQUIRED:

No license to conduct any business ~~which is regulated and licensed under any provision of the Nevada Revised Statutes~~ shall be issued unless the required State license has been obtained therefore.

~~(A) No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:~~

- ~~1) The department of taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or~~
- ~~2) Another regulatory agency of the state has issued or will issue a license required for this activity.~~

35.080. ~~QUALIFICATIONS OF APPLICANTS~~: The general standards below prescribe the qualifications to be considered and applied by the License Officer to every applicant for a license:

- (A) License History. The license history of the applicant in this or another state. Whether a prior license has been revoked or suspended, the reasons therefore, and the demeanor of the applicant subsequent to such action.
- (B) ~~Federal~~ Personal History. Such other facts relevant to the general personal history of the applicant as shall be found necessary to a fair determination of the eligibility of the applicant for a license.
- (C) No Obligation to the Town. The applicant shall not be in default under the provisions of this Ordinance or indebted or obligated in any manner to the Town except for current utilities.

35.090. ~~LICENSE APPLICATION AND PROCEDURE~~: Every person required to procure a license under the provision of this Chapter shall submit an application to the License Officer as follows:

(A) Form. A written statement upon forms provided by the License Officer, to include an affidavit to be sworn to by the applicant, before a notary public of this State or the License Officer.

~~(B) Contents Required for a business organized pursuant to chapter 82 of NEV. REV. STAT.:~~

- ~~a. A copy of their articles of incorporation; and~~
- ~~b. A description of their permanent location; and~~
- ~~c. Identification of the fictitious name of the business, if applicable; and~~
- ~~d. A fire inspection by the Pahrump Valley Fire-Rescue Service of any and all real property to be utilized by the licensee in the Town.~~

~~—Contents Required:~~

~~(C) for nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c):~~

- a. A letter from the Internal Revenue Service evidencing current 501(c)(3) status; and
- b. A description of their permanent location; and
- c. Identification of the fictitious name of the business, if applicable; and
- d. A fire inspection by the Pahrump Valley Fire-Rescue Service of any and all real property to be utilized by the licensee in the Town.

(D)Contents Required for all other businesses:Contents Required. This This section is satisfied by providing:

- 1. A current copy of their business license issued by the State of Nevada
- 2. A description of their permanent location
- 3. ProvideIdentification of the fictitious name of operation, if applicable
- 4. Obtain a fire inspection by the Pahrump Valley Fire-Rescue Service of any and all real property to be utilized by the licensee through the Pahrump Valley Fire-Rescue Servicein the Town.

(B) disclosure of all information required by this Chapter and any other information which the License Officer determines to be necessary to the fair administration of this Chapter, including but not limited to:

If a special permit or license from a Federal, State, or County agency is required for the business, proof that such permit or license has been obtained. An application cannot be accepted without the aforementioned documents.

Provide fictitious name of operation.

Obtain fire inspection of property to be utilized by the Pahrump Valley Fire-Rescue Service.

After compliance with the provisions of subsections 35.090(A) and (B) a license, if approved, can be issued.

This section is to satisfy efforts by a person providing a current copy of their business license issued by the State of Nevada and a description of their Town locationProvide fictitious name of operation.

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35.100 EXCEPTIONS:

The following are not subject to licensing requirements under this Ordinance:

The following are not subject to this Ordinance:

(A)(A)-A governmental entity.

(B)- A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax exempt organization pursuant to 26 U.S.C. § 501(c).

(B)(C)-A person who operates a business from his or her home and whose net earnings from that business are not more than 66 2/3 percent of the average annual wage, as computed for the preceding calendar year pursuant to chapter 612 of NEV. REV. STAT. and rounded to the nearest hundred dollars.

~~(C) (D)~~-A natural person whose sole business is the rental of four or fewer dwelling units to others.

~~(D)~~ A business whose primary purpose is to create or produce motion pictures. As used in this paragraph, "motion pictures" has the meaning ascribed to it in NRS 231.020.

~~(E) (E)~~-A business organized pursuant to chapters ~~82 or~~ 84 of NEV. REV. STAT.

Upon demand by the Town Manager or designee, all persons and entities operating within the Town as an excepted person or entity pursuant to this section must evidence their qualifications for exempt status by competent documentation.

Persons wrongfully claiming exemption are subject to the civil and criminal penalties under this Ordinance.

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~~(C)~~ 35.100 EXCEPTIONS:

~~A person under the age of eighteen (18) years and a Town resident for thirty (30) days performing any service or offering any product on a casual basis and not as a full-time occupation, such as sale and/or delivery of newspapers, magazines and greeting cards shall not be deemed to be in business or soliciting business.~~

~~Federal, State or County agencies including the Town shall be exempt from provision of this Chapter.~~

~~A person performing any service or offering any product on a casual basis and not as a full-time occupation which business in total gross income and whose estimate of gross income for the next calendar year is less than \$6,000.00.~~

~~The following are not subject to this Ordinance:~~

~~-A governmental entity;~~

~~-A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax exempt organization pursuant to 26 U.S.C. § 501(c);~~

~~-A person who operates a business from his or her home and whose net earnings from that business are not more than 66 2/3 percent of the average annual wage, as computed for the preceding calendar year pursuant to chapter 612 of NEV. REV. STAT. and rounded to the nearest hundred dollars;~~

~~-A natural person whose sole business is the rental of four or fewer dwelling units to others.~~

~~-A business organized pursuant to chapters 82 or 84 of NEV. REV. STAT.~~

35.110- LICENSE RESTRICTIONS: No license shall be issued if:

(A) The conduct of any business or performance of any act in connection thereto would involve a violation of any Ordinance of the Town or the business has engaged in a pattern of unethical business practices, and/or County.

(B) An unsatisfactory report is received from the Nye County Health health Dept. Department with jurisdiction in the Town in connection with the care and handling

of food and the preventing of nuisances and the spread of disease, for the protection of health.

- (C) The conduct of any business or performance of any act would involve a violation of any statute of the State of Nevada or other licensing authority, including the County ~~or the Town of Nye.~~

35.120- ~~LICENSE POSTING:~~

- (A) It shall be the duty of a person conducting a licensed business in the Town to keep his license posted at all times in a prominent place on the premises used for such business. Failure to post the license may be grounds for revocation of the license.
- (B) In the event a license is revoked or terminated prior to its expiration date, it shall be removed from display and may be picked up by the License Officer or designee.

~~35.130 CONDUCTING BUSINESS AT A LOCATION OTHER THAN LICENSED: In the event that a licensee shall conduct his business at a location other than the place for which the license was issued or shall fail to conduct his business at the place for which the license was issued, the License Officer shall revoke such license forthwith, and a license shall not be issued subsequently to such licensee until a revised application, along with payment of assessed penalty fees, is received.~~

35.1340 ~~CHANGE OF LOCATION:~~ The ~~location~~ permanent location of any licensed resident business or occupation, or of any permitted act, may be changed, including a resident home business; provided that ten (10) days written submission of a revised application, together with any required fees. Failure to comply with this Section will result in the assessment of a penalty fee.

35.1450 ~~CHANGE OF OWNERSHIP:~~ No license may be assigned or transferred to any person other than those named therein to carry on the business. In the event that the ownership of the business changes, a new application must be submitted by the new owner. Any prepaid license fee by the prior owner will be retained by the Town. Failure to comply with this Section will result in the closing of the business and a penalty assessed.

35.1560 ~~ONE ACT CONSTITUTES DOING BUSINESS:~~ For the purposes of this Ordinance, a person shall be deemed to be in business or engaging in a profit enterprise, and thus subject to the requirements of this Ordinance, if that person does one of the following acts within the Town consisting of:

- (A) Selling any goods or service, excluding a private sale between individuals of real and/or personal property which private sale is unique, exclusive and singular in nature, such as the sale of a private residence or a “garage sale” at a private residence and which sale cannot be construed as a continuous sale of goods or services to the general public at large.

~~(B)~~ Soliciting business or offering goods or services for sale or hire.

~~(C)~~~~(B)~~ ~~Acquiring or using any vehicle or any premises in the Town for business purposes.~~

~~(D)~~~~(C)~~ Advertising by sign, exhibit, publication, displaying on a motor vehicle or business card indicating that such person is engaged in a business, trade or profession.

~~35.1670 -SEPARATE LICENSE FOR BRANCH ESTABLISHMENTS: A license shall be obtained for each branch or location staffed with at least one full-time employee as if each such branch or location is a separate business, provided that warehouses, storage yards and distributing plants used in connection with and incidental to a licensed business shall not be deemed to be separate places of business or branches, but the addresses of such warehouses, storage yards and distributing plants must be included on the business license application.~~
~~35.170- SEPARATE LICENSE FOR BRANCH ESTABLISHMENTS: A license shall be obtained in the manner prescribed herein for each branch establishment or location of the business engaged in, as if each such branch establishment or location is a separate business; provided, that warehouses, storage yards and distributing plants used in connection with and incidental to a licensed business shall not be deemed to be separate places of business or branch establishments, but the addresses of such warehouses, storage yards and distributing plants must be included on the business license application. (Employee requirements Employee Requirements)~~

~~35.1780~~ ~~SEPARATE LICENSE FOR DIFFERENT BUSINESS NAMES LOCATED IN THE SAME BUILDING: If more than one business is conducted in the same building, with different business names, the license fee shall be assessed separately for each business at such location.~~

~~35.1890~~ ~~LICENSE TERM: All licenses issued pursuant to the provisions of this Ordinance shall be subject to payment of the required licensing fees and shall be renewed for the period specified. All licenses issued pursuant to the provisions of this Ordinance shall be subject to payment of the required licensing fees and shall be renewed each year, by on or before the last day of the anniversary month of the start date of each individual, the license was issued.~~

~~35.20190~~ ~~LICENSE RENEWAL:~~

(A) The License Officer shall mail a notice of renewal to all licensees not later than thirty (30) days prior to the expiration of such license.

(B) License fees shall be paid on or before the anniversary ~~date-month~~ of each ~~individual~~ license issued. Failure to make such payment ~~timely and the continuation of doing business~~ shall be grounds for revocation of ~~one's~~ license, in addition to ~~the other~~ penalties ~~as provided in subsection 35.220(E) below identified herein~~ imposed in accordance with ~~this Ordinance.~~

(C) Failure to mail a renewal notice by the Town or the failure of the licensee, for any reason, to receive the notice shall not serve as an excuse or justification for the licensee to fail to obtain a license or renewal thereof, nor shall it constitute a defense in any civil or criminal action for operation of a business without a license or refusal to pay the penalties as provided in this Ordinance.

(D) If a business license is cancelled due to failure to make payment of required fees and a subsequent application for a new license is made within the prescribed license period, the applicant shall pay the required fee plus the any penalties provide in subsection 35.220(E) below as provided herein or by resolution or by resolution before the requested license may be issued.

~~(D)~~

~~35.210 NONPROFIT PERMITS:~~

~~(A) Nonprofit permits may be issued to any person or organization operating pursuant to IRS Publication 557 designation.~~

~~(B) An applicant for a nonprofit permit shall submit an application to the License Officer along with the appropriate IRS designation certificate(s) and shall furnish such additional information and affidavits as the License Officer shall reasonably require.~~

~~(C) Should the License Officer determine that the applicant cannot submit the proper IRS designation certificate then the regular license fee shall be applicable.~~

~~35.220 Solicitors, peddlers, and temporary merchants:~~

~~35.210 SOLICITORS, PEDDLERS, AND TEMPORARY MERCHANTS:~~

~~Any solicitor, peddler, or temporary merchant of merchandise to engage in or transacting business within the Town of Pahrump for the sale of any goods, wares, or merchandise, or for the purpose of selling the same must without first having obtained a permit from the Town Manager business license as provided herein.~~

~~35.210 ENFORCEMENT:~~

(A) Notice to Comply. When an inspection report indicates a violation of this Ordinance or of any law or ordinance, the License Officer shall issue to the affected person a notice to comply.

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1. The notice issued in compliance with this Ordinance, shall be in writing and shall apprise the person affected of his specific violations, including allegations of unethical business practices. In the absence of the person affected or his agent or employee, copy of such notice shall be affixed to some structure on the same premises. Depositing such notice in the United States mail shall constitute service thereof.

(B) Compliance Required.

1. The notice shall require compliance within seven (7) calendar days of service on the affected person.
2. If the affected person was found to be operating a business without the proper license, the notice will so state that the business is to cease operations immediately and remain closed until such time that a proper license has been obtained.

35.2~~340~~ — -APPEAL:

- (A) An applicant who has been denied a license, or whose license has been suspended or revoked, may appeal such denial, suspension or revocation to the Town Board. The Town Clerk will place the appeal on the next available Town Board agenda. The decision of the Town Board will be final.
- (B) The Town reserves any and all civil remedies and rights-authority available to it, including the right-authority to seek an injunction or restraining order for the prevention of any threatened violation and for the recovery of any damages suffered.

35.2~~3450~~ — -CIVIL PENALTIES: Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor; and, upon conviction thereof, shall be punished as the Nevada Revised Statutes allow for a misdemeanor crime. Whenever in this Ordinance any act is prohibited, or is made or declared to be unlawful, or an offense or a misdemeanor, or whenever in such Ordinance the doing of any act is required, or the failure to do any act is made or declared to be unlawful, or an offense or misdemeanor, the doing of any such prohibited act, or the failure to do any such required act, shall constitute a violation of this Ordinance. Every day of violation of this Ordinance constitutes a separate offense liable for the penalties provided herein or adopted by resolution. Every day of violation of this Ordinance constitutes a separate offense.

35.2~~4560~~ — -APPLICABLE BUSINESSES:- This ordinance shall be applicable to ~~the following businesses:~~

- (A) ~~Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.~~
- (B) ~~Boot makers, cobblers, dressmakers, milliners, shoemakers, tailors.~~

- (C) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.
- (D) Barrooms, gaming, manufacturers of liquors and other beverages, saloons.
- (E) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks, theaters.
- (F) Corrals, hay yards, livery and sale stables, wagon yards.
- (G) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies, water companies.
- (H) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.
- (I) Brokers, commission merchants, factors, general agents, mercantile agents, merchants and traders, stockbrokers.
- (J) Drummers, hawkers, peddlers, solicitors.
- (K) Insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B3020.

~~All~~ professions, trades or ~~business within~~ businesses that the Town ~~not specified in Section 35.260 (A) above~~ has the power to license according to NEV. REV. STAT. 269.170, as amended.

35.2670 ~~EXISTING BUSINESSES:~~ All businesses currently existing and operating within the unincorporated Town of Pahrump shall comply with the provisions of this Ordinance prior to the first day of July of the year of the passage of this Ordinance.

35.256780 Criminal Penalty ~~CRIMINAL PENALTY:~~

In addition to the civil fines imposed pursuant to this Ordinance, any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and subject to the following penalties shall be sentenced to pay of a fine of:

~~1. Upon conviction of a first offense shall be sentenced to pay a fine of not less than two hundred (\$200.00) dollars not more than one thousand (\$1,000.00) dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.~~

~~2. Upon conviction of a second offense shall be sentenced to pay a fine of not less than five hundred (\$500.00) dollars nor more than one thousand (\$1,000.00) dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.~~

~~3. Upon conviction of a third offense shall be sentenced to pay a fine of not less than one thousand (\$1,000.00) dollars and be imprisoned for a minimum of ten days and not to exceed six months.~~

Every day of ~~violation~~ violation of this Ordinance constitutes a separate offense.

35.260 RESPONSIBILITIES OF EVENT ORGANIZERS: Persons, even if they qualify as an except business pursuant to Section 35.100, that organize events within the Town with multiple vendors subject to this Ordinance are required to communicate the licensing requirements and

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forms adopted pursuant to this Ordinance to those vendors and ensure their compliance with this Ordinance before the start of the event.

35.276780 ~~-CONSTITUTIONALITY:~~ If any section, clause, or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

35.287890 ~~-REPEAL OF CONFLICTING ORDINANCES:~~ All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ~~ordinance-Ordinance~~ hereby adopted are hereby repealed. Ordinances 31 and 52 ~~is~~are repealed in ~~its~~their entirety.

35.3029890 ~~-SEVERABILITY:~~ Every Section of this ~~ordinance~~Ordinance, and every part of each section hereof is hereby declared to be independent of each other and parts of sections, and the holding of any section or any part thereof to be voided or ineffective for any ~~ease~~reason, shall not be deemed to affect, nor shall it affect, any other section or part of section in this ~~ordinance~~ Ordinance contained.

35.31029300 ~~-EFFECTIVE DATE:~~ This ~~ordinance-Ordinance~~ shall be in full force and effect from and after its passage, adoption and second publication in ~~the Pahrump Valley Times,~~a newspaper printed and published within the County of Nye, State of Nevada.~~publication having general circulation within the Town.~~

PTO 35 Changes
Mike Darby

35.080 (B) Federal history should be changed to criminal background check, I feel this is too intrusive and having had a TSA background check myself this could take six (6) months to complete.

35.100
In Clark county “motion pictures” making is not exempted.

35.110
Should read State Health Department or representative.

35.120
(A) should be in the office of the place of business as premises of business are not conclusive to posting as in an outdoor business.

35.150
To me is nonsense and should be stricken, it’s too vague.

35.190
With the requirements set forth by the town as strict as they are and the burden being set on the person conducting business I feel that (C) should be held to the Town as “doing their part” and be mailed “receipt requested” as proof of mailing.

35.210
Again this mailing needs to be mailed “receipt requested” as proof of mailing.

35.250
This is too sever and I feel the first offense should be cover court cost, and then on to the more punitive.

35.260
Should be changed to make Pahrump a friendly place to have events and just hold the event organizers responsible for vendor permits for up to four (4) day events.

Thank you

PTO 35 Changes

Mr. Kulkin

Add to Definitions:

Personal Belongings: Any item originally bought for the use of the buyer or their family

35.100:

(B) Change “net” to “gross” in line one.

(C) Remove (One or more dwelling units need business license)

(D) “Motion Pictures” should not be exempt

35.130 add “and mailing address” to line one so it shall read “The permanent location and mailing address of any license resident business or occupation”

35.260 add to line one the following: are required to obtain a temporary license and list all vendors with tax ID’s where applicable and remove all other wording after required to.

AGENDA ITEM REQUEST

Requests and backup must be into the Town Office by **3:00 p.m. ten (10) business days before the preceding Town Board meeting** you wish the item presented. Town Board meetings are held on the second and fourth Tuesday of each month at 7:00 p.m. in the County Complex.

DATE AGENDA ITEM SUBMITTED 12/13/2011	DATE OF DESIRED BOARD MEETING 2/14/2012
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CIRCLE ONE: Action Item Non-Action Item Presentation

ITEM REQUESTED FOR CONSIDERATION:
Discussion and Possible Decision to Approve Resolution #2012-01, A Resolution
Adopting a Fee Structure Pursuant to Pahrump Town Ordinance No 35, as Amended.

If request for funding is approved by the Town Board, an invoice or letter from the requestor to Town of Pahrump/Accounts Payable is required to receive funding.

BRIEF SUMMARY OF ITEM:
See attached Resolution 2012-01.

BACKUP ATTACHED: YES NO

NAME OF PRESENTER(S) OF ITEM: Mr. Kohbarger, Pahrump Town Manager

SPONSORED BY:

William A. Kohbarger, Town Manager
Print Name


Signature

400 N. Hwy 160
Mailing Address

(775) 727-5107 ext. 305
Telephone Number

RESOLUTION #2012-01

TOWN OF PAHRUMP, NEVADA

A RESOLUTION ADOPTING A FEE STRUCTURE PURSUANT TO PAHRUMP TOWN ORDINANCE NO. 35, AS AMENDED.

WHEREAS, the Town Board of the unincorporated Town of Pahrump is responsible for protecting the health, welfare and safety of the citizens of the Town of Pahrump; and

WHEREAS, the Town Board of the unincorporated Town of Pahrump has found that the following fees are necessary for the adequate implementation of Pahrump Town Ordinance No. 35.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby specifically creates the following fee structure pursuant to Pahrump Town Ordinance No. 35, as amended:

- | | |
|---|----------|
| 1. Chapter 82 & 501(c)(3) | \$ 5.00 |
| 2. Sole Proprietorships | \$ 50.00 |
| 3. Partnerships | \$ 60.00 |
| 4. LLC or Corporations | \$ 75.00 |
| 5. LLC or Corporations
with 100 or more employees
except Chapter 82 &
26 USC 501 (c)(3) entities | \$100.00 |
| 6. Businesses without a
fixed location within
the Town of Pahrump | \$150.00 |
| 7. Temporary Merchants | \$ 25.00 |

The foregoing fee structure is effective from and after the passage, adoption and second publication of Pahrump Town Ordinance No. 35, as amended on or after the date of this Resolution.

Motion proposed by Town Board Member:

Motion seconded by Town Board Member:

Vote: Ayes: Nays: Absent:

Approved on the 24th day of January, 2012

Mike Darby, Chairman
Pahrump Town Board

Harley Kulkin, Clerk
Pahrump Town Board

Resolution 2012-01 Changes
Mr. Kulkin

Fee Structure

Temporary Business

Temporary Merchant (1 person)	\$10.00
Temporary Merchant (2-5 persons)	\$25.00
Temporary Merchant (6+ person)	\$75.00
Event Organizer (1-49 Vendors)	\$1.00 per vendor
Event Organizer (50+ Vendors)	\$1.50 per vendor

Permanent Business

Chapter 82 501(c)(3)	\$50.00
Businesses (1-5 Employees)	\$50.00
Businesses (6-10 Employees)	\$75.00
Businesses (11-20 Employees)	\$100.00
Businesses (21-40 Employees)	\$200.00
Businesses (41-70 Employees)	\$500.00
Businesses (71-100 Employees)	\$750.00
Businesses (101+ Employees)	\$1000.00

NOTE: Part-time Employees (less than 30-hours) equates to a ½ Employee with Town Board Approval

Businesses without a fixed location within the Town of Pahrump (Government Hired Exempt)	\$300.00
---	----------

AGENDA ITEM REQUEST

Requests and backup must be into the Town Office by **3:00 p.m. ten (10) business days before the preceding Town Board meeting** you wish the item presented. Town Board meetings are held on the second and fourth Tuesday of each month at 7:00 p.m. in the County Complex.

DATE AGENDA ITEM SUBMITTED	DATE OF DESIRED BOARD MEETING
1/24/2012	2/14/2012

CIRCLE ONE: Action Item Non-Action Item Presentation

ITEM REQUESTED FOR CONSIDERATION:
Discussion and Possible Decision to Create a Town Board Committee to Negotiate a Contract with the Current Town Manager and All Other Matters Properly Related thereto.

If request for funding is approved by the Town Board, an invoice or letter from the requestor to Town of Pahrump/Accounts Payable is required to receive funding.

BRIEF SUMMARY OF ITEM:

BACKUP ATTACHED: YES NO

NAME OF PRESENTER(S) OF ITEM: Mike Darby, Town Board Chairman

SPONSORED BY:


Mike Darby, Town Board Chairman
Print Name

Signature

400 N. Hwy 160
Mailing Address

(775) 727-5107
Telephone Number

MEMO
TOWN OF PAHRUMP
TOWN BOARD MEETING AGENDA ITEM
MEETING DATE: 02/14/12

TO: Town Board

FROM: William A. Kohbarger, Pahrump Town Manager

DATE: February 9, 2012

RE: Town Board Agenda Item #12 - **Discussion and Possible Decision** to Approve Additional Annual Leave for Town Employees and All Other Matters Properly Related Thereto. (For Possible Action)

1.) Background

Six week ago (three pay periods), Nye County processed the first payroll/check stubs from the new Tyler Financial system. Each employee's pay stub showed Sick and Annual Leave accruals for the pay period, as well as their total available Sick and Annual Leave hours, up to the "Maximum Accruals". (240 = annual and 720 = sick) "Maximum Accruals" are those limits set pursuant to the Town's Personnel Policy Manual (PPM).

The former financial system did not have the capability to stop accruing hours once the "Maximum Accrual" as set forth in the PPM was reached. Therefore, when the first payroll/check stubs came out from the new system, several employees "appeared" to have lost annual leave hours.

Upon receiving the new payroll stubs, Mr. Balloqui, CS&BD Manager approached Town Manager Kohbarger and advised that his payroll stub was incorrect. Town Manager Kohbarger explained to Mr. Balloqui that his payroll stub was indeed correct pursuant to the PPM Section 6.2 Annual Leave.

Upon reading PPM Annual Leave Section 6.2.3(2) Eligibility Maximum Accrual, it clearly states "Accrued annual leave may not exceed 240 hours unless it is determined that the employee requested and was denied leave because of the Town of Pahrump's business requirements".

Mr. Balloqui requested that his amount be returned to what he thinks is correct 330.5 Annual Leave hours. Town Manager Kohbarger denied the request based on the following facts:

1. It was Mr. Balloqui's responsibility to know what the PPM states. He received a copy of the PPM and sign an Acknowledgment sheet advising that he read, understood and adhered to these policies.
2. That Mr. Balloqui was never denied annual leave pursuant to PPM Section 6.2.3(2).

Mr. Balloqui requested the opportunity to address the Town Board for their consideration and Mr. Kohbarger approved his request.

2.) Fiscal Impact

The Fiscal Impact on the Town would be at least \$3,100 which has not been budgeted.

MEMO
TOWN OF PAHRUMP
TOWN BOARD MEETING AGENDA ITEM
MEETING DATE: 02/14/12

However, the Fiscal Impact could increase substantially if other employees come forth with the same concern. Town Manager Kohbarger knows of six additional employees that may fall into this category.

3.) Town Manager Recommendation and Board Action Requested

The Town Manager recommends that the Town Board *move to deny this request pursuant to the following reason(s)*:

1. It is staff responsibility to know what the PPM states. “They received a copy of the PPM and signed a form acknowledging their responsibility to read, understand and adhere to these policies”.
2. Individual staff have never been denied annual leave pursuant to PPM Section 6.2.3(2).

If you have any additional questions, we would be happy to answer them.

Request for consideration on lost allocated vacation leave.

February 7, 2012

History:

On 17 November 2008 I was hired for the position of Community Business & Development Services Manager. My starting wage was a specific amount, in addition to annual and sick leave accrual. The annual and sick leave accrual is the issue of this request. Therefore I will address these two items directly. They both accrue at .0625 hours credit for each regularly scheduled hour on paid status; this can be found in the office policy under Annual leave 6.2.1 page 65 & Sick Leave 6.3.1 page 66

Challenge:

The challenge I find myself facing is the misunderstanding between Annual Leave 1.1.3 Section Eligibility Maximum Accrual Section 6.2.3-(2) 240 hours amount and Sick Leave Accrual 6.3.1 (C) maximum accrual of 720 hours being reversed in my understanding over the last two years.

Town of Pahrump Office Policy:

Annual Leave 6.2

Eligibility Maximum Accrual.

Section 6.2.3-(2) states that accrued annual leave may not exceed 240 hours, unless it is determined that the employee requested and was denied leave because of the Town of Pahrump's business requirements. When allowing accrual above the maximum, the Town of Pahrump will establish with the employee a specific schedule for use of the excess leave or may authorize cash payment for accrued annual leave, subject to funds being available in an approved budget.

(I have never been denied any request for annual leave.)

Sick Leave

Sick Leave 6.3.1 Policy

1) Accrual

The Town of Pahrump expects each employee to be available for work on a regular and reliable basis. **The employer will monitor attendance and leave use** whether or not the employee has accumulated leave balances remaining in his/her sick leave account.

C) Unused sick leave will be credited to the employee's sick leave balance to a maximum accrual of 130 hours per year. Sick leave accrual will cease when the employee's total balance reaches 720 hours and will not resume until the balance falls below 720 hours.

Misunderstanding:

The maximum permitted accrued leave was believed to be 720 hours and not 240 hours. I had read the office policy over 40 months ago and acknowledged so by signing.

It is important to note that Nye County is the entity that handles the Towns payroll and records employees accounting of vacation and sick leave. It is very likely that this dilemma would have been noticed and prevented if vacation leave accumulation had been correctly documented over the last two years. In December 2010 my bi weekly statement stated I have a usable balance of 240.5 hours of eligible vacation leave. This amount continued to accumulate throughout 2011 on the 26 statements to 330.5 hours of vacation leave available. Then on the January 12, 2012 wage statement it subtracted 95.5 hours stating "taken". This was questioned on January 16, 2012 upon receipt of my wage statement. It was not until that time that I was made aware of the forfeiture. If I have been aware that the time which I had banked I would lose, I would have utilized the hours earned. I have since lost an additional 10 hours of vacation leave waiting to present this before the Board.

Summary & Requested Action:

I understand that the policy was in place at the time of my employment and that I signed to abide by it. I admit it was because of my misunderstanding of the vacation and sick leave policy that the hours accumulated. I also can definitively say that if the County System had accurately reported I would have been facing only 5 hours lost instead of 110 hours. I believe it is reasonable that most employees view their vacation credit as a significant component of their overall compensation. Therefore such a financial penalty constitutes a hardship or lack of appreciation for continuing to be dedicated to stay at work.

The 110 hours amounts to just over two weeks work or slightly less than \$3,100 (110 hours X hourly wage). I ask that I be permitted the following options:-Continue to carry the 110 hours forward into the present year 2012 to be used as vacation leave or paid upon termination of employment. However, should I elect not to use the accumulated 110 hours, plus the regular accrued leave by the end of 2012 then I will agree to forfeit of all accumulated vacation leave over 240 hours unused as specified in the office policy. I see this as a fair equitable request to all parties and trust you will also.

In closing I would ask that this request be granted to any additional Town employees that may have suffered this misunderstanding.

Thank you, for your time and consideration.

Al Balloqui
Pahrump
Community Business & Development Services Manager
702-400-6577

Attached: Four Wage Statements dated; 12/30/10, 12/29/11, 01/12/2012 & 01/26/2012

BALLOQUI

Date: [REDACTED] Nye County, Nevada

Direct Deposit Date: 12/30/10 Net: [REDACTED]

EARNINGS DESCRIPTION		HOURS	GROSS AMOUNT		DEDUCTIONS DESCRIPTION	CURRENT	YEAR-TO-DATE	
REGULAR		26.00	[REDACTED]		DENTAL / VISION FA HEALTH / PAH PPOX FEDERAL TAX MEDICARE	[REDACTED]	[REDACTED]	
SICK		14.00	[REDACTED]					
Gross [REDACTED]								
TYPE	ACCRUED	CURR USED	BALANCE	YTD USED				
AL	2.500		240.500	8.00				
SL	2.500	14.000	213.500	54.00				
					YTD GROSS PAY	YTD FED GROSS	YTD FICA GROSS	YTD MEDICARE GROSS
					[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

12/13/2010 thru 12/26/2010

12/30/10

Checking:

[REDACTED]

VOID *** VOID **

736 75 22
ALFRED BALLOQUI
2220 SILVER STREET
PAHRUMP, NV 89048

BALLOQUI

Rate: [REDACTED] Nye County, Nevada

Direct Deposit Date: 12/29/11 Net: [REDACTED]

EARNINGS DESCRIPTION		HOURS	GROSS AMOUNT	DEDUCTIONS DESCRIPTION	CURRENT	YEAR-TO-DATE
REGULAR		80.00	[REDACTED]	DENTAL / VISION FA HEALTH / PAH FA HEALTH / PAH 1010 FEDERAL TAX MEDICARE	[REDACTED]	[REDACTED]
Gross			2211.20			
TYPE	ACCRUED	CURR USED	BALANCE	YTD USED		
AL	5.000		330.500	40.00		
SL	5.000		255.500	88.00		
					YTD GROSS PAY	YTD FED GROSS
					[REDACTED]	[REDACTED]
					YTD FICA GROSS	YTD MEDICARE GROSS
					[REDACTED]	[REDACTED]

12/12/11 THRU 12/25/11

12/29/11

Checking:

* [REDACTED]

VOID *** VOID **

736 75 22
ALFRED BALLOQUI
2220 SILVER STREET
PAHRUMP, NV 89048

NYE COUNTY, NEVADA

Emp Name ALFRED BALLOQUI	Pay period start 12/26/2011	Gross pay
Emp # 000424	Home Dept 75 22 519	Net pay
Check # 267	Issue Date 1/12/2012	Taxable calendar YTD earnings

EARNINGS				DEDUCTIONS	
Description	Hours	Rate	Amount	Description	Amount
Regular Hours HOLIDAY	[REDACTED]	[REDACTED]	[REDACTED]	Medicare - Pahrump PPO 1000 Dental / Vision DIR. DEPOSIT	[REDACTED]

LEAVE				BENEFITS	
Description	Taken	Earned	Balance	Description	Amount
ANNUAL LEAVE	95.50	5.00	240.00	Medicare - Pahrump PERS Workers Comp PPO 1000 Benefit Life Insurance Dental / Vision	[REDACTED]
SICK LEAVE	0.00	5.00	260.50		

Comments:

PLEASE DETACH BEFORE DEPOSITING



NYE COUNTY, NEVADA
 NYE COUNTY TREASURER
 P.O. BOX 473
 TONOPAH, NEVADA 89049

NEVADA STATE BANK
 P.O. BOX 313
 TONOPAH, NEVADA 89049

Check # 267

Dept	Emp #
75 22 519	000424

Pay exactly ***** VOID ***** VOID ***** VOID ***** VOID *****

Pay to the order of
 ALFRED BALLOQUI
 2220 SILVER STREET
 PAHRUMP, NV 89048

Emp Name ALFRED BALLOQUI	Pay period start 1/9/2012	Gross pay [REDACTED]
Emp # 000424	Pay period end 1/22/2012	Net pay [REDACTED]
Check # 739	Home Dept 75 22 519	Taxable calendar YTD earnings [REDACTED]
	Issue Date 1/26/2012	

EARNINGS				DEDUCTIONS		
Description	Hours	Rate	Amount	Description	Amount	Year-to-date
Regular Hours	[REDACTED]	[REDACTED]	[REDACTED]	Medicare - Pahrump	[REDACTED]	[REDACTED]
Sick - Used	[REDACTED]	[REDACTED]	[REDACTED]	PPO 1000	[REDACTED]	[REDACTED]
HOLIDAY	[REDACTED]	[REDACTED]	[REDACTED]	Dental / Vision	[REDACTED]	[REDACTED]
Annual Leave Adjust	-5.00	0.0000	[REDACTED]	Dental / Vision	0.00	[REDACTED]
				DIR. DEPOSIT	[REDACTED]	[REDACTED]

LEAVE				BENEFITS		
Description	Taken	Earned	Balance	Description	Amount	Year-To-Date
ANNUAL LEAVE	0.00	0.00	240.00	Medicare - Pahrump	[REDACTED]	[REDACTED]
REGULAR SICK LEAVE	8.00	8.00	0.00	PERS	[REDACTED]	[REDACTED]
SICK LEAVE	16.00	5.00	249.50	Workers Comp	[REDACTED]	[REDACTED]
				PPO 1000	0.00	[REDACTED]
				Benefit Life Insurance	0.00	[REDACTED]
				Dental / Vision	0.00	[REDACTED]

Comments:

PLEASE DETACH BEFORE DEPOSITING



NYE COUNTY, NEVADA
 NYE COUNTY TREASURER
 P.O. BOX 473
 TONOPAH, NEVADA 89049

NEVADA STATE BANK
 P.O. BOX 313
 TONOPAH, NEVADA 89049

Check # 739 94-77
1224

Dept	Emp #	Date
75 22 519	000424	1/26/2012

Amount
 *****0.00

Pay exactly ***** VOID ***** VOID ***** VOID ***** VOID *****

Pay to the order of
 ALFRED BALLOQUI
 2220 SILVER STREET
 PAHRUMP, NV 89048

NOT NEGOTIABLE - NOTICE OF DEPOSIT

**PAHRUMP TOWN BOARD MEETING
NYE COUNTY ADMINISTRATIVE COMPLEX
2100 E WALT WILLIAMS DRIVE
TUESDAY – 7:00 P.M.
January 10, 2012
MINUTES**

PRESENT:

Town Board:

Mike Darby
Vicky Parker
Carolene Endersby
Dr. Tom Waters
Harley Kulkin

Staff:

Bill Kohbarger, Town Manager
Seaton Curran, Attorney
Scott Lewis, Chief
Michael Sullivan, Finance Director
Samantha Carns, Executive Assistant

1. Call to Order, Moment of Silence, and Pledge of Allegiance.

Mike Darby called the meeting to order.

Tom Waters led in the moment of silence and Pledge of Allegiance.

2. Discussion and Possible Decision on Electing a Chair, Vice-Chair and Town Clerk for the 2012 Pahrump Town Board Pursuant to the Town Board Policy.

Mr. Darby said it had been requested for offices to be voted on once at a time.

Carolene Endersby nominated Mr. Darby as Chairman.

Harley Kulkin requested procedure clarification.

Dr. Waters said he believed the Town Board worked well together and that each position should have two years of service. His recommendation was to re-appoint existing positions to their current title.

Dr. Waters seconded the nomination of Mr. Darby as Chairman.

Mr. Kulkin stated he felt each board member who wished to have the experience of an office should have the opportunity and that this opportunity should be available each year in order for all to receive the most experiences as possible whilst on the Board.

He said Mr. Darby had not fulfilled all requirements as Chairperson including attending County Commissioner Meetings and, although he respected that Mr. Darby had a career, the Board had made a point on many issues to enforce and follow rules and regulations. He said Mr. Darby had done a good job as Chairperson in general however he felt other Board members should have the opportunity of serving as Chairperson.

Mr. Kulkin nominated Mrs. Parker as Chairperson and Dr. Waters as Vice Chairperson.

Mrs. Parker commented that in the ten (10) years she had been attending Pahrump Town Board meetings it had been normal policy to rotate offices therefore she concurred with Mr. Kulkin.

Mrs. Parker accepted the nomination of Chairperson.

Motion carried for Mr. Darby to remain as Chairperson at a 3-2 vote with Mr. Kulkin and Mrs. Parker voting nay.

**Dr. Waters nominated Mrs. Parker as Vice Chair.
Mr. Kulkin seconded.**

Motion carried, for Mrs. Parker to remain Vice Chairperson at a 3-2 vote with Mrs. Parker and Mrs. Endersby voting nay.

**Mrs. Parker nominated Mr. Kulkin as Clerk.
Mr. Darby seconded.**

Motion carried for Mr. Kulkin to become Clerk, 5-0.

3. Discussion and Possible Decision regarding Moving the Order of or Deleting an Agenda Item(s).

Mr. Kulkin requested Town Board member comments be moved directly following public comments, making number 14 to 5.5.

There were no objects therefore number 14 was moved to 5.5.

4. Announcements

Announcements were read by Mr. Kulkin.

Mrs. Endersby reminded citizens of the Community Assessment meeting on January 17th, 6pm, at the Nugget.

Dr. Waters stated the advisory board workshop the previous night had at least one volunteer from each board and added more volunteers for advisory boards were needed.

Andy Alberti announced a lawsuit had been served to members of the Town Board, the Town Manager, and Armstrong Teasdale for negligence. He said he was not at liberty to father discuss as he was only announcing adding that any questions should be directed toward the involved parties.

Phil Huff announced the museum would initiate its sixth 6th year of lecture series the following Saturday. He said lectures would take place each 2nd Saturday for a period of six (6) months at 1:00pm. He added the first lecture would be by Commissioner Gary Hollis concerning Yucca Mountain.

5. Public Comment

Public comment was heard.

5.5 Town Board Member's Comment.

Dr. Waters commented that in talking to local business owners who had job openings, the education level in Town was not up to par to provide qualified applicants. He used Denny's as an example.

Mrs. Endersby said she knew people had their personal view points concerning the community but often times it was not always inclusive of what was going on outside of their direct view. She said from the national governments to local, they were working together on economic development.

Mr. Kulkin wished all a happy new year filled with prosperity and good health. He said there was an epidemic in town of people stealing air conditioners during the day as to be less suspicious. He asked citizens to pay attention to what was happening in their neighbors' yards.

Mr. Kulkin also aid perhaps staff could find if the prisoners at CCA could help clean up the trash problem which was getting worse on Highway 160. He also felt it was part of his duty to help bring job opportunities to Pahrump and felt the Fair Grounds was a great avenue to bring something great to the community. He said that although Contour Entertainment was comprised of knowledgeable people, he was not happy with the proposal as it did not produce a "wow" factor or anything which truly stood out therefore he did not feel comfortable moving forward with them.

Mr. Darby wished all a Happy 2012 and said he was looking forward to working with everyone to move forward.

Dr. Waters commented that in talking to businesses, owners were looking for qualified applicants however the local education level did not meet with many requirements.

Mrs. Endersby said although many people had their personal view point concerning the community however theses views were not always inclusive of all factors including national and local efforts on items including economic development.

Mr. Kulkin wished all a happy new year filled with prosperity and good health. He said there had been an epidemic of individuals stealing local air conditioners in broad daylight in order to appear less suspicious. He asked citizens to start paying attention to what was going on in their neighborhood in order to try to start preventing future thefts.

He asked staff if perhaps the CCA prisoners may be able to aid in trash clean up on HWY 160.

Mr. Kulkin also said he felt it was part of his duty to help bring job opportunities to Pahrump. He stated citizens regularly asked him how the theme park project was going and let them know while Contour Entertainment was comprised of very knowledgeable and creative individuals, their proposal did not stand out with a "wow factor" therefore he did not feel comfortable moving forward with them.

Mr. Darby said he was looking forward to working with everything and moving forward in 2012.

6. Advisory Board Reports from Advisory Board Chairpersons and/or Town Board Liaisons on the Status of Advisory Boards.

Dr. Waters stated they had heard great information from advisory boards the previous night and was looking forward to reports at a future Town Board meeting.

Mr. Darby stated Mr. Kohbarger had done a wonderful job the previous night at the advisory board workshop and said hopefully all in attendance would take the information they learned and exchanged back to their advisory boards.

Bob Adams, PLAB Chairperson, spoke of an Armargosa clean up.

7. Discussion on Town of Pahrump Economic Development Report.

Mr. Kohbarger said he was able to answer any questions as Mr. Balloqui was out sick. He commented the Town Board gave very eloquent responses to citizens concerning economic development and stated there was not adequate infrastructure for many businesses. He said staff had been working diligently to bring additional businesses to Pahrump with regular ribbon cuttings for smaller businesses, however larger companies required larger vacant buildings and there was not a sufficient supply in Pahrump.

Mrs. Endersby said she had attended economic development workshops and during these it had been suggested that should it not work in your community, make it work in your state. She also asked for further information on the economic development report such as whether or not terminated businesses located to another part of Nevada as well as seeing how many new and closed businesses there were each period.

Dr. Waters agreed with Mrs. Endersby concerning the report.

8. Discussion and Possible Decision to accept into the record the Town Manager's Performance Evaluation from January 01, 2011 to December 31, 2011 Pursuant to the Town Manager's Contract Section 12 "Performance Evaluation" and Town Board Policy Section 11 "Town Manager Evaluation".

Mr. Darby stated the evaluations had been completed, taken to Human Resources, and discussed between himself and Mr. Kohbarger who requested the results be brought to a Town Board meeting.

Mr. Kulkin said he did not feel one Town Board member fairly evaluated the Town Manager with consistently low results.

Mrs. Endersby stated she felt this was probably the most important duty the Board was charged with and it was their responsibility to ensure the great citizens of Pahrump had a local government they deserved which would openly listen to and reflect them.

Dr. Waters stated the comments he had to make would normally be brought up in a retreat however they had yet to have one. He said with his experience with the evaluation process, dating back thirty-one (31) years, he learned the process of a fair evaluation and proceeded to detail this. He said evaluations should be based on patterns, not instances and each rating of one (1) as well as five (5) should have a comment. As the evaluation was for the year of 2011, comments concerning incidents of pervious years should not have been mentioned.

Mr. Kulkin stated his evaluation was based on experiences and personal observations and felt he could not use his position to reflect revenge as some individuals may. He said if Mr. Kohbarger was not doing something right perhaps the Town Board needed to realize they weren't doing something right as they collectively were his boss. He said he had given Mr. Kohbarger a five (5) on handling stress as he was able to contain composure when attacked directly or even indirectly through rumors. He also said he felt it was important to speak with staff regularly to be able to give a proper evaluation.

**Mr. Kulkin motioned to accept all evaluations into the record with the exception of Mr. Darby's.
Motion died due to lack of a second.**

Mrs. Parker said she felt Mr. Kohbarger had not been judged fairly and while she may not agree with some ratings, all Board members had the right to their own opinions and she therefore could not support excluding Mr. Darby's evaluation.

**Mrs. Parker motioned to accept the full evaluation.
Dr. Waters seconded.**

Mr. Kohbarger stated that throughout the evaluation, Mr. Darby had said he responded well under pressure, which was actually about 85% of the Town Manager position, and appreciated he noticed this despite the low rating.

Mr. Kohbarger stated he felt he needed to work on follow up, follow through, and communications. He said he was taking Dr. Waters' advice in keeping a notepad on him at all times to help ensure follow up and follow through.

He stated Mrs. Endersby gave him one of the nicest compliments concerning his encouragement of staff. As he tried to speak with Town Board members multiple times weekly, Mr. Kohbarger said he was a little disappointed with the evaluations however he did expect this result with the exception of Mr. Darby's.

He said he liked a lot of the positive comments and took many of the negative comments to heart noting he had an issue with the comment of distrust with staff. He said he believed this first became an issue when the Town Board took months to approve a new contract resulting in staff contacting Mr. Sullivan rather than the Town Manager due to uncertainty on whether or not his contract would be renewed. This issue then turned after a staff member filed an unfounded complaint which took about nine (9) weeks from file to end.

Mr. Darby asked legal counsel if he could skip public comment and call for the vote while still being in compliance with open meeting law.

Seaton Curran, legal counsel, stated it was at the discretion of the Chair however he recommended public comment be allowed as it had been allowed on each other item. He said in order to comply with open meeting law there needed to be an agenzized public comment both and the start and finish of the meeting.

Mr. Kulkin and Mrs. Parker asked public comment focus on the motion and agenda item rather than making attacks on the Town Manager and/or Town Board.

Public comment was heard with one (1) speaking for the motion and eight (8) speaking neither for nor against it.

Mrs. Parker asked what the ramifications would be if the Board chose not to accept the report. Mr. Curran said failure to accept would result in a passing evaluation and raise in salary by default.

Motion carried, 4-1, with Mr. Kulkin voting nay.

Mr. Darby called for a ten (10) minute break.

9. Discussion and Possible Decision to Select and Award RFP#2011-05 to purchase one Ambulance for PVFRS and Approval of Funding as Budgeted and Payable from the Ambulance Fund.

Fire Chief Scott Lewis introduced himself and Firefighter Scott Perry. He said they were recommending the RFP be awarded to Rocky Mountain Ambulance.

Mrs. Endersby thanked the team for working on the issue and knew they had done so to the best of their ability. She asked how the transfer from Florida would transpire. Chief Lewis stated Rocky Mountain Ambulance would transport the ambulance to Pahrump therefore any problems which may arise would be their responsibility to fix as the vehicle would still be under their name and care. Any issues would all be addressed and mileage reset prior to PVFRS receiving the ambulance.

Mrs. Parker commented that she liked fact the company would be driving the apparatus to Pahrump as previously they had spent further funds for staff to do this.

Mrs. Parker motioned to select and award RFP #2011-05 to Rocky Mountain Wheeled Coach in an amount not to exceed \$134,500 and approval of funding as budgeted and payable from the ambulance fund.

Mr. Kulkin seconded.

Mrs. Parker mentioned the ambulance fund was collected from businesses and insurance proceeds, not tax payers.

Public comment was heard with one (1) speaking for the motion, and two (2) speaking neither for nor against.

Motion carried, 5-0.

10. Discussion on where future Town Board meetings will be conducted: County Complex, Bob Ruud Community Center or other location.

Mr. Darby said he had asked Mr. Kohbarger for information concerning staff costs to set up the Ruud Center each Town Board meeting in comparison with the BOCC. After receiving a response, he found that along with being much less costly, the BOCC chambers provided the opportunity for televised and internet broadcasted meetings.

Mrs. Parker said she wished to hear from the public to see if their opinions had changed as citizens previously had spoken against transferring the meetings from the Ruud Center to the BOCC. Mr. Kulkin said he recalled when the Town Board had the item on the agenda and part of the reason he had personally not wanted to change venue was due to harsh feelings toward the County however with the communication availability at the BOCC it was a positive move for Pahrump.

Mrs. Endersby said with the technological services available along with the graciousness of the County to allow the Town Board to use the meeting facility she saw it was desired and important to the Board, Staff, and Pahrump. She said the Ruud Center did not allow for as much transparency of meetings especially when considering those citizens who were unable to attend.

Dr. Waters agreed with Mrs. Endersby and Mrs. Parker. He said all of the emails he had received concerning the matter expressed the desire for meetings to remain in the Commissioners Chambers.

He also added set up in the Community Center took an average of seven (7) hours of staff time whereas the BOCC took only 45 minutes.

Mr. Kohbarger said in a Department Head meeting Town staff expressed their concerns to stay considering technology as citizens seemed to be happy with the convince it offered.

Mr. Darby asked for clarification concerning if the item needed to be brought back as an action item in order to finalize the decision.

Mr. Kohbarger stated it was at the Board's discretion as they could chose to leave the item and simply continue in the current facility.

The Board chose to leave this item and continue meetings at the current facility.

11. Discussion and Possible Decision Consent agenda items:

- a. *Action – Approval of Town Vouchers.*
- b. *Action – Approval of Town Board Minutes for December 13, 2011.*
- c. *Action – Approval to Accept Ms. Cassandra Radwich's resignation from the Pahrump Public Lands Advisory Board.*
- d. *Action – Approval to Accept Mr. Frank Maurizio's resignation from the Pahrump Nuclear Waste & Environmental Advisory Board.*

Mrs. Parker motioned to approve.

Mr. Kulkin seconded.

Motion carried, 5-0.

12. Future Meetings/Workshops: Date, Time and Location

- a. *Town Board Retreat – TBD*

Mr. Kohbarger said he was working on a date, location, and some farther information on the Town Board retreat.

Mrs. Parker said the PTCC would put together materials for Quartzsite the following week and would be emailing more information to those who would like to help once the date was confirmed.

13. Staff's Comments

There were no comments from staff.

14. Town Board Member's Comments

(item moved to 5.5)

15. Adjournment

Mr. Darby adjourned the meeting at 9:44pm.

**PAHRUMP TOWN BOARD MEETING
NYE COUNTY ADMINISTRATIVE COMPLEX
2100 E WALT WILLIAMS DRIVE
TUESDAY – 7:00 P.M.
January 24, 2012
MINUTES**

1. Call to Order, Moment of Silence, and Pledge of Allegiance.

Mike Darby called the meeting to order.

Tom Waters led in the Moment of Silence and Pledge of Allegiance.

2. Discussion and Possible Decision regarding Moving the Order of or Deleting an Agenda Item(s).

Vicky Parker asked to delete consent agenda item 'B' as there were no minutes and move items 'A' and 'C' to 2.5.

Mr. Darby asked 'A' and 'C' be moved to 3.5 instead.

A consensus was reached among the Board members.

3. Presentation of Certificates to the Pahrump Valley High School Cheerleading Squad USA Spirit Competition Champions for Varsity Pom Novice.

Samantha Carns, Executive Assistant, presented framed certificates to the eight (8) varsity cheerleaders in attendance.

3.5 Discussion and Possible Decision Consent agenda items:

a. *Action – Approval of Town Vouchers.*

b. *Action – Approval of Town Board Minutes for January 10, 2012.*

c. *Action – Approval to Accept Mike Smith to the Pahrump Nuclear Waste & Environmental Advisory Board.*

Mrs. Parker motioned to approve items 'A' and 'C'.

Harley Kulkin seconded.

Motion carried, 5-0.

4. Announcements

Announcements were read by Mr. Kulkin.

Carolene Endersby announced Nye Communities Coalition would have an open house on Thursday, January 26th from 1-4pm at their new facility.

She also announced the Nevada Department of Water Resources would hold an advanced water rights seminar at the Tuscany Casino in Las Vegas during the month of March.

Butch Harper announced, with the help of Rodney Camacho, the Mirror would begin a Nye County Child of the Week spotlight. Mr. Camacho said something as simple as an act of kindness from a child K-12 could result in this recognition and a certificate. For further information he asked Mr. Harper or himself be contacted.

Mr. Camacho also announced he had been invited to be Entertainment Director for a Findlay Cadillac event at Las Vegas Town Square on March 5th. He said he accepted the invitation and was excited to showcase various Pahrump entertainment groups.

5. Public Comment

Public comment was heard.

6. Advisory Board Reports from Advisory Board Chairpersons and/or Town Board Liaisons on the Status of Advisory Boards.

Mr. Kulkin announced the PLAB had been in Quartzside with the PTCC helping out.

Mrs. Endersby reported the IAB and YAB were working on their quarterly reports.

7. Discussion on Town of Pahrump Economic Development Report.

Mr. Kohbarger stated the Economic Development Report as well as the open and closed business general summaries were in the backup and would continue to be in each second monthly meeting.

Dr. Waters stated he was happy to see business general summaries in the Economic Development Report.

Mrs. Endersby thanked staff for providing this as well said she was glad to see there were new business possibilities on the full report.

8. Discussion and Possible Decision to Amend Pahrump Town Ordinance# 35 and Providing for Other Matters Properly Related Thereto.

Mr. Kohbarger said 345 revisions had been made on the ordinance and that it was now up to the Board for any additional changes which staff would be happy to make.

Mr. Darby stated he had an objection to the ordinance as workshops had been advertised primarily through the Chamber of Commerce, therefore non-Chamber members were generally excluded.

Mrs. Parker said she had attended many of the workshops and saw Mr. Kohbarger would take advice and requests to make changes to the proposed ordinance between each workshop which

helped to show his fulfilled desire for community input in the process. She did say they needed a better system to notify businesses.

Mr. Kulkin said he did not feel they should vote immediately but rather submit changes. He stated the only exemption from the ordinance should be a government entity as it should be all have business licenses or none. He continued to address issues which he felt needed to be changed in the proposed ordinance.

Mrs. Endersby said creating an ordinance was one of the largest ordeals for staff to go through as it was so detailed. She asked if they were constitutionally able to do everything in the ordinance. She said she felt the events section needed to be worked on and perhaps have an ordinance just for events.

Dr. Waters stated he felt the workshops, having also been published in the newspapers, were great. He said his goal was to make things easier for vendors and event coordinators.

Mrs. Parker said she agreed with Mrs. Endersby in working on the events section.

**Mrs. Parker motioned to pass the revised PTO 35 as in the backup with the exclusion of item 35.260 for staff to bring back as a separate ordinance.
Mrs. Endersby seconded.**

Mr. Darby expressed some of the issues he had with this ordinance and its process. He said he felt it was incredibly flawed.

Mr. Kulkin said he could not support the issues concerning prison as it was unnecessary.

Mrs. Endersby inquired as to the ordinance process.

Mr. Meich stated a new ordinance would need to be passed as an amendment if there were any changes after passing.

Motion died, 1-4, with Dr. Waters, Mrs. Endersby, Mr. Darby, and Mr. Kulkin voting nay.

Mr. Kohbarger stated one of the four members who voted the item down would need to put in the request for the item to go back on the agenda.

Mrs. Parker asked Town Board members submit their changes to staff as soon as possible.

9. Discussion and Possible Decision to Approve Resolution #2012-01, A Resolution Adopting a Fee Structure Pursuant to Pahrump Town Ordinance No 35, as Amended.

Mr. Kohbarger recommended the item be tabled until item 8 was brought back.

Mr. Kulkin requested there be discussion as they couldn't talk about this amongst one another outside of the meeting as his concern was business licensing prices should be based on number of employees, not type of ownership.

Mr. Kohbarger said he understood Mr. Kulkin's concerns.

Mr. Darby said at the request of staff the item was being pulled.

10. Discussion and Possible Decision to Seek Applicants for the Position of Town Manager for the Period beginning July 01, 2012, Approval of a Job Description and Advertisement for the Town Manager position, Approval of Funds related to the Town Manager search in an amount not to exceed \$18,000 and Establish Procedures for the Town Manager Selection Committee and Appointment of Town Board Members to the Selection Committee and Other Matter Properly Related Thereto.

Dr. Waters spoke of procedures from evaluation, adding it was a campaign promise he would have this item on the agenda.

He said he recommended Mrs. Parker and Mrs. Endersby as the selection committee due to their knowledge, attention to detail, and ability to set personal feelings aside. He proceeded to read the process.

Mrs. Parker showed objection to being on the committee as she and Mr. Darby would be ending their terms in 2012, therefore she felt the three remaining members who would be working most with the Town Manager should have the most say.

Mr. Kohbarger stated that, along with having an issue with the proposed salary, he felt Mr. Kohbarger was the best Town Manager Pahrump had in alignment with one other former managers. He said he could not support this item for this reason and the unlikelihood of finding someone as capable for this job.

Mrs. Endersby said she appreciated both Dr. Waters' and Mr. Kulkin's views and that Pahrump was a great town with a wonderful atmosphere. As such, the town needed a great manager, not average. She said, for the betterment of the community, the Board needed to go forward with finding a new Town manager. She stated the process required by state for this was atrocious and she couldn't image Mr. Kohbarger having to listen to something so close to his livelihood and that of his family.

Dr. Waters motioned to seek applicants for the position of Town Manager for a date beginning July 1, 2012.

Mrs. Endersby seconded.

Mr. Kulkin asked those who were voting for this detail why they thought the Town Manager wasn't doing a good ob.

Dr. Waters clarified that as the current contract ended June 30th, they could choose to do nothing and be pushing into the position they were in the past regarding the deadline for a contract.

Mr. Kulkin suggested asking Mr. Kohbarger if he was interested in continuing employment. He added it wasn't right someone could bid against his position.

Mrs. Parker said she believed there was duplicity going on and she was disappointed.

Mr. Darby said he planned to place an item on the agenda concerning negotiations for Mr. Kohbarger's contract.

Motion died, 2-3, with Mr. Darby, Mr. Kulkin, and Mrs. Parker voting nay.

11. Discussion and Possible Decision Regarding the future of the Pahrump Boundary Line Advisory Board.

Mr. Kohbarger stated that as the board was created on April 12, 2011 with a term of six months as specified in Article 3E, his recommendation was for the BLAB have a one month extension in order to submit a report at the second meeting of February.

Mr. Kulkin, as liaison, stated he would like to see the BLAB have one more meeting. He deferred to Donna Cox as BLAB representative.

Mrs. Cox, Vice Chair of BLAB, requested they have a six month extension as individuals were gradually bringing figures in from various sources on County, State, and Town levels. She said they had a slow start as they were unsure which direction to take and had seven members, one of which would be elected Chair at the next meeting after Mr. Garlough's resignation due to health reasons. She stated they were looking to see if changing the boundary line was foreseeable and should it be so, have the item on the November Ballot for the people to decide. She said she felt the best thing to come out of this would be to move the County seat to Pahrump.

Mrs. Parker said it was her understanding Mr. Garlough had originally requested the six month deadline however she had no problem extending the Board if they were planning to put the item on the ballot.

Mr. Kulkin agreed with the six month extension.

Mr. Kohbarger suggested a report be given at the following Town Board meeting on where the BLAB was.

Mrs. Cox said this could be done.

Dr. Waters said he would support the liaison's choice.

Mrs. Parker motioned to extend the Boundary Line Advisory Board for a period of six months contingent upon a report at one of the next two Town Board meeting.

Mr. Kulkin asked to amend the motion to state updated quarterly report rather than just 'report'.

Mrs. Parker so amended.

Mr. Kulkin seconded.

Mrs. Parker asked this be on the agenda as a presentation so they could have an oral report as well as written.

It was clarified this six month extension would be to June 26, 2012.

Motion carried, 4-1, with Mrs. Endersby voting nay.

12. Discussion and Possible Decision to Approve Acquiring Property Held in Trust by the Treasurer for the County of Nye for Economic Development or Recreational Purposes in an Amount Not to Exceed \$100,000.00 Pursuant to NRS 361.603.

Mrs. Parker said it was her understanding after speaking with Mr. Sullivan these funds would come from the Room Tax Fund. She asked about the process of acquiring the property and if the Town Board would have the final approval.

Mr. Kohbarger stated, if approved, this would approve moving forward with purchasing the properties and to spend a total of around \$59,000 if all requested properties were acquired.

Mr. Darby made the public aware only three properties would be purchased with the Fair Grounds fund as they were in the vicinity of the fair grounds. He added they were trying to acquire assets to further enhance the town with nine properties for economic development and property for a light industrial area. He also said the four properties from the Tourism fund would directly relate to Tourism such as kiosks.

Mrs. Endersby said she took exception to material staff had submitted to the Board last minute which had not been available to the public.

Mr. Kohbarger stated the information had been given to the Board on Monday with the only difference being the costs and funds which would be utilized.

Mr. Darby asked if the Town Board would accept the additional information. They chose to accept 5-0.

Mr. Kulkin motioned to approve.

Mrs. Parker seconded.

Mr. Kohbarger commented they could speak about the individual properties, all of which were listed in the full backup, after the Town Board's approval so that it could be taken off the auction list. He offered to read the parcel numbers of all properties the Town was looking into.

The Board chose to vote without reading of parcel numbers.

Motion carried, 5-0.

13. Discussion and Possible Decision Consent agenda items:

d. Action – Approval of Town Vouchers.

e. Action – Approval of Town Board Minutes for January 10, 2012.

f. Action – Approval to Accept Mike Smith to the Pahrump Nuclear Waste & Environmental Advisory Board.

(item heard as 3.5)

14. Future Meetings/Workshops: Date, Time and Location

a. Town Board Retreat – TBD

Mr. Kohbarger announced the Town Board received an email today submitting possible dates for a retreat and bio of a gentleman who would like to do the retreat. He said he was looking to see if the Board liked the proposal and would like him to go forward with scheduling a date.

15. Staff's Comments

a. Town Manager Report

Mr. Kohbarger stated he had been attempting to make the report a little more detailed. He said he was trying to update goals and objectives on a daily basis to present at each second meeting of every month.

Mr. Kulkin asked for a projection of when the Ruud Center would open and if there was a plan for a grand re-opening celebration.

Matt Luis stated the Ruud Center should be opened by the first week of February.

Mrs. Endersby asked about the former projection which had work completed in December. Mr. Luis explained there had been unexpected hang-ups such as permitting. He said not all upgrades would be completed prior to opening, but completed during the week.

Mr. Kohbarger took his comment time to address public comments which had said he wrote his job description. He said he did not do this as in speaking with the Town Board at the time, they created and approved this description by combining duties.

16. Town Board Member's Comments

Mrs. Parker stated she would head to Quartzside the following morning.

Mr. Kulkin said he believed the Town Board was a great team doing great things. He thanked all in attendance.

Mrs. Endersby stated she sat on various committees and subcommittees through Nye Communities Coalition and people were getting together to work on issues in this community which was probably more productive than asking government to take care of all these things. She suggested individuals with concerns about the community start working with a group involved with it.

She also thanked the community for being part of and supporting the process of the community assessment adding new work would now begin regarding infrastructure.

Dr. Waters said he had a few comments however most were previously mentioned by other Board members and Staff. He did say he was working with a County Commissioner concerning the fireworks ordinance.

Mr. Darby said there had been a lot of talk about Pahrump's image including how the highways looked. He stated Adopt A Highway was a two year contract and a small commitment which

NDOT supplied bags and vests for. He challenged his fellow Board members to adopt a section of highway and look at the possibility of agenizing a day for cleanup.

Mr. Darby also said the Board was supposed to be unified and live by a decision once they made one. He brought up that, in a recent newspaper photo, two Board members were sitting on a transportation committee even though the Board had jointly voted not to pursue the issue. This showed they did not have continuity with the Board for Board members to go forward with another entity to pursue it.

Mr. Kohbarger specified that as a member of the Town Board, they would always be looked at as present or past Town Board members. This article specifically mentioned the Board member was chosen as a Town Board member. He suggested if members wished so serve on such committees, they request formally in an agendized item to do so.

Mrs. Endersby stated as she was the member in question the committee was no different than any other group of citizens looking at issues with no organized process therefore she took exception to an desire to sanction her. She said this could have been discussed in a private meeting and she was rather blindsided.

Mr. Kohbarger stated Mr. Darby could not have contacted her directly as there was an additional Board member involved which would have created a contention of quorum. He said Mr. Darby was just trying to make a point of the Board following their agreed upon decisions.

Mr. Darby added he was not chastising anyone as he did not make mention of a name.

Dr. Waters said he and Mrs. Endersby were both part of the meeting and members of the community outreach committee. He said they should have been more cautious of their meetings and that the group would not meet in official buildings anymore as he felt this was the main issue.

Mr. Darby state that when each Board member took their Oath of Office, they gave up their private citizenship to be considered a Town Board member and former Town Board member for the rest of their lives in Pahrump.

Mr. Kulkin asked staff what the solution would be to this issue.

Mr. Kohbarger said it was up to Mrs. Endersby and Dr. Waters.

Mr. Darby made a final comment for the night concerning public comment, stating he had wanted to experiment with the format after listening to several City Councilmen on how they ran their meetings. He felt this could save time.

17. Public Comment

Public comment was heard.

18. Adjournment

Mr. Darby adjourned the meeting at 10:46pm.

PLEASE READ BACK OF APPLICATION BEFORE COMPLETING

Town Advisory Board (TAB) Application

Name of Board: PLAB

Applicant Name: Michael Zaman

Home Address: [REDACTED] City: Pahrump Zip: 89048

Mailing Address: [REDACTED] City: Pahrump Zip: 89048

Home Phone: [REDACTED] Unlisted? Yes No Fax: _____

Cell #: [REDACTED] Work #: _____

E-Mail Address: [REDACTED]

Please provide a brief description of your qualifications, experience, or interests that would be considered an asset to this Advisory Board: I have resided in Pahrump for 18 years and I am interested in maintaining our rural life style while attracting others to enjoy our many sites. I have been a member/officer of the local offroad club, "Pahrump Valley 4 Wheelers" for 4 years. We endeavor to maintain and improve our local trails, miles, and ghost towns with our public partners.

Are you currently employed by a public entity? Yes No If yes, which entity? _____

I have attached my resume/letter of interest: Yes No

I certify that I am a QUALIFIED ELECTOR, that my primary RESIDENCE is WITHIN THE BOUNDARIES of the Town Advisory Board area to which I am applying, and that the information provided is true and accurate to the best of my knowledge.

Michael C. Zaman
Signature

1-13-12
Date

The Pahrump Town Manager will receive and have all applications placed on the Pahrump Town Board's Agenda. You may mail or deliver this application to the Pahrump Town Manager's Office, Pahrump Town Office at the following address:

**Pahrump Town Manager
400 North Highway 160
Pahrump, Nevada 89060**

(This document becomes a public record once it has been received by the Town of Pahrump.)

PLEASE READ BACK OF APPLICATION BEFORE COMPLETING

Town Advisory Board (TAB) Application

Name of Board: Pahrump Public Land Advisory Board

Applicant Name: ALLAN J. WALTER

Home Address: [REDACTED] City: Pahrump Zip: 89061

Mailing Address: SAME City: _____ Zip: _____

Home Phone: [REDACTED] Unlisted? Yes No Fax: -

Cell #: [REDACTED] Work #: -

E-Mail Address: [REDACTED]

Please provide a brief description of your qualifications, experience, or interests that would be considered an asset to this Advisory Board:

Attached

Are you currently employed by a public entity? Yes No If yes, which entity? _____

I have attached my resume/letter of interest: Yes No

I certify that I am a QUALIFIED ELECTOR, that my primary RESIDENCE is WITHIN THE BOUNDARIES of the Town Advisory Board area to which I am applying, and that the information provided is true and accurate to the best of my knowledge.

Allan J. Walter 1-10-12
Signature Date

The Pahrump Town Manager will receive and have all applications placed on the Pahrump Town Board's Agenda. You may mail or deliver this application to the Pahrump Town Manager's Office, Pahrump Town Office at the following address:

**Pahrump Town Manager
400 North Highway 160
Pahrump, Nevada 89060**

(This document becomes a public record once it has been received by the Town of Pahrump.)

Resume/Letter of Interest

1/10/2012

Allan J. Walter, Jr.



I am requesting appointment to the Pahrump Public Land Advisory Board.

I feel that I am fully qualified as follows:

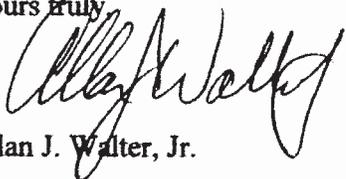
1. Masters Degree – Finance & Investments – 1968 Babson College
2. Member Chester Rod & Gun Club Range Committee (till 9/30/11)
3. Life Member Gun Owners of NH
4. NRA Member (Renewal in Process)
5. Full day IDPA course (June 2010)
6. Member Lone Wolf Shooters (October 2011)
7. Avid Target Shooter and very interested in Varmint hunting
8. Built 6 new shooting benches at Chester Rod & Gun Club (NH)
9. Will soon be applying for Range Officer training at Desert Sportman's Club (LV)
10. Strong advocate of the 2nd Amendment and sensible and safe outdoor recreation

Recently semi-retired from a banking/banking related career. My wife, Elaine Walter, will be seeking employment locally in the near term. We have a daughter in Iowa and a son in the U.S. Marine Corps.

I am familiar with the Bella Vista shooting area and wish to offer my time to increase safety out there in context with other land users (ATV; Equestrian). I also participate in two wheel recreation.

I trust the forgoing is sufficient, however if you need more personal background info please call me at .

Yours truly,



Allan J. Walter, Jr.

PLEASE READ BACK OF APPLICATION BEFORE COMPLETING

Town Advisory Board (TAB) Application

Name of Board: Public Lands Advisory Board
Applicant Name: Elizabeth L. Weikel (Betty)
Home Address: [REDACTED] City: Pahrump Zip: 89048
Mailing Address: same City: _____ Zip: _____
Home Phone: [REDACTED] Unlisted? Yes No Fax: same #
Cell #: _____ Work #: _____
E-Mail Address: [REDACTED]

Please provide a brief description of your qualifications, experience, or interests that would be considered an asset to this Advisory Board:

member of Calif. Assoc. of 4-wheel drive Clubs, Inc. since 1965. Board member of CA4WDC 1997-2002.

Are you currently employed by a public entity? Yes No If yes, which entity? _____

I have attached my resume/letter of interest: Yes No

I certify that I am a QUALIFIED ELECTOR, that my primary RESIDENCE is WITHIN THE BOUNDARIES of the Town Advisory Board area to which I am applying, and that the information provided is true and accurate to the best of my knowledge.

Elizabeth Weikel
Signature

1-11-12
Date

The Pahrump Town Manager will receive and have all applications placed on the Pahrump Town Board's Agenda. You may mail or deliver this application to the Pahrump Town Manager's Office, Pahrump Town Office at the following address:

**Pahrump Town Manager
400 North Highway 160
Pahrump, Nevada 89060**

(This document becomes a public record once it has been received by the Town of Pahrump.)

AGENDA ITEM REQUEST

Requests and backup must be into the Town Office by **3:00 p.m. ten (10) business days before the preceding Town Board meeting** you wish the item presented. Town Board meetings are held on the second and fourth Tuesday of each month at 7:00 p.m. in the County Complex.

<u>DATE AGENDA ITEM SUBMITTED</u> 1/24/2012	<u>DATE OF DESIRED BOARD MEETING</u> 1/14/2012
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CIRCLE ONE: Action Item Non-Action Item Presentation

ITEM REQUESTED FOR CONSIDERATION:
Future Meetings/Workshops: Date, Time and Location

If request for funding is approved by the Town Board, an invoice or letter from the requestor to Town of Pahrump/Accounts Payable is required to receive funding.

BRIEF SUMMARY OF ITEM:
Town Board Retreat - TBD

BACKUP ATTACHED: YES NO

NAME OF PRESENTER(S) OF ITEM: Pahrump Town Board

SPONSORED BY:

<u>Pahrump Town Board</u> Print Name	<u><i>Pahrump Town Board</i></u> Signature
---	---

<u>400 N. Hwy 160</u> Mailing Address	<u>(775) 727-5107</u> Telephone Number
--	---



Town of Pahrump 400 N. Hwy 160 Pahrump, NV 89060 Phone:775.727.5107 Fax: 775.727.0345

Memorandum

To: Town Board Members

From: William A. Kohbarger, Town Manager
Scott Lewis, Fire Chief

Date: February 7, 2012

Subject: SAFER Grant

Town Board,

The Staffing for Adequate Fire and Emergency Response (SAFER) Grants are due February 24, 2012.

The intent and hierarchy of this Grant considers:

1. Rehiring laid-off firefighters. (The Town has no laid off firefighters)
2. Retention of firefighters who face imminent layoff. (At this time, the Town has no imminent layoffs slated)
3. Hiring new firefighters (This is the only priority that the Town of Pahrump is eligible)

Upon detailed review of the Grant, Chief Lewis and I have determined that applying for this grant at this time appears not to be in the best financial interest of the Town of Pahrump.

The eligible expenses permitted under the “hiring of firefighters” only include:

1. Salary
2. Associated benefits (actual payroll expenses)

The ineligible expenses not permitted under “hiring of firefighters” include:

1. Overtime costs
2. Training and equipping the new hires (radios, pagers, housing)
3. Uniforms and physicals for the new hires (helmets, gloves, hoods, goggles, turn-outs, boots, wild land gear)
4. Indirect costs associated with hiring of new hires (advertisements, interviewing)

While at face value the SAFER Grant appears attractive however, dissection of the Grant restrictions and/or requirements creates significance financial challenges to the Town of Pahrump. These challenges will be difficult to overcome considering the Town’s current economic climate.



Town of Pahrump 400 N. Hwy 160 Pahrump, NV 89060 Phone:775.727.5107 Fax: 775.727.0345

If you should have any questions, please feel free to contact me at your earliest convenience.
Thanks.

William A. Kohbarger
Pahrump Town Manager

Scott Lewis
Pahrump Fire Chief

AGENDA ITEM REQUEST

Requests and backup must be into the Town Office by **3:00 p.m. ten (10) business days before the preceding Town Board meeting** you wish the item presented. Town Board meetings are held on the second and fourth Tuesday of each month at 7:00 p.m. in the County Complex.

<u>DATE AGENDA ITEM SUBMITTED</u> 1/24/2012	<u>DATE OF DESIRED BOARD MEETING</u> 2/14/2012
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CIRCLE ONE: Action Item Non-Action Item Presentation

ITEM REQUESTED FOR CONSIDERATION:
Public Comment

If request for funding is approved by the Town Board, an invoice or letter from the requestor to Town of Pahrump/Accounts Payable is required to receive funding.

BRIEF SUMMARY OF ITEM:

BACKUP ATTACHED: YES NO

NAME OF PRESENTER(S) OF ITEM: Pahrump Citizens

SPONSORED BY:

Pahrump Town Board
Print Name

Pahrump Town Board
Signature

400 N. Hwy 160
Mailing Address

(775) 727-5107
Telephone Number

