

# PAHRUMP TOWN BOARD AGENDA

Vicky Parker Member	Mike Darby Member	Tom Waters Member	Carolene Endersby Member	Harley Kulkin Member
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## 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](http://www.pahrumpnv.org)

BOARD MEMBER	PHONE	EMAIL	TERM EXPIRES DECEMBER 31
Vicky Parker	764-8809	<a href="mailto:vparker@pahrumpnv.org">vparker@pahrumpnv.org</a>	2012
Mike Darby	764-0751	<a href="mailto:mdarby@pahrumpnv.org">mdarby@pahrumpnv.org</a>	2012
Dr. Tom Waters	764-0948	<a href="mailto:twaters@pahrumpnv.org">twaters@pahrumpnv.org</a>	2014
Carolene Endersby	764-8791	<a href="mailto:cendersby@pahrumpnv.org">cendersby@pahrumpnv.org</a>	2014
Harley Kulkin	727-1525	<a href="mailto:hkulkin@pahrumpnv.org">hkulkin@pahrumpnv.org</a>	2014

NOTE: Town Board agendas will be posted online at [www.pahrumpnv.org](http://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.

PAHRUMP TOWN BOARD MEETING  
NYE COUNTY ADMINISTRATIVE COMPLEX  
2100 E. WALT WILLIAMS DRIVE  
TUESDAY – 7:00 P.M.

JANUARY 11, 2011

AGENDA

1. **Call to Order and Pledge of Allegiance.**
2. **Discussion and Possible Decision** on Electing a Chair, Vice-Chair and Town Clerk for the 2011 Pahrump Town Board Pursuant to the Town Board Policy. (Action Item)
3. **Discussion and possible decision** regarding Moving the Order of or Deleting an Agenda Item(s). (Action Item)
4. **Announcements** (Non-Action Item)
5. **Advisory Board Reports** from Advisory Board Chairpersons and/or Town Board Liaisons on the Status of Advisory Boards. (Non-Action Item)
6. **Town of Pahrump Economic Development Report.** (Non-Action Item)
7. **Discussion and possible decision** on Requesting that Nye County Waive Any Right that It perceives It has to enforce a Purported Deed Restriction on the Property Subject to the Lease with Option to Purchase Agreement with Growponics Nevada, Without waiving the Town's Legal Position that No Deed Restriction Exists. (Action Item)
8. **Discussion and Possible Decision** on Awarding the Winning Bid for the Town of Pahrump Community Pool Reconstruction to Gothic Landscape for \$212,930.32 and All Matters Properly Related Thereto. (Action Item)
9. **Discussion and Possible Decision** on Jointly Funding the Nevada Rural Counties Retired and Senior Volunteer Program – RSVP Program with Nye County, the Pahrump Senior Center and the Town not to exceed \$2,357.00. (Action Item)
10. **Discussion and Possible Decision** to Add Prayer and/or a Moment of Silence as a Permanent Item on the Town Board Agenda at Item #1 Between Call to Order and Pledge of Allegiance. (Action Item)
11. **Discussion Only** on Making Changes to Resolution #2009-02, A Resolution to Establish a Policy and Guidelines for Rules of Procedure at the Pahrump Town Board Meetings. (Non-Action Item)
12. **Discussion Only** on Resolution #2009-03, A Resolution Providing for the Citizens of Pahrump to Keep and Bear Arms of Their Choice for Defense of Life, Liberty and Property. (Non-Action Item)

- 13. Discussion and Possible Decision** to Direct Staff to Contact the Nevada Department of Transportation (NDOT) and Request that NDOT Remove the No Parking Signs Located on the Frontage Road in front of the McDonalds Located at 710 S. Hwy 160 Pahrump. (Action Item)
- 14. Discussion and Possible Decision** to Accept the Pahrump Nuclear Waste and Environmental Advisory Board Quarterly Report. (Action Item)
- 15. Discussion and Possible Decision** to Conduct a Joint Meeting with the Nye County Commission and the Pahrump Town Board for Discussion Purposes Only to Open Communications Between the Citizens of Pahrump, the Nye County Commissioners and Pahrump Town Board Members to be Conducted in or around February 2011. (Action Item)
- 16. Discussion and Possible Decision** on Directing the Town Attorney to Enter into Formal Negotiations with the Town Manager to Amend the Town Manager's Employment Agreement to Extend the Period of the Initial Term to December 31, 2011, from June 30, 2011, with Negotiations regarding the Renewal of or Amendments to the Employment Agreement to take place in September of this Year. (Action Item)
- 17. Discussion and possible decision** Consent agenda items: (Action Item)
- a. Action – Approval of Town Vouchers.
  - b. Action – Approval of Special Town Board meeting minutes of November 19, 2010.
  - c. Action – Approval to accept Mr. Anthony Falcone and Mr. Bill Dolan to the Pahrump Veterans Memorial Advisory Board.
  - d. Action – Approval to accept Mr. Jose Telles to the Pahrump Veterans Memorial Advisory Board.
- 18. Future Meetings/Workshops: Date, Time and Location** (Non-Action Item)
- 19. 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)

**20. Town Board Member's Comments** (Non-Action Item)

**21. 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 or on an agenda item, at the appropriate time, will be limited to three (03) minutes.*

*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 in the Town Office by **Noon, Wednesday** of the week **preceding the 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> 1/3/2011	<u>DATE OF DESIRED BOARD MEETING</u> 1/11/2011
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**CIRCLE ONE:** Discussion, Action, Decision or Discussion Only

ITEM REQUESTED FOR CONSIDERATION:  
Discussion and Possible Decision on Electing a Chair, Vice-Chair and Town Clerk  
for the 2011 Pahrump Town Board Pursuant to the Town Board Policy.

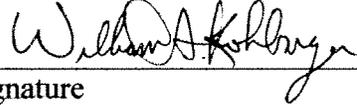
***If request for funding is approved by the Town Board, an invoice or letter from the requestor to Town of Pahrump/Accounts Payable is required to receive funding.***

BRIEF SUMMARY OF ITEM:  
Section 6 "Officers" 6.1 - At the first regular meeting of each year, the Board  
shall elect a Chair, Vice-Chair, and Town Clerk for that year.  
See Attached Section 6 "Officers"

BACKUP ATTACHED:     YES             NO

SPONSORED BY: Town Board

NAME OF PRESENTER(S) OF ITEM: Town Board

<u>William A. Kohbarger, Town Manager</u> Print Name	 Signature
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<u>Town Office</u> Mailing Address	<u>(775) 727-5107 ext. 305</u> Telephone Number
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## **6. OFFICERS**

6.1 At the first regular meeting of each year, the Board shall elect a Chair, Vice-Chair,

### **6.2 Board Chair**

- 6.2.1 The Chairperson shall preside at all meetings of the Town Board.
- 6.2.2 The Chairperson shall appoint, with the approval of the Board, all Advisory Boards. The Chairperson shall designate a Member of the Board as liaison to each Advisory Board.
- 6.2.3 The Chairperson shall serve as the liaison to the Town Manager.
- 6.2.4 The Chairperson or designee shall represent the Board at community events.
- 6.2.5 The Chairperson is required to attend at least two (2) Board of County Commissioner meetings in each yearly quarter.

### **6.3 Board Vice-Chair**

- 6.3.1 The Vice-Chair shall preside over all meetings of the Board in the absence or incapacity of the Chairperson and shall be responsible for fulfilling the duties of the Board Chair.
- 6.3.2 The Vice-Chair shall serve as the liaison to the Town Finance Director
- 6.3.3 The Vice-Chair shall oversee the appointment of two (2) Board Members to review vouchers prior to each regular Board meeting. The review assignment will be rotated among the Board Members every three (3) months.

### **6.4 Town Board Clerk**

- 6.4.1 The Town Board Clerk shall oversee the responsibility for preparing and posting all Town Board agendas as required by NRS 241.
- 6.4.2 The Town Board Clerk shall oversee the responsibility for taking the minutes of all Town Board meetings and shall assure they are available for public access and maintained in accordance with requirements set forth in the NRS.
- 6.4.3 The Town Board Clerk shall oversee the responsibility for sending copies of all agendas/minutes of the Town Board meetings to the Nye County Clerk.
- 6.4.4 The Town Board Clerk shall oversee the numbering and record keeping of all ordinances and resolutions.
- 6.4.5 The Town Board Clerk shall be responsible for all official correspondence of the Town Board.
- 6.4.6 The Town Board Clerk shall read announcements and proposed ordinances at the Town Board meetings and perform other duties as required by NRS 269.019.



# Town's Economic Development Report

01/11/11

- 1) Staff is still working on an outline for Economic Development Incentive guidelines for the Town Board to consider in attracting new & expanding companies. Terms and Conditions to be reviewed by legal department.
- 2) Staff has had several meetings with prospective manufacturer on securing 75,000 sq. ft. manufacturing site/facility in community.
- 3) Staff still communicating with Growponics Nevada on issues facing their relocation to Pahrump. Growponics Nevada did complete their registration with the State of Nevada. The Town Board is requesting the BoCC to waive purported deed restriction on Town Board agenda 01-11-11.
- 4) Staff has had several follow-up meetings with a new potential energy company on locating facility in Pahrump.
- 5) Staff is still working with numerous other businesses on the possibility of relocating to Pahrump. (Sporting Goods, Solar, Manufacturing, BLM Land Sales, BMX track)
- 6) Staff has attended numerous meetings with EDEN and Nye County discussing Economic Development ventures and prospective businesses. All entities involved all working with and following up on several companies that have shown interest in relocating to Pahrump.
- 7) Staff attended the PAVED gathering on January 05, 2011 to hear the proposal on a new fairground.

	2006		2007		2008		2009		2010		2011	
	# open	% Change	# open	% Change	# open	% Change	# open	% Chg Mo	# open	% Chg Mo	# open	% Chg Mo
January			1973	1.60%	2138	-0.14%	2109	-0.57%	2061	0.15%	1960	-4.90%
February			1996	1.17%	2145	0.33%	2113	0.09%	2034	-1.31%		
March			2032	1.80%	2147	0.09%	2113	-1.58%	2034	0.00%		
April			2053	1.03%	2149	0.09%	2115	0.09%	2036	0.10%		
May			2077	1.17%	2149	0.00%	2096	-0.90%	2032	-0.20%		
June			1997	-1.05%	2119	2.02%	2100	-0.19%	2030	-0.10%		
July			1976	-1.05%	2131	0.57%	2082	-0.86%	2003	-1.33%		
August			1912	-3.24%	2147	0.75%	2052	-1.44%	1989	-0.70%		
September			1957	2.35%	2152	0.23%	2047	-0.24%	1987	-0.10%		
October			1829	-6.54%	2129	-1.07%	2048	-3.94%	1991	0.20%		
November			1874	2.46%	2128	-0.05%	2056	0.39%	1987	-0.20%		
December			1942	3.63%	2141	0.61%	2058	0.10%	1973	-0.70%		

Note: Previous to July 1, 2007, all Business Licenses expired on 6/30 and had to be renewed by 7/1. They would have gone non-compliant in September or October of that year. As of January 1, 2008, all Business Licenses are renewed on their anniversary and would go non-compliant 61 days later.

	2007	2008	2009	2010	2011
January	38	32	27	22	
February	38	39	35	30	
March	46	42	32	29	
Avg 1st Qtr	41	38	31	27	
April	50	47	32	33	
May	53	38	31	21	
June	44	26	29	24	
Avg 2nd Qtr	49	37	31	26	
July	40	36	26	19	
August	39	35	22	25	
September	21	17	31	35	
Avg 3rd Qtr	33	29	26	26	
October	33	34	24	33	
November	32	28	28	25	
December	28	21	25	21	
Avg 4th Qtr	31	28	26	26	
Avg Year	39	33	29	26	
Total for Year	462	395	342	317	0

**New Business Licenses Issued**

	2009	Daily Avg	Work Days	2010	Daily Avg	Work Days	2011	Daily Avg	Work Days
January		Not Started		215	10.8	20.0			
February		Not Started		208	10.9	19.0			
March	328	14.9	22.0	216	9.4	23.0			
Avg 1st Qtr	328	14.9	22.0	639	10.3	62.0			
April	327	14.9	22.0	250	12.5	20.0			
May	312	15.6	20.0	197	9.9	20.0			
June	342	15.5	22.0	233	10.6	22.0			
Avg 2nd Qtr	327	15.3	21.3	226.7	11.0	62.0			
July	330	15.0	22.0	198	9.4	21.0			
August	319	15.2	21.0	209	10.5	20.0			
September	374	17.8	21.0	190	9.0	21.0			
Avg 3rd Qtr	341	16.0	21.3	199.0	9.6	62.0			
October	269	12.8	21.0	185	9.7	20.0			
November	189	10.5	18.0	173	9.5	19.0			
December	147	6.7	22.0	165	9.6	22.0			
Avg 4th Qtr	202	10.0	20.3	174	9.6	61.0			
Total Year	2937	13.9	21.0	2439	9.6	247			

**Business Counter Activity\***

Business Licenses Closed					
	2007	2008	2009	2010	2011
January	-15	-25	-25	-49	
February	-2	-37	-33	-30	
March	-25	-40	-30	-27	
Avg 1st Qtr	-14	-34	-29	-35	
April	-26	-47	-51	-37	
May	-11	-37	-27	-23	
June	-32	-31	-47	-51	
Avg 2nd Qtr	-23	-38	-42	-37	
July	-24	-31	-56	-33	
August	-34	-40	-27	-27	
September	-44	-30	-30	-31	
Avg 3rd Qtr	-34	-34	-38	-30	
October	-34	-39	-16	-37	
November	-19	-34	-26	-39	
December	-31	-33	-22	-34	
Avg 4th Qtr	-28	-35	-21	-37	
Avg Year	-25	-35	-33	-35	
Total for Year	-297	-424	-390	-418	0

Requests for Business License Packets*			
In addition to those licenses issued			
	2009	2010	2011
January	41	24	
February	39	21	
March	55	39	
Avg 1st Qtr	45	28	
April	48	36	
May	34	30	
June *	5	30	
Avg 2nd Qtr	29	32	
July **	15	21	
August	6	5	
September	45	1	
Avg 3rd Qtr	22	9	
October	35	0	
November	21	0	
December	26	0	
Avg 4th Qtr	27	0	
Avg Year	31	17	

Started Tracking January 01, 2009

\* June 2009-June 2010 includes packets requested over website only

\*\* from July 2010 includes pkts e-mailed only (Can be downloaded from website)

## AGENDA ITEM REQUEST

Requests and backup **must** be in the Town Office by **Noon, Wednesday** of the week **preceding the 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.

DATE AGENDA ITEM SUBMITTED  
1/3/2011

DATE OF DESIRED BOARD MEETING  
1/11/2011

CIRCLE ONE: Discussion, Action, Decision or Discussion Only

ITEM REQUESTED FOR CONSIDERATION:

Discussion and possible decision on Requesting that Nye County Waive Any Right that It Perceives It has to Enforce a Purported Deed Restriction on the Property

Subject to the Lease with Option to Purchase Agreement with Growponics Nevada,

Without Waiving the Town's Legal Position that No Deed Restriction Exists.

*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:

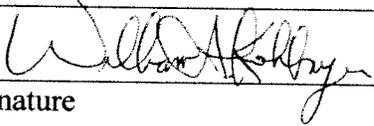
See attached copies of the Nye County District Attorney's opinion and Town Attorney's Response to the County D.A.

BACKUP ATTACHED:     YES     NO

SPONSORED BY: Town Board

NAME OF PRESENTER(S) OF ITEM: Town Board

William A. Kohbarger, Town Manager  
Print Name

  
Signature

Town Office  
Mailing Address

(775) 727-5107 ext. 305  
Telephone Number



## OFFICE OF THE DISTRICT ATTORNEY OF NYE COUNTY

**TONOPAH OFFICE**  
P.O. Box 593, 89049  
Phone: (775) 482-8166  
Fax: (775) 482-8175

**PAHRUMP OFFICE**  
P.O. Box 39, 89041  
Phone: (775) 751-7080  
Fax: (775) 727-5234

**BRIAN T. KUNZI**  
DISTRICT ATTORNEY

### DISTRICT ATTORNEY OPINION

**DATE:** December 9, 2010

**TO:** Frank Maurizio, Pahrump Town Board Member      **cc:** Rick Osborne, Nye County Manager

**FROM:** Michelle M. Jones, Esq., Deputy District Attorney, Civil Division

**RE:** Growponics Nevada LLC Lease/Purchase Agreement

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This memorandum is being provided in response to your request for opinion regarding the legality of the Town of Pahrump's approval of the "Lease With Option to Purchase" agreement between Pahrump and Growponics Nevada LLC, during a special town board meeting on November 19, 2010.

Your inquiry raises several significant issues regarding the town's authority to take this specific action.

The deed by Nye County to the town, dated September 8, 1993, expressly states:

"Whereas, the Property will be used by the Unincorporated Town of Pahrump for a public purpose and, therefore, the transfer of said Property is authorized pursuant to NRS 277.053; ... and the reversion and reversions ... thereof ... TO HAVE AND TO HOLD the said Property ... forever ... ."

Foremost, the specific town-owned real property at issue in the lease/option agreement as deeded to the town by Nye County is subject to certain deed restrictions. The property was deeded pursuant to NRS 277.053, which states that a governing body of a political subdivision may convey real property to the State, any agency of the State, another political subdivision or an Indian tribe without charge if the property is to be used for a public purpose. NRS 277.053 does not permit the conveyance of real property to a private entity, even for a public purpose. The Nevada Revised Statutes carefully delineate the various mechanisms for the legal conveyance, whether by transfer, sale or lease, of county-owned real property, and any violations thereof may result in the voidance of such conveyance. Therefore, if the recipient, in this case the town, then conveys such real property to a private entity, it subverts the express provisions of NRS 277.053, which may result in the voidance of the conveyance.

Secondly, we construe the deed to require the town itself to directly use the real property for a public purpose, "to have and to hold forever." The deed does not provide any authority for the town to sell the property for any purpose. The original conveyance of the property by Nye County to the town was for a fire station and cemetery. The town, failing to make such use of the property, subsequently deeded the property back to Nye County. The most recent deed, dated September 8, 1993, reconveyed the property back to Pahrump for a public purpose, as stated above. The intended public purpose was that of a public park, as admitted by town staff in the backup agenda materials for the November 19, 2010, agenda item during which the instant agreement was approved: "Staff understands that the property in question was put aside to be a Park. For this reason, staff is approaching the BLM about obtaining 40+ acres of BLM disposal property located at the SW corner of Homestead and Kellogg Roads in an attempt to build a 40+ acre Park at this location to replace the Kellogg property that the Town is utilizing for the Growponics development."

Thirdly, the proposed use, in the District Attorney's opinion, does not even meet the standard of "public purpose," nor is there any mention of "public purpose" in the Lease With Option to Purchase document, nor is it known at this time if the town board made any findings of fact or a determination that the Growponics' venture would constitute a "public purpose." For example, NRS 244.290 lists as public uses (ie. purposes) a "public park, public square, public landing, public roadway, public right-of-way, agricultural fairground, aviation field, automobile parking ground or facility for the accommodation of the traveling public, or land held in trust for the public for any other public use or uses." It does not list private business or enterprise as a public use. Nev. Const. Art. 1, Sec. 8, describes public services (for the purposes of eminent domain) to include, without limitation "a utility, railroad, public transportation project, pipeline, road, bridge, airport or facility that is owned by a governmental entity."

Although the doctrine of public purpose has been applied with various interpretations by the states and the United States Supreme Court in recent years, it has yet to be applied for the purpose of a direct sale of public property to a private entity for such tenuous purposes as to create a proposed limited number of potential jobs or to increase the tax rolls on the basis of a single business entity. In effect, if this were allowed, the power of condemnation would hold no safeguards at all and the Fifth Amendment private property protections would be void and meaningless.

The former notwithstanding, the Nevada Legislature has defined economic redevelopment as a public purpose, the provisions of which are set forth in NRS Chapter 279 and which may be exercised by redevelopment agencies, and which is clearly not implicated in the instant matter.<sup>1</sup> Further, the Nevada Legislature has addressed the use and/or conveyance of public property for economic development on the county level under NRS 244.2815, which provides for the sale, lease or disposal of property "for the purposes of redevelopment or economic development" by the county. The Nevada Legislature has not extended such authority to the town board forms of government.

Based upon the foregoing, it is the District Attorney's opinion that the "Lease With Option to Purchase" agreement violates the deed restriction requiring that the property be used by the Town of Pahrump for a public purpose.

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<sup>1</sup> Nonetheless, even redevelopment agencies must make significant findings of various physical, economic, and social conditions in determining areas of blight and any redevelopment agreements they approve must support the public purpose of addressing such conditions; hence, the focus of a project cannot be to service a single business. See *City of Las Vegas Downtown Redevelopment Agency v. Pappas*, 119 Nev. 429 (2003).

December 28, 2010

**VIA E-MAIL (BKUNZI@CO.NYE.NV.US)**

Brian Kunzi  
District Attorney  
Nye County  
P.O. Box 39  
Pahrump, NV 89041

**Re: Growponics Nevada, LLC Lease with Option to Purchase Agreement**

Dear Mr. Kunzi:

This letter summarizes the Town of Pahrump's analysis regarding its lease with option to purchase agreement with Growponics Nevada, LLC. In response to your opinion dated December 9, 2010, the Town's position is that the agreement is in accord with the controlling legal instruments and state law.

First, the property at issue may be conveyed by the Town to a private party pursuant to Nevada law. You selectively cite NRS 277.053 in support of your opinion. This section of the Nevada Revised Statutes allows one political subdivision to convey real property to another political subdivision **without charge** if the property is to be used for a public purpose. The sale of property **for value** is governed by other sections of the Nevada Revised Statutes. In the case of unincorporated towns, NRS 269.125 governs this transaction, stating that towns may "dispose of the real and personal property of any unincorporated town" for not less than three-fourths of its appraised value. Should Growponics Nevada elect to exercise its option to purchase, the Town would not be conveying the land without charge. Instead, the Town would be conveying the land for value, as allowed under NRS 269.125. Moreover, the sale of property more than seventeen years after its original conveyance does not subvert the cooperative agreement provision embodied in NRS 277.053. Indeed, not only does the agreement with Growponics Nevada meet the letter of the law, it also puts the land to a public purpose, which is a topic addressed below.

Second, the deed<sup>1</sup> conveying the property to the Town does not contain a restrictive covenant. While your opinion rests on the 1993 Quitclaim Deed's phrase "to have and to hold forever" in the grant language of the instrument, there is no basis to believe that this language requires the Town to use the property in perpetuity for an unidentified purpose. One conveys fee simple absolute title, rather than a lesser estate, when one conveys land "to have and hold forever," unless one expressly indicates an intention for reversion. *See, e.g., Union Pacific Railroad Co. v. Ethington Family Trust*, 137 Idaho 435, 438, 50 P.3d 450, 453 (2002); *see also Tazian v. Cline*, 686 N.E.2d 95, 101 (Ind.1997). Additionally, the 1998 Amended Quitclaim Deed specifically subjects the conveyance to "those certain reservations or conditions **hereinafter set out**" (emphasis added), with no restriction thereafter set out that could be interpreted as restricting the Town's use of the property. The only reference to public purposes (there is no reference to park purposes) is in the recital clause of deeds, which does not impose contractual obligations on the Town beyond those

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<sup>1</sup> Your opinion inaccurately states that the 1993 deed is the "most recent." In fact, an "Amended Quitclaim Deed" bearing the Recorder's file number 0 436295 was executed in 1998.

specifically set forth in the grant language. If the County wanted to restrict the use of the property in perpetuity, it could have conveyed the property in fee simple determinable or fee simple subject to a condition subsequent.

Third, the lease with option to purchase agreement between the Town and Growponics Nevada is for a public purpose. While there is no deed restriction prohibiting the sale of the land to a private developer for the Town's economic benefit, the agreement also meets the "public purpose" test were a court to find such a requirement in the operative deed. The Supreme Court of the State of Nevada has "**broadly interpreted 'public use' to include public utility, benefit, and advantage.**" *City of Las Vegas Downtown Redev. Agency v. Pappas*, 119 Nev. 429, 441, 76 P.3d 1, 10 (2003) (citing *Milchem Inc. v. District Court*, 84 Nev. 541, 548, 445 P.2d 148, 152 (1968) and *Dayton Mining Co. v. Seawell*, 11 Nev. 394, 408 (1876)); see also *NL Indus., Inc. v. Eisenman Chem. Co.*, 98 Nev. 253, 257, 645 P.2d 976 (1982), *Urban Renewal Agency v. Iacometti*, 79 Nev. 113, 121, 379 P.2d 466 (1963), *State ex ref. Standard Slag Co. v. Fifth Judicial Dist. Court*, 62 Nev. 113, 114, 143 P.2d 467 (1943), *Schrader v. Third Judicial Dist. Court*, 58 Nev. 188, 196, 73 P.2d 493 (1937), *Ex parse Iratacable*, 55 Nev. 263, 280, 30 P.2d 284 (1934), and *Goldfield Consol. Milling & Transp. Co. v. Old Sandstorm Annex Gold Mining Co.*, 38 Nev. 426, 150 Pac. 313 (1915). The County has admitted as much in the recital section of the 1998 Amended Quitclaim deed, stating that the Town could use the water rights conveyed to the Town for "whatever purpose determined by the Town's Board to be in the best interests of the people of Pahrump," and that purpose would be a "public purpose" authorized under NRS 277.053.

The Supreme Court of the United States and the Supreme Court of the State of Nevada have also held that "public use" may include the sale of public property to private parties. In *Kelo v. City of New London*, 545 U.S. 469 (2005), the Court held that a permissible public use included the general benefits that a community enjoys from economic growth. See also *Hawai'i Housing Authority v. Midkiff*, 467 U.S. 229 (1984). The Nevada court has also stated that it has "rejected the concept that public ownership of...property is essential to public use." *Pappas*, 119 Nev. at 443. Indeed, even in the context of eminent domain, "possessory use by the public is not an indispensable prerequisite" to the meaning of public use. *Iacometti*, 79 Nev. at 126-7.

Finally, the agreement with Growponics Nevada contains extensive and demanding requirements for economic development. The requirements range from minimum physical improvements to compulsory employment levels, and the success of the development would ameliorate the high level of unemployment in the County and improve and expand the tax base, benefitting local residents, the Town and the County. To that end, the Town Board determined that the best interests of the Town would be served by the agreement, which is their exclusive right. Even if this were a case of the exercise of the power of eminent domain, which it is not, there is a rational relationship between the agreement and economic development—a public purpose. See *Pappas*, 119 Nev. at 444.

Therefore, what is the County's intention? The Town has contracted with a developer, and that developer may be disinclined to pursue development depending upon your intention. I have confidence that you would agree that the failure of the development is not in the best interests of the citizens of Pahrump in light of the substantial economic benefits that the development would bring to the community.

Sincerely,

/s/ Richard G. Campbell, Jr.

Richard G. Campbell, Jr.

RC/bfm

cc: Town Manager  
Town Board  
County Manager  
County Commission  
Jack Kashani

**AGENDA ITEM REQUEST**

Requests and backup **must** be in the Town Office by **Noon, Wednesday** of the week **preceding the 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.

DATE AGENDA ITEM SUBMITTED	DATE OF DESIRED BOARD MEETING
1/3/2011	1/11/2011

---

**CIRCLE ONE:** Discussion, Action, Decision or Discussion Only

**ITEM REQUESTED FOR CONSIDERATION:**

Discussion and Possible Decision on Awarding the Winning Bid for the Town of Pahrump Community Pool Reconstruction to Gothic Landscape for \$212,930.32 and All 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:**

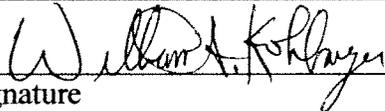
The Town of Pahrump went out for bid for the Community Pool Reconstruction Project. The Town received five (05) bids ranging from \$169,163.00 to \$388,828.51. The Town's Engineering Firm reviewed the bids and determined that the Best Bid pursuant to NRS 338.147 was Gothic Landscaping, Inc at \$212,930.32. Please see attached backup.

NOTE: The funds for this project will be obtained from the Town Pool Enterprise fund.

BACKUP ATTACHED:       YES       NO

SPONSORED BY: Town Manager/Town Engineer

NAME OF PRESENTER(S) OF ITEM: Town Manager/Town Engineer

<u>William A. Kohbarger, Town Manager</u>	
Print Name	Signature

<u>Town Office</u>	<u>(775) 727-5107 ext. 305</u>
Mailing Address	Telephone Number



ENGINEERS PLANNERS SURVEYORS

G. C. WALLACE, INC.  
1555 South Rainbow Boulevard  
Las Vegas, NV 89146

Writer's Contact Information:

Derick D.J Yoro, PE, LEED AP  
Vice President  
702.804.2143  
dyoro@gcwallace.com

398-A351-002A

December 14, 2010

Mr. William A. Kohbarger  
Town Manager  
Town of Pahrump  
400 N. Highway 160  
Pahrump, NV 89060

**Re: Town of Pahrump – Community Pool Reconstruction  
Contract No. 2010-02  
Engineer's Recommendation - Revised**

Dear Mr. Kohbarger:

On Tuesday, November 30, 2010, Bids were opened for the subject project and the results are as follows:

Company	Bid Amount
R.O.W. Custom Enterprises	\$243,562.50
Edward Homes, Inc.	\$215,528.08
Britim Construction	\$388,828.51
Gothic Landscaping, Inc.	\$212,930.32
Top Rank Builders, Inc.	\$169,163.00

In addition, both Edward Homes and Gothic Landscaping claimed a Bid preference per Nevada Revised Statutes (NRS) 338.147. As outlined in the Project Manual, Bids were to be submitted on a lump sum basis as set forth in the Bid form.

As shown in the tabulation above, Top Rank Builders submitted the lowest Bid. The next two lowest bids were submitted by Gothic Landscaping and Edward Homes. All three (3) of the lowest Bids were determined to be responsive and responsible. Per NRS 338.147, since these bids were less than \$250,000.00, a Bid preference cannot be claimed.

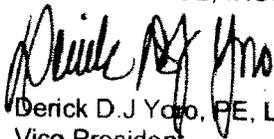
Because on the project's scope of work, G.C. Wallace (GCW) contacted the Nevada State Contractors Board for assistance in determining the required contractor's license classification. Julio Sabates, Compliance Division Supervisor, reviewed the Description of Work and Bid Form and determined that a Classification A license would be required to perform the work for the Contract. Of the lowest three (3) bids evaluated, only Gothic Landscaping possesses a Classification A license.

Based on evaluation of all Bids, G.C. Wallace has determined that Gothic Landscaping has submitted the best Bid. It is our recommendation that Gothic Landscaping be awarded the Contract for Community Pool Reconstruction (No. 2010-02).

We would be happy to discuss any questions or clarifications you may require regarding this recommendation. We look forward to working with you on this project.

Cordially,

G. C. WALLACE, INC.



Derick D.J. Yano, PE, LEED AP  
Vice President

c: James Duddlesten, GCW  
Josh Johnson, GCW

**NAC 624.150 Classification A: Subclassifications.** (NRS 624.100, 624.220, 624.925)

The subclassifications of a license designated classification A and the work authorized for persons licensed in the respective subclassifications are:

1. AIRPORTS (subclassification A-1): The construction, alteration and repair of airports, including any navigational equipment, lights, beacons, markers, taxiways, runways, hangars and terminals.
2. HIGHWAYS (subclassification A-2): The construction of highways, roads, streets and other public ways used for vehicular travel, including any drains, tunnels, bridges and other appurtenances to the construction.
3. DAMS AND RESERVOIRS (subclassification A-3): The construction, whether from earth, masonry, steel or concrete, or any combination of these materials, of dams and reservoirs designed to obstruct, control or use water, including the relocation of existing structures, any necessary excavation and the construction of embankments, foundations, piles, piers, spillways, tunnels, roadways and other incidental work.
4. BRIDGES (subclassification A-4): The installation, construction, alteration and repair of bridges which are fabricated of steel, masonry, concrete or other suitable materials, and are designed for use by pedestrians or moving traffic, and any abutments, foundations, piles, piers, culverts, roadways and other appurtenances to the bridges.
5. DIAMOND AND CORE DRILLING (subclassification A-5): The obtainment by diamond or core drilling, of concrete, soil and rock.
6. DRILLING OF OIL, GAS AND EXPLORATORY WELLS (subclassification A-6): The drilling, altering and repair of existing or new oil, gas or exploratory wells, including the casing, packing and installation of pumps and other supplemental material, equipment or structures.
7. EXCAVATING AND GRADING (subclassification A-7): The digging, movement and placement of material forming the surface of the earth, other than water, with hand and power tools, machines and explosives to cut, fill, excavate, grade, backfill and perform other similar excavating, grading and trenching operations.
8. SEALING AND STRIPING OF ASPHALTIC SURFACES (subclassification A-8): The filling of cracks and voids in existing asphaltic surfaces, the application of sealants and the installation of precast bumpers, traffic signs, nonelectrical markers and striping on the surfaces.
9. PIERS AND FOUNDATIONS (subclassification A-9): The examination, excavation, drilling, compacting, pumping, sealing and other work necessary to construct, alter or repair piers, piles, footings and foundations placed in the earth's subsurface to prevent structural settling and to provide an adequate capacity to sustain or transmit the structural load to the soil or rock below.
10. COMMERCIAL AND RESIDENTIAL POOLS (subclassification A-10): The construction, alteration and repair of commercial and residential pools and spas, used for swimming, therapy or decoration, including any appurtenant equipment. The sub-subclassifications of this subclassification are:
  - (a) RESIDENTIAL POOLS (sub-subclassification A-10a): The design, construction, alteration and repair of residential pools and spas, used for swimming, therapy or decoration, including any appurtenant equipment.
  - (b) RESIDENTIAL SPAS (sub-subclassification A-10b): The design, construction and repair of residential spas, including any appurtenant equipment.

(c) **REPAIR OF POOLS AND SPAS** (sub-subclassification A-10c): The repair and replacement of plaster, coping and coating of pool decks on residential pools and spas.

(d) **POOLS AND SPAS OF FIBERGLASS** (sub-subclassification A-10d): The design, construction and repair of residential pools and spas which are made of fiberglass.

(e) **MAINTENANCE AND REPAIR OF POOLS AND SPAS** (sub-subclassification A-10e): The alteration and repair of plaster, tile, coping, pumps, filters, heaters, decking, pool painting, timers, controls and lights on residential and commercial spas, pools, fountains, waterfalls and ponds.

(f) **WATER AND GAS LINES FOR RESIDENTIAL POOLS AND SPAS** (sub-subclassification A-10f): The installation of water and gas service lines from the point of service to the pool equipment of the pool or spa of a single-family residence. Work in this sub-subclassification is authorized only for the holder of a certificate as a master plumber, journeyman plumber or journeyman in a plumbing specialty, or an equivalent certificate, issued by the appropriate local building department.

11. **RECYCLING ASPHALT** (subclassification A-11): The scarifications of existing asphaltic mat, the raking of the asphalt into rows, its pulverization, the incorporation of necessary additives, the aeration, spreading and compacting of the asphalt and the application of a coating composed of such ingredients as asphaltic concrete or slurry.

12. **EXCAVATING, GRADING, TRENCHING AND SURFACING** (subclassification A-12): All work authorized for a license of subclassification A-7 and the mixing, fabrication and placement of pavement and surfaces consisting of graded mineral aggregates, asphalt or concrete products.

13. **WRECKING BUILDINGS** (subclassification A-13): The wrecking of existing structures by the use of tools, equipment or explosives, and the raising, cribbing and underpinning of buildings and other structures so that alterations, repairs and new substructures may be constructed under the retained and undisturbed portion of the building or other structure.

14. **STEEL ERECTION AND INDUSTRIAL MACHINERY** (subclassification A-14): The fabrication and erection of steel shapes and plates, regardless of shape or size, to be used as structural members, including any related riveting, welding and rigging, and the installation of any industrial machinery.

15. **SEWERS, DRAINS AND PIPES** (subclassification A-15): The laying of cast-iron, steel, concrete, vitreous and nonvitreous pipe for sewers, drains and irrigation, including any related excavating, grading, trenching, backfilling, paving and surfacing, and the fabrication and erection of cesspools and septic tanks.

16. **PAVING OF STREETS, DRIVEWAYS AND PARKING LOTS** (subclassification A-16): Examination, excavation, grading, compacting, alteration and repair in the application of asphalt to streets, driveways, parking lots, boat ramps, and landing strips and taxiways for an airport.

17. **LINES TO TRANSMIT ELECTRICITY** (subclassification A-17): The installation, alteration and repair of primary overhead lines which transmit electricity, including the erection of poles, towers, anchors, guys, transformers, substations, circuit breakers and any other related hardware, equipment or systems.

18. **FARM IRRIGATION** (subclassification A-18): The excavation, fabrication, installation, alteration and repair of pipes, pumps, fixtures and any other material and equipment used in or incidental to systems for irrigating crops.

19. PIPELINE AND CONDUITS (subclassification A-19): The fabrication and installation of electrical conduits only, and pipelines including the trenching, boring, shoring, backfilling, compacting, paving, surfacing and application of protective coatings necessary to complete only the installation of the pipes and conduits. A person who holds a subclassification A-19 may perform any of the work authorized for the following subclassifications:

(a) Water (subclassification A-19a).

(b) Gas (subclassification A-19b).

20. INDUSTRIAL PIPING (subclassification A-20): The fabrication and installation of pipes for the transmission of steam, gases, chemicals and other substances required for industrial manufacturing or commercial operations and any related excavation, trenching and backfilling.

21. FENCING AND GUARDRAILS (subclassification A-21): The assembling, cutting, shaping, fabricating and installing of wood or metal fencing, guardrails, signs and nonelectric markers for highways, equipment for playgrounds and supplemental materials.

22. UNCLASSIFIED (subclassification A-22): Work limited in scope by the Board to a specialty which is supported by the licensee's knowledge and experience in a trade or craft and which is not included in the other subclassifications of a license in classification A.

23. REMOVAL OF ASBESTOS (subclassification A-23): The cleaning, handling, repair, removal, encapsulation, enclosure, hauling and disposal of, or other work with, materials containing asbestos.

(Added to NAC by Contractors' Bd., eff. 8-26-83; A 10-17-86; 11-12-87; 8-24-88; 11-10-88; 1-25-89; 12-19-89, eff. 1-1-90; 9-13-91; 3-14-94; R207-05, 5-4-2006; R090-08, 9-18-2008)

**NAC 624.160 Classification B: General building.** (NRS 624.100, 624.220) The Board will grant to qualified applicants a license in the branch of general building. The Board designates such a license as a "classification B" license. A person who holds a classification B license may perform the work described in subsection 3 of NRS 624.215.

(Added to NAC by Contractors' Bd., eff. 8-26-83)

**NAC 624.170 Classification B: Subclassifications.** (NRS 624.100, 624.220) The subclassifications of a license designated classification B and the work authorized for persons licensed in the respective subclassifications are:

1. PREMANUFACTURED HOUSING (subclassification B-1): The fitting, assembling, placement and installing of premanufactured units, modular parts and their appurtenances for the erection of residential buildings which do not extend more than three stories above the ground.

2. RESIDENTIAL AND SMALL COMMERCIAL (subclassification B-2): The construction and remodeling of houses and other structures which support, shelter or enclose persons or animals or other chattels, and which do not extend more than three stories above the ground and one story below the ground.

3. SPECULATIVE BUILDING (subclassification B-3): The construction upon property owned by the contractor of structures for sale or speculation.

4. SERVICE STATIONS (subclassification B-4): The construction of structures and installation of equipment used to perform service upon vehicles.

5. PREFABRICATED STEEL STRUCTURES (subclassification B-5): The construction with prefabricated steel of structures to be used for the support, shelter or enclosure of persons or animals or other chattels.

(Added to NAC by Contractors' Bd., eff. 8-26-83; A 8-31-84; 10-17-86)



## Nevada State Contractors Board

2330 Corporate Circle, Suite 200 Henderson, NV 89074 (702)486-1100 Fax: (702)486-1150 Investigation: (702)486-1110  
 3679 Gateway Drive, Suite 100 Reno, NV 89521 (775)688-1141 Fax: (775)688-1271 Investigation: (775)688-1150  
[www.nscob.state.nv.us](http://www.nscob.state.nv.us)

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### License Search Details

Press "Previous Record" to view the previous record in the list

Press "Next Record" to view the next record in the list.

Press "Search Results" to return to the search results list screen.

Press "New Search Criteria" to revise your existing search criteria or enter new search criteria.

Press "New Search" to select a different search.

#### License Number:

**0050633**

**Current Date: 01/06/2011 08:28 AM** (mm/dd/yyyy)

Business Primary Name: **GOTHIC LANDSCAPING INC** License **Unlimited**  
 Monetary Limit:

Business Address: **4565 W NEVSO DR**  
**LAS VEGAS, NV 89103**

Phone Number: **(702)252-7017**

Status: **Active**

Status Date: **06/22/2010** (mm/dd/yyyy)

Origin Date: **08/25/2000** (mm/dd/yyyy)

Expiration Date: **08/31/2012** (mm/dd/yyyy)

Business Type: **Corporation**

Classification(s): **A - GENERAL ENGINEERING**

Principal Name	Relation Description
<b>GEORGIO, JON SPENCER</b>	<b>President Qualified Individual</b>
<b>LA VINE, JAMES CLARKE</b>	<b>CFO</b>
<b>GEORGIO, RONALD LOUIS</b>	<b>Secretary</b>

#### Bonds

Bond Type: **Surety Bond**

Bond Number: **SU1102453**

Bond Agent: **ACQUISTAPACE, ROBERT EARL**

Surety Company: **ARCH INSURANCE COMPANY**

Bond Amount: **\$50,000.00**

Effective Date: **07/02/2009** (mm/dd/yyyy)

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2011-01-06 8:28:04 AM



## Nevada State Contractors Board

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Press "New Search" to select a different search.

#### License Number:

**0074890**

**Current Date: 01/06/2011 08:26 AM** (mm/dd/yyyy)

Business Primary Name: **TOP RANK BUILDERS INC** License Monetary Limit: **\$450,000.00**

Business Address: **2941 E LORELIE ST  
PAHRUMP, NV 89048**

Phone Number: **(775)751-2009**

Status: **Active**

Status Date: **05/17/2010** (mm/dd/yyyy)

Origin Date: **05/17/2010** (mm/dd/yyyy)

Expiration Date: **05/31/2012** (mm/dd/yyyy)

Business Type: **Corporation**

Classification(s): **B2 - RESIDENTIAL & SMALL  
COMMERCIAL  
B5 - PREFABRICATED STEEL  
STRUCTURES**

Principal Name	Relation Description
<b>MORALES-MORENO, EFRAIN RENE</b>	<b>President Qualified Individual</b>

#### Bonds

Bond Type: **Surety Bond**

Bond Number: **41189245**

Bond Agent: **WATSON, COLLEEN ELIZABETH**

Surety Company: **PLATTE RIVER INSURANCE COMPANY**

Bond Amount: **\$15,000.00**

Effective Date: **05/12/2010** (mm/dd/yyyy)**One Time Raise in Limits (Past 1 Year Only)**

<b>Date Approved</b> (mm/dd/yyyy)	<b>Project Type</b>	<b>Project Name</b>	<b>Project Location</b>	<b>Bid Date</b> (mm/dd/yyyy)	<b>Approval Amount</b>
<b>06/14/2010</b>		<b>SIMKINS PARK IMPROVEMENTS CRESCENT VALLEY</b>	<b>PAHRUMP, NV</b>	<b>06/11/2010</b>	<b>\$360,000.00</b>
<b>07/21/2010</b>		<b>CONCESSION, RESTROOM &amp; STORAGE FACILITY</b>	<b>EUREKA, NV</b>	<b>07/20/2010</b>	<b>\$650,000.00</b>

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2011-01-06 8:26:25 AM



## Nevada State Contractors Board

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Press "New Search" to select a different search.

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#### License Number:

**0048811A**

**Current Date: 01/06/2011 08:29 AM** (mm/dd/yyyy)

Business Primary Name: **EDWARD HOMES INC** License Monetary Limit: **\$8,700,000.00**

Business Address: **P O BOX 1999  
PAHRUMP, NV 89041**  
 Phone Number: **(775)751-5880**

Status: **Active**  
 Status Date: **04/20/2010** (mm/dd/yyyy)  
 Origin Date: **06/10/2003** (mm/dd/yyyy)  
 Expiration Date: **06/30/2012** (mm/dd/yyyy)

Business Type: **Corporation**  
 Classification(s): **B2 - RESIDENTIAL & SMALL COMMERCIAL**

Principal Name	Relation Description
<b>METZKA, BROCK E</b>	<b>President Qualified Individual</b>

Indemnitor Name	Effective Date of Indemnification	Date Indemnification Removed
<b>B METZKA/B HUGHES</b>	<b>05/13/2003</b> (mm/dd/yyyy)	<b></b> (mm/dd/yyyy)

#### Bonds

Bond Type: **Surety Bond**  
 Bond Number: **NC7092**  
 Bond Agent: **GRIFFITH, GREGORY P**

Surety Company: **CONTRACTORS BONDING & INSURANCE COMPANY**  
Bond Amount: **\$50,000.00**  
Effective Date: **01/20/2010** (mm/dd/yyyy)  
Cancellation Date: **01/20/2011** (mm/dd/yyyy)

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2011-01-06 8:29:38 AM

## AGENDA ITEM REQUEST

Requests and backup **must** be in the Town Office by **Noon, Wednesday** of the week **preceding the 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.

DATE AGENDA ITEM SUBMITTED  
1/3/2011

DATE OF DESIRED BOARD MEETING  
1/11/2011

CIRCLE ONE: Discussion, Action, Decision or Discussion Only

ITEM REQUESTED FOR CONSIDERATION:

Discussion and Possible Decision on Jointly Funding the Nevada Rural Counties Retired and Senior Volunteer Program ~ RSVP Program with Nye County, the Pahrump Senior Center and Town not to exceed \$2,357.00.

*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:

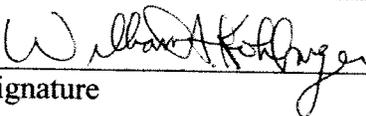
NCC Joni Eastley contacted the Town seeking the Town's assistant in a joint effort between the Pahrump Senior Center, Nye County and the Town of Pahrump to fund the Nevada Rural Counties Retired and Senior Volunteer Program ~ RSVP.  
Cost is \$7,071.00 divided by three which equals Town share of \$2,357.00

BACKUP ATTACHED:     YES     NO

SPONSORED BY: Pahrump Town Board

NAME OF PRESENTER(S) OF ITEM: Nye County Commissioner

William A. Kohbarger, Town Manager  
Print Name

  
Signature

Town Office  
Mailing Address

(775) 727-5107 ext. 305  
Telephone Number

## William Kohbarger

---

**From:** Joni Eastley [castle@lnett.com]  
**Sent:** Friday, December 17, 2010 9:34 AM  
**To:** 'Bill Kohbarger'  
**Subject:** FW: RSVP info

---

**From:** Jan L [mailto:treebanks@pahrump.com]  
**Sent:** Thursday, December 16, 2010 10:00 AM  
**To:** Joni Eastley  
**Cc:** [treebanks@pahrump.com](mailto:treebanks@pahrump.com)  
**Subject:** Re: RSVP info

Initially I mentioned the \$7,071.00 that was requested in February 2010. This is 15% of the total cost to RSVP for the programs in Pahrump.

I did approach the Pahrump Senior Center with a request and was told that they are willing to assist, no amount specified and nothing so far. The Senior Center was unaware that a portion of their funding is to go to RSVP. If this is to be a regular portion of their allotment(to RSVP), is there a way to add a line item to the budget of the Senior Center, stating a specific amount to RSVP?

Please suggest steps I can take to insure monetary support for our programs here in Pahrump.

Thank you very much for your interest and your time.

Jan Lindsay

— Original Message —

**From:** [Joni Eastley](mailto:Joni Eastley)  
**To:** 'Jan L'  
**Sent:** Thursday, December 16, 2010 9:43 AM  
**Subject:** RE: RSVP info

Jan, what is the total amount of funding you were seeking from Nye County? I recall that Pam Webster asked you to approach the Pahrump Senior Nutrition board.

Joni

---

**From:** Jan L [mailto:treebanks@pahrump.com]  
**Sent:** Thursday, December 16, 2010 9:31 AM  
**To:** [castle@lnett.com](mailto:castle@lnett.com)  
**Cc:** [treebanks@pahrump.com](mailto:treebanks@pahrump.com)  
**Subject:** RSVP info

Dear Commissioner Eastley,

the following is being released to our local media today. Your assistance with our request for monetary support to continue our services in Pahrump will be appreciated.

For immediate release:

Meet The Nevada Rural Counties Retired and Senior Volunteer Program ~ RSVP.

Our 'Respite for the Caregiver' program is designed to provide a much needed break for the caregiver in the family. We all know that a caregiver rarely gets time for their own basic needs and may begin to feel isolated, lonely or frustrated. RSVP's 'Respite for the Caregiver' program provides mature, reliable people who will come to a home and stay with a loved one for a few hours at a time so that a caregiver is free to shop, bank, go to the library, visit a friend, get a hair cut or just go for a nice, long walk.

There is no charge for this service. If you are now a caregiver, or for more information about our RSVP 'Respite for the Caregiver' program, please contact me.

The RSVP 'Home Companion' program offers an innovative approach to basic services for the elderly and disabled in need of short and long term services that allow them to remain independent and in their own homes ~ rather than be placed in a care facility. Established in 1973 and now one of the largest senior volunteer organizations in the nation, RSVP engages people to help a friend, a loved one or a neighbor. RSVP offers mileage reimbursement to senior volunteers (over 55 years), extra insurance and a real chance to make a difference in our community. Volunteers play a vital role in our 'Home Companion' program, on Telephone Tree, visitations or to provide a ride to a local Doctor, shopping, bank or library. There is no charge for this service.

I am available to speak to outreach groups, present more information and answer any questions that your group may have. Please feel free to contact me at 775-751-5282 or 775-253-5791 or [treebanks@pahrum.com](mailto:treebanks@pahrum.com). Jan Lindsay, Field Representative, RSVP.

## William Kohbarger

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**From:** Joni Eastley [castle@lnett.com]  
**Sent:** Tuesday, December 21, 2010 5:30 PM  
**To:** bkohbarger@pahrumprnv.org  
**Subject:** RE: RSVP info

Unfortunately, I'm going to have to ask Gary to represent me. The new state energy director wants to meet with me the following morning and I can't "get there from here" in time. Gary will do a great job, I'm sure, although I would have preferred to be the one to present the information to the board.

Bill, I hope you and your family have a wonderful Christmas holiday.

Joni

---

**From:** William Kohbarger [mailto:bkohbarger@pahrumprnv.org]  
**Sent:** Tuesday, December 21, 2010 5:12 PM  
**To:** Joni Eastley  
**Subject:** Re: RSVP info

Great I was just putting together the agenda item request form.

Sent on the Now Network™ from my Sprint® BlackBerry

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**From:** "Joni Eastley" <castle@lnett.com>  
**Date:** Tue, 21 Dec 2010 16:57:22 -0800  
**To:** 'William Kohbarger' <bkohbarger@pahrumprnv.org>  
**Subject:** RE: RSVP info

Yes—that was my intent. Three ways, if you think the town has the funds to participate. If you don't, I understand.

---

**From:** William Kohbarger [mailto:bkohbarger@pahrumprnv.org]  
**Sent:** Tuesday, December 21, 2010 3:15 PM  
**To:** 'Joni Eastley'  
**Subject:** RE: RSVP info

Mrs. Eastley,

Can you let me know how much each entry is supposed to be funding. I see a figure of \$7,071.00 but not sure if that is split three ways or what. Thanks.

William A. Kohbarger  
Pahrump Town Manager  
400 N. Hwy 160  
Pahrump, NV 89060  
775-727-5107 ext 305

## AGENDA ITEM REQUEST

Requests and backup **must** be in the Town Office by **Noon, Wednesday** of the week **preceding the 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.

DATE AGENDA ITEM SUBMITTED  
1/3/2011

DATE OF DESIRED BOARD MEETING  
1/11/2011

CIRCLE ONE: Discussion, Action, Decision or Discussion Only

ITEM REQUESTED FOR CONSIDERATION:

Discussion and Possible Decision to add "Prayer" and/or a Moment of Silence as a Permanent Item on the Town Board Agenda at Item #1 between Call to Order and Pledge of Allegiance.

*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:

On the January 11 agenda, I would like to place an "action" item to change the agenda by adding a prayer to open the session. As with the U.S. Congress, (House & Senate), the pledge of allegiance would follow the prayer. If approved, the prayer could be led by any of the Town's clergy at future meetings.

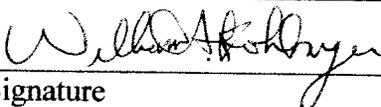
See attached a mock agenda with the new Item #1 and how it would read.

BACKUP ATTACHED:     YES             NO

SPONSORED BY: Town Board Member Dr. Waters

NAME OF PRESENTER(S) OF ITEM: Town Board Member Dr. Waters

William A. Kohbarger, Town Manager  
Print Name

  
Signature

Town Office  
Mailing Address

(775) 727-5107 ext. 305  
Telephone Number

PAHRUMP TOWN BOARD MEETING  
NYE COUNTY ADMINISTRATIVE COMPLEX  
2100 E. WALT WILLIAMS DRIVE  
TUESDAY – 7:00 P.M.

JANUARY 11, 2011

AGENDA

1. **Call to Order, Prayer/Moment of Silence and Pledge of Allegiance.**
2. **Discussion and Possible Decision** on Electing a Chair, Vice-Chair and Town Clerk for the 2011 Pahrump Town Board Pursuant to the Town Board Policy. (Action Item)
3. **Discussion and possible decision** regarding Moving the Order of or Deleting an Agenda Item(s). (Action Item)
4. **Announcements** (Non-Action Item)
5. **Advisory Board Reports** from Advisory Board Chairpersons and/or Town Board Liaisons on the Status of Advisory Boards. (Non-Action Item)
6. **Town of Pahrump Economic Development Report.** (Non-Action Item)
7. **Discussion and possible decision** on Requesting that Nye County Waive Any Right that it perceives it has to enforce a Purported Deed Restriction on the Property Subject to the Lease with Option to Purchase Agreement with Growponics Nevada, without waiving the Town's Legal Position that No Deed Restriction Exists. (Action Item)
8. **Discussion and Possible Decision** on Awarding the Winning Bid for the Town of Pahrump Community Pool Reconstruction to Gothic Landscape for \$212,293.32 and All Matters Properly Related Thereto. (Action Item)
9. **Discussion and Possible Decision** on Jointly Funding the Nevada Rural Counties Retired and Senior Volunteer Program – RSVP Program with Nye County, the Pahrump Senior Center and the Town not to exceed \$2,357.00. (Action Item)
10. **Discussion and Possible Decision** to Add Prayer and/or a Moment of Silence as a Permanent Item on the Town Board Agenda at Item #1 Between Call to Order and Pledge of Allegiance. (Action Item)
11. **Discussion Only** on Making Changes to Resolution #2009-02, A Resolution to Establish a Policy and Guidelines for Rules of Procedure at the Pahrump Town Board Meetings. (Non-Action Item)
12. **Discussion Only** on Resolution #2009-03, A Resolution Providing for the Citizens of Pahrump to Keep and Bear Arms of Their Choice for Defense of Life, Liberty and Property. (Non-Action Item)

**AGENDA ITEM REQUEST**

Requests and backup **must** be in the Town Office by **Noon, Wednesday** of the week **preceding the 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.

DATE AGENDA ITEM SUBMITTED	DATE OF DESIRED BOARD MEETING
1/3/2011	1/11/2011

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**CIRCLE ONE:**    Discussion, Action, Decision                    or                    Discussion Only

ITEM REQUESTED FOR CONSIDERATION:  
Discussion on Making Changes to Resolution #2009-02, A Resolution to Establish a Policy and Guidelines for Rules of Procedure at the Pahrump Town Board Meetings.

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***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 #2009-02 and Pg one of a copy of Resolution #2009-02 with Changes made to the Resolution by Town Board member Kulkin.

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BACKUP ATTACHED:             YES             NO

SPONSORED BY: Town Board Member Kulkin

NAME OF PRESENTER(S) OF ITEM: Town Board Member Kulkin

<u>William A. Kohbarger, Town Manager</u>	
Print Name	Signature

<u>Town Office</u>	<u>(775) 727-5107 ext. 305</u>
Mailing Address	Telephone Number

## AGENDA ITEM REQUEST

Requests and backup **must** be in the Town Office by **Noon, Wednesday** of the week **preceding the 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.

DATE AGENDA ITEM SUBMITTED

28 Dec 10

DATE OF DESIRED BOARD MEETING

11 Jan 11

CIRCLE ONE:

Action

or

Non-Action

ITEM REQUESTED FOR CONSIDERATION:

changes to Town Board Meeting Rules under  
resolution 2009-02

*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:

changes of, but not limited to, the  
attached

BACKUP ATTACHED:

YES

NO

NAME OF PRESENTER(S) OF ITEM: Harley Kulkin

SPONSORED BY: Harley Kulkin

Harley Kulkin  
Print Name

Harley Kulkin  
Signature

PO BOX 3741 89041  
Mailing Address

727 1525  
Telephone Number

**RESOLUTION 2009-02  
PAHRUMP TOWN BOARD**

**A RESOLUTION TO ESTABLISH A POLICY AND GUIDELINES FOR RULES OF  
PROCEDURE AT PAHRUMP TOWN BOARD MEETINGS**

**WHEREAS**, the Town of Pahrump Town Board desires to establish a policy and guidelines for Rules of Procedure at the Town Board Meetings, now

**THEREFORE BE IT RESOLVED** THE Town policy and guidelines for rules of procedure at Town Board meetings are as follows:

**I. IDENTIFICATION**

- Any person who addresses the Board must first give their name and state their place of residence. If they represent an organization, they must also identify that organization.

**II. ORDER OF AGENDA**

- Any item on the agenda that requires a presentation by a person who is traveling from outside Pahrump will be extended the courtesy of having that agenda item placed near the beginning of the meeting.

**III. OPEN PUBLIC COMMENT**

- Every agenda will include time for Public Comment, where any person may address the Board or audience.
- Open Public Comment may address any subject within the authority of the Board. The Chairperson <sup>may</sup> ~~shall~~ prohibit comments that address subject matters outside the scope of the Board's authority.
- In order to efficiently manage the time of the Board, comments <sup>may</sup> ~~shall~~ be limited to three (3) minutes; public presenters <sup>may</sup> ~~will~~ only be allowed to speak one time under Public Comment; ~~and presenters may not designate their time to be used by others.~~ <sup>remove or consider chain approval</sup>
- Public Comment may be limited by the Chairperson to fifteen (15) minutes, subject to being overruled by a majority vote of the Board.

**IV. SPEAKING ON AGENDA ITEMS**

- When the Board invites public comment on an agenda item, which <sup>shall</sup> ~~often occurs after~~ a motion has been made and seconded, comments <sup>may</sup> ~~shall~~ be limited to three (3) minutes; public presenters <sup>may</sup> ~~will~~ only be allowed to speak one time under Public Comment; ~~and presenters may not designate their time to be used by others.~~ <sup>remove or consider chain approval</sup>
- The Chairperson may either shorten or lengthen the time allocated for a particular member of the public, all members of the public, and/or the amount of time allocated for an agenda item, subject to being overruled by a majority vote of the Board.
- No member of the Board <sup>(EXCEPT CHAIRPERSON)</sup> ~~or of the public~~ may speak <sup>shall</sup> ~~before~~ being recognized by the Chairperson. <sup>while another person is speaking. The Public must be recognized by the chairperson</sup>

MAY = MIGHT

shall = MUST

**RESOLUTION 2009-02  
PAHRUMP TOWN BOARD**

**A RESOLUTION TO ESTABLISH A POLICY AND GUIDELINES FOR RULES OF  
PROCEDURE AT PAHRUMP TOWN BOARD MEETINGS**

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- The Chairperson may either shorten or lengthen the time allocated for a particular member of the public, all members of the public, and/or the amount of time allocated for an agenda item, subject to being overruled by a majority vote of the Board.
- No member of the Board or of the public may speak before being recognized by the Chairperson.

**RESOLUTION 2009-02  
PAHRUMP TOWN BOARD**

**V. POINT OF ORDER**

- Any member of the public, or of the Board, may interrupt a discussion at any time by calling for a point of order. Audience members may simply stand and say “point of order” and be called forward by the Chairperson. The Chairperson must address the point of order before the discussion continues.

**VI. DISRUPTIVE OR IRRELEVANT COMMENTS OR BEHAVIOR PROHIBITED**

- Abusive, inflammatory, slanderous, offensive, irrational and threatening comments or behavior toward the Board, Town employees, and/or any person in the Board’s presence will not be tolerated. You may be asked to leave the podium, removed from the meeting, and/or subjected to criminal sanctions.
- Comments on matters that are outside the scope of the Board’s authority will not be heard.

**AGENDA ITEM REQUEST**

Requests and backup **must** be in the Town Office by **Noon, Wednesday** of the week **preceding the 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.

DATE AGENDA ITEM SUBMITTED      DATE OF DESIRED BOARD MEETING  
5 JAN 2011                              11 JAN 2011

CIRCLE ONE:    Action                              or                              Non-Action

ITEM REQUESTED FOR CONSIDERATION:

Resolution PROVIDING FOR The CITIZENS  
OF Pahrump To Keep AND BEAR ARMS OF  
Their choice FOR defence OF LIFE, Liberty AND Property  
*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 Backup

BACKUP ATTACHED:     YES                               NO

NAME OF PRESENTER(s) OF ITEM: Bruce Caulie

SPONSORED BY: Harley Kulkin

Harley Kulkin  
Print Name

[Signature]  
Signature

PO Box 3741  
Mailing Address

7271525  
Telephone Number

**RESOLUTION NO 2011**  
**TOWN OF PAHRUMP, NEVADA**

A RESOLUTION PROVIDING THE RIGHT FOR THE CITIZENS OF PAHRUMP TO KEEP AND BEAR ARMS.

WHEREAS, the Right of the People to keep and Bear Arms is guaranteed as an Individual Right under The Second Amendment to the United States Constitution and under the Constitution of the State of Nevada, and;

WHEREAS, the Right of the People to Keep and Bear Arms for defense of Life, Liberty, and Property is regarded as an inalienable Right by the People of the Town of Pahrump, Nye County, Nevada, and;

WHEREAS, the People of the Town of Pahrump, Nye County, Nevada, derive economic benefit from the safe forms of firearms recreation, hunting, and shooting conducted with Nye County using all types of firearms allowable under the United States Constitution and the Constitution of the State of Nevada, and;

WHEREAS, the Pahrump Town Board, being elected to represent the People of the Town of Pahrump, Nye County, and being duly sworn by the Oath of Office to uphold the United States Constitution and the Constitution of the State of Nevada, have a responsibility to Provide for the safety of the citizens of Pahrump, and,

NOW, THEREFORE, IT BE AND IS HEREBY RESOLVED that the People of the Town of Pahrump, Nye County, Nevada, do hereby oppose the enactment of any Code or Ordinance that would infringe upon the Right of the People to keep and bears arms and consider such laws to be unconstitutional and beyond lawful Legislative Authority, and,

FURTHER, Exempt from the effect of this resolution are those citizens who suffer a physical or mental disability which would prohibit them from using such firearms, or persons convicted of a felony.

Motion proposed by Town Board Member: \_\_\_\_\_

Motion seconded by Town Board Member: \_\_\_\_\_

Approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_

AYES: \_\_\_\_\_ NAYS: \_\_\_\_\_

Town Board Chairperson: \_\_\_\_\_

Town Board Clerk: \_\_\_\_\_

# Explaining the Second Amendment (Rev VI : 2/17/2010)

## 1. What is the Second Amendment?

The second amendment is DOES NOT give the Right to Keep and Bear Arms. It is the second in a series of admonishments to ALL governments of the United States of America, compelling them to refrain from taking away from the people, those God given, unalienable rights that they already have. It must be remembered that the second amendment explaining ***The Right to Keep and Bear Arms***, is a summary, as are all of the enumerated rights in the Bill of Rights, of *many* writings by the Founding Fathers.

Remember, the Founding Fathers were supremely literate and very aware of the in-depth meaning of all the words they used. These rights are endowed (given forever) by their Creator (God), as declared in the Unanimous Declaration of the thirteen united States of America. There is NO historical document titled "The Declaration of Independence"! The shortening of this document title has produced much disinformation about its contents. There is a total of eight such admonishments forming the first eight amendments to the U.S. Constitution. The second amendment is the keystone amendment, and it is placed behind the five intellectual rights of the first amendment, providing protection for it, and all of the other, approximately 25 human rights enumerated in the Bill of Rights. The ninth amendment specifies no specific right, but leaves the door open for other rights. The tenth amendment does not provide an admonishment about individual rights, but is an admonishment specifying authority and applicability. The first ten amendments, known as the Bill of Rights, is a package of God given human rights in perpetuity, and cannot be amended or bypassed by foreign treaty (law of supremacy). It is inserted between its own, powerful preamble, the stated purpose of which is to add additional restrictions and safeguards for the people against the government, and the tenth amendment. This preamble needs to be read and understood. The Tenth Amendment states, "***The powers not delegated to the United States (federal government) by the Constitution (article 1, section 8, only 17 areas), nor prohibited by it (the Bill of Rights) to the States (the States are prohibited from overriding the Bill of Rights), (rights, other than those in article 1, section 8 of the Constitution, and the Bill of Rights) are reserved to the states respectively, or to the people (the Bill of Rights).***" Thus, the 10<sup>th</sup> amendment tells us that, the Federal Government only has the authority granted in Article 1, Section 8 of the Constitution, limited to 17 areas of authority. The separate states of the union have wider authority (states' rights) to set laws within their own geographic boundaries, provided that these laws do not encroach on the 17 areas of authority of the federal government or the unalienable, God given rights of the people, enumerated by the Bill of Rights.

## 2. What does the second amendment say and mean.

*"A well regulated militia, being necessary to the security of a free state, the **right of the people to keep and bear arms** shall not be infringed "*

The primary source of information for the purpose of ***Right to Keep and Bear Arms*** is the ***Federalist Papers***, by Hamilton, Madison and Jay. According to noted political historian, Clinton Rossiter, the Federalist Papers are, "***the first and still the most authoritative commentary on the constitution of the United States.***" The primary papers supporting the individual ***Right To Keep and Bear Arms*** are papers 28, 29 and 46 and should be read and understood. The second amendment contains only twenty seven (27) words (go on, count them). These 27 words summarize the writings of three or more papers in the Federalist Papers, amounting to many thousands of words. It is therefore absolutely impossible to reverse engineer the full meaning of the second amendment by reading it alone. One simply cannot work backwards from 27 words to recreate the philosophy of many thousands of words, and get true insight of those original writings. If the reader has not read and understood the writings of Hamilton, Madison and Jay in the Federalist Papers as well as the writings of Webster, Paine, Jefferson and many other notable Founding Fathers, the reader will not have an understanding of the meaning of this amendment.

***Well regulated*** means orderly and well run. This emanates from the days when clocks were operated by "clockwork" and had a *regulator* to make them run accurately. Thus a *well regulated* militia would run like clockwork. "***being necessary to the security of a free state,***" is the justification that the Founding Fathers used for the people to retain the ***Right To Keep and Bear Arms***. That is, that if the people do not retain the ***Right To Keep and Bear Arms***, the freedom of the people is in jeopardy by dictatorship, as was proven to be so true in 20<sup>th</sup> century Europe (Hitler, Stalin, Mussolini, etc.) and elsewhere around the world. Many tens of millions of innocent people have been murdered, during my lifetime alone, by their own governments, simply for being politically incorrect! The word ***infringed*** is particularly interesting. It would have been understandable for the Founding Fathers to have used the word "denied". Had they done so, a devious government could have allowed a citizen just one, small caliber, single shot, weapon of the government's choosing, and the constitutional requirement would have been satisfied. The unqualified word "infringed" admonishes that no infringement of any kind can be in effect. Remember the Founding Fathers' literacy and use of words. All arms available to the military must be allowed to the citizenry, and no restrictive measures can be used to *infringe* upon; use, type or quantity; or to have restrictive taxes, geographical infringements or other infringing conditions. In particular, neither the federal government nor any state government can select which arms citizens can have, if the military has or had access to them! (See Later)

## 3. What is the constitutional support for the second amendment summary to keep and bear arms.

The document that declares independence of the United States from Britain is titled, "***The Unanimous Declaration of the thirteen united States of America***" (NOT the declaration of independence). It was drafted by a "Committee of Five", led by Jefferson. Again, remember the Founding Fathers' literacy and use of words. This document contains the following statement:

**THANKS TO PHILLIP HIDER - WWW.LEARNINGCENTER.NET**



RESOLUTION #94-44  
NYE COUNTY BOARD OF COMMISSIONERS

A RESOLUTION PROVIDING FOR ALL CITIZENS TO HAVE ARMS OF THEIR CHOICE.

WHEREAS, Amendment II of the Constitution of the United States states that, "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed"; and,

WHEREAS, Article 1, Section 11, of the Constitution of the State of Nevada states that, "Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes"; and,

WHEREAS, There are forces in our country that are striving to take away our right to bear arms; and,

WHEREAS, We, as County Commissioners, have a responsibility to provide for the safety of the citizens of Nye County;

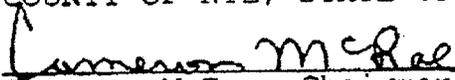
NOW, THEREFORE, In order to provide for the emergency management of the County of Nye and further in order to provide for and protect the safety, security, and general welfare of Nye County and its inhabitants, every citizen residing in Nye County will be allowed to maintain firearms of their choice, together with ammunition therefore; and,

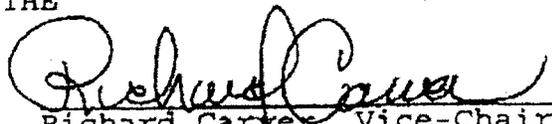
FURTHER, Exempt from the effect of this measure are those citizens who suffer a physical or mental disability which would prohibit them from using such firearms, or persons convicted of a felony; and,

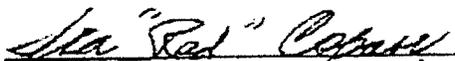
FURTHER, Nothing herein shall be held to permit the carrying of concealed weapons.

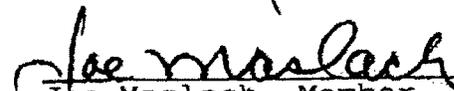
Adopted and Dated this 4th day of October, 1994

BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF NYE, STATE OF NEVADA

  
Cameron McRae, Chairman

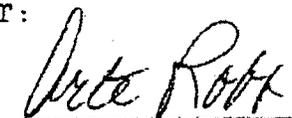
  
Richard Carver, Vice-Chairman

  
Ira "Red" Copass, Member

  
Joe Maslach, Member

  
Dave Hannigan, Member

ATTEST:

  
Juanita "Arte" Robb  
Nye County Clerk and Ex-Officio



**AGENDA ITEM REQUEST**

Requests and backup must be in the Town Office by **Noon, Wednesday** of the week **preceding the 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.

DATE AGENDA ITEM SUBMITTED

23 Dec 10 10 Jan 11

DATE OF DESIRED BOARD MEETING

11 Jan 11

CIRCLE ONE:

Action

or

Non-Action

ITEM REQUESTED FOR CONSIDERATION:

Removal OF NO parking SIGNS BETWEEN 160  
AND M<sup>c</sup> Donalds - DIRECT STAFF TO CONTACT  
N-DOT FOR REMOVAL OF SIGNS (request)

*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:

NO place FOR large Vehicles - RV'S, Semi TRUCKS,  
BUS'S ETC TO park. Some park ON Street  
Blocking Road OR OTHERS CONTINUE ON Their  
Way eating IN another city (Las Vegas) we  
are loosing TAX revenue ~~blocking road~~ Blocking Road  
could cause Emergency service problems

BACKUP ATTACHED:

YES

NO

NAME OF PRESENTER(S) OF ITEM:

Harley Kulkini

SPONSORED BY:

Harley Kulkini

Print Name

Harley Kulkini

Signature

Harley Kulkini

Mailing Address

PO BOX 3741 89041

Telephone Number

727 1525

## AGENDA ITEM REQUEST

Requests and backup **must** be in the Town Office by **Noon, Wednesday** of the week **preceding the 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.

DATE AGENDA ITEM SUBMITTED	DATE OF DESIRED BOARD MEETING
1/3/2011	1/11/2011

CIRCLE ONE: Discussion, Action, Decision or Discussion Only

ITEM REQUESTED FOR CONSIDERATION:

Discussion and Possible Decision to Accept the Pahrump Nuclear Waste and Environmental Advisory Board Quarterly Report.

*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:

Pursuant to By-laws for Advisory Boards, Section V (B) Quarterly, the Chairperson shall submit or cause to be submitted to the Town Board an activity report summarizing the Advisory Board's accomplishments and objectives for the next quarter.

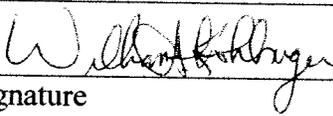
See attached report.

BACKUP ATTACHED:     YES             NO

SPONSORED BY: Town Board

NAME OF PRESENTER(S) OF ITEM: PNW&EAB Chairman/Member

William A. Kohbarger, Town Manager  
Print Name

  
Signature

Town Office  
Mailing Address

(775) 727-5107 ext. 305  
Telephone Number

MEMO  
TOWN OF PAHRUMP  
TOWN BOARD MEETING AGENDA ITEM  
MEETING DATE: 12 – 14 – 2010

TO: Town Board

FROM: John Pawlak, Chairperson, Pahrump Nuclear Waste and Environmental Advisory Board

DATE: 12/14/2010

RE: Pahrump Nuclear Waste and Environmental Advisory Board Quarterly Report (1<sup>st</sup> Quarter 2011)

1.) Introduction

The PNW&EADBD members are as follows: John Pawlak, Chair; George Sausman, Vice chair; Cheryl Beeman, Secretary; Mary Wilson, Board founder and member; Heather Gang; Dale Griffith; Levi Kryder

2.) Purpose, Goals and Objectives

A. To act in an advisory capacity to the Pahrump Town Board and/or the Pahrump Town Manager with regard to nuclear waste and environmental issues affecting the Town of Pahrump.

B. To make recommendations to the Pahrump Town Board and/or the Pahrump Town Manager with respect to requests for information regarding nuclear waste and environmental issues in Southern Nevada and within the Town of Pahrump.

3.) Accomplishments 2010

The Board presented and hosted an annual Earth Day event for the past eight years in the former Honeysuckle Park. The annual event promotes, educates and informs local residents in order to increase awareness for local recycling, reducing energy consumption, reusing resources already available, while eliminating the need to create more waste locally.

Creating a sense of awareness for energy and resource management in the Town has been the message successfully brought forth by this worthwhile endeavor in past years.

The Board also has sponsored the annual Town Clean-up for the purpose of cleaning up trash, unwanted autos, appliances, etc. throughout the Valley, which degrades and lessens the attractiveness of Pahrump to our own residents as well as visiting tourists and prospective businesses that may want to choose our Town for future settlement.

#### 4.) Accomplishment prior to 2010

The Board has been the driving force behind the Town's annual Fall Festival and Fair booth that has promoted Town sponsored activities and educated townsfolk about environmental and radiological issues for which the Board has been assigned to do. Unfortunately, the Advisory Board was not able to proceed with the annual booth due to a lack of commitment from other Advisory Boards and the inability to staff the Booth in an appropriate way to highlight the Town itself for the entire four-day event.

In past years the Board has presented white papers on radiological and environmental issues for the purpose of informing the Town of these issues at it has requested.

The Board has also presented local Town meetings for the purpose of informing the Towns-folk of new emerging energy sources, groundwater and air quality issues when there was a need to explain and inform the populace in a timely, correct and intelligent way.

#### Conclusion:

The Advisory Board's main purpose, through its scientists, specialists and educators is to create a sense of honest and unbiased awareness for energy and resource management in the Town. The Board will not hesitate to look and ask for assistance from other outside specialists for the good of the Town. This has been the message successfully brought forth by this worthwhile endeavor in past years and continues to this day.



**William Kohbarger**

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**From:** Carolene Endersby [cendersby@pahrumnv.org]  
**Sent:** Tuesday, January 04, 2011 4:30 PM  
**To:** bkohbarger@pahrumnv.org  
**Subject:** Re: Agenda Item

Mr. Kohbarger

Thank you for your efforts in moving this event forward. The agenda request form looks fine. I will be glad to speak to the item since no backup is available at this time.

Carolene Endersby

----- Original Message -----

**From:** bkohbarger@pahrumnv.org  
**Sent:** Mon, January 3, 2011, 11:30 AM  
**Subject:** Agenda Item

Mrs. Endersby,

Please review the attached agenda item request form and let me know your thoughts. Thanks and have a great day.

William A. Kohbarger  
Pahrump Town Manager  
400 N. Hwy 160  
Pahrump, NV 89060  
775-727-5107 ext 305

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SPECIAL PAHRUMP TOWN BOARD MEETING  
BOB RUUD COMMUNITY CENTER  
150 NORTH HIGHWAY 160  
FRIDAY – 9:00 A.M.  
NOVEMBER 19, 2010

MINUTES

PRESENT:

Nicole Shupp  
Bill Dolan  
Vicky Parker  
Frank Maurizio  
Mike Darby

1. Call to order and pledge of allegiance.

Chairman Nicole Shupp called the meeting to order and led in the pledge of allegiance.

2. Discussion and possible decision on approving of a lease/option to purchase agreement between the Town of Pahrump and Growponics Nevada, LLC, a Nevada limited liability company, for up to 60 acres of property and appurtenant water rights (assessor's parcel numbers 045-191-15 and 045-191-16 commonly referred to as Kellogg Park Property) for the development of a series of hydroponic green houses and related facilities. (Action)

Jack Kashani, managing partner of Growponics Nevada, LLC, presented the proposed project.

Mr. Darby questioned whether Growponics had other greenhouses in the United States and where their LLC was formed.

Mr. Kashani said there were greenhouses planned for Oklahoma and Texas, but that Canada, Israel and UK had many of them. He added that his attorney was presently filing the LLC.

Mr. Maurizio questioned whether traffic studies had been conducted and how the appraiser was selected.

Mr. Kohbarger stated that Growponics would be the responsible party for fulfilling County and State requirements, such as traffic studies. He said the appraiser was recommended by a Las Vegas firm and he had a letter of appointment by a judge, as required by NRS 269.125.

Mr. Dolan asked the attorney what the contractual protections were for the Town if Growponics failed.

Seaton Curran said Growponics is limited to leasing 5 acres and 30 ac' of water until they met the timelines and commitments set by contract; but that if they went insolvent or did not make a rent payment, the Town could re-take the land, terminate the lease, or rent the property out and pursue Growponics for the difference. Mr. Seaton added that there was a Restrictive Covenant in the agreement stating that if Growponics purchases the property, it must be used to grow fruits and

vegetables in greenhouses and if they lease it to a third party, it still must be used to grow fruits and vegetables in greenhouses.

Mrs. Parker questioned why an EIS was not done; if water rights were “created” by the Town for this deal; and if the Growponics project would use more water than a park would use.

Mr. Kohbarger stated he did not believe an EIS was required; that the State assigns the number of water rights for the valley; and that if additional water rights were needed, Growponics would be responsible to obtain them.

Mr. Darby said the “significant finding” requirements, primarily “D” had not been met because the Town was only getting  $\frac{3}{4}$  appraised value for the water rights.

Mr. Kohbarger replied that the NRS allows for “comparable economic benefits” which will be realized by job creation and by adding Growponics to the tax rolls.

Mr. Balloqui responded to an earlier question by stating that Growponics will use 25% less water than a park in that location would. He added that Mr. Kashani has also offered the use of their conference room, once completed.

**Bill Dolan moved to approve the lease option/purchase agreement as written and to make a significant finding that sales/lease of the water rights contained within the agreement meet standards set forth in NRS 533.330.**

Mrs. Parker seconded.

Public comments were heard from Stephanie Boseck, Dave Stevens, Karen Latourna, Tom Smith, Sandra Darby, Norma Jean Opatik, Andy Alberti, John Pawlak, Lee Baldwin, John Koenig, Richard Foster, Isabel Isherwood, Harley Kulkin, Laurayne Murray, Gary Vavzycki, Phil Huff, Terry Ivins, Bruce Caulley, Lou Komarosky, Marilyn Maddox, Tim McCall, Alan Bigelow, Joan Hackley, Donna Cox and Richard Fenton.

Responding to a question raised during Public Comment, Mr. Darby said he personally notified residents in that vicinity of the Growponics’ project and slightly over half of the responders were opposed to the idea.

Mr. Maurizio read the Quit Claim Deed for the property in question, stating that the property was “for public purpose, to have and to hold forever”. He questioned the Town’s ability to enter into an agreement on the land.

**Mrs. Shupp moved to amend the motion to accept the document for consideration.**

Mrs. Parker seconded.

Mrs. Parker asked questions of staff and counsel that were raised under public comment, and received confirmation that there was a lease tax in lieu of property taxes; that Mr. Kashani was responsible to comply with County regulations and to carry liability insurance; and that the appraised value of the water rights was \$6,000, based on recent valley floor water rights sales. She also confirmed that all Town Board members were invited to informational meetings on Growponics; that the produce would be available for sale locally; and that the proposed wage scale started at \$30,000 among the first fifteen employees.

Additionally, Mr. Kashani responded that a letter of interest would be insufficient because he was applying for financing; Mr. Balloqui stated that the terminology in the appraisal report was incorrect because Pahrump had both valley floor and alluvial water rights and that BLM was willing to deed land to replace the park; Mr. Dolan received confirmation from the attorney that the Quit Claim Deed did not restrict the Town from selling or leasing the property; Mrs. Shupp confirmed this was the only Town-owned property that met Growponics' needs; and Mr. Darby was assured that other businesses moving in were eligible for similar incentives.

Mr. Dolan clarified that if there was a deed restriction on selling the property, the land would only be leased and would not be sold.

**Motion passed, 3-2 with Mr. Darby and Mr. Maurizio voting nay.**

3. Public Comment

Unidentified speaker said PAVED finances were in better shape.

4. Adjournment

Meeting was adjourned at approximately 12:00 noon.

Respectfully submitted,

Vicky Parker, Clerk  
Pahrump Town Board



PLEASE READ BACK OF APPLICATION BEFORE COMPLETING

Town Advisory Board (TAB) Application

Name of Board: PAHRUMP VETERANS MEMORIAL ADVISORY BOARD

Applicant Name: ANTHONY FALCONE

Home Address: 1641 N PEARL LN City PAHRUMP Zip 89060

Mailing Address: Same City \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone: 775-253-5084 Unlisted? Yes \_\_\_ No  Cell Phone Yes

Work Phone: N/A Fax: \_\_\_\_\_

E-Mail Address: TONY@FORGOODCOUNTRY.ORG

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

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.*

Signature

4/8/2010  
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: VETERANS MEMORIAL ADVISORY BOARD

Applicant Name: BILL DOLAN

Home Address: PO Box 6083 City PAHRUMP Zip 89041

Mailing Address: SAME City \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone: 775-727-9098 Unlisted? Yes \_\_\_ No  Cell Phone 702-400-0190

Work Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: BILL@DOLANRANCH.COM

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

- US ARMY 1972-1982
- I HAVE SERVED AS THE LIAISON SINCE JAN 09 TIL NOW.
- WOULD LIKE TO SEE SEVERAL PROJECTS TO COMPLETION.

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.*



11/22/2010

Signature

Date

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**Pahrump Town Manager  
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Pahrump, Nevada 89060**

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## AGENDA ITEM REQUEST

Requests and backup **must** be in the Town Office by **Noon, Wednesday** of the week **preceding the 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.

DATE AGENDA ITEM SUBMITTED	DATE OF DESIRED BOARD MEETING
1/3/2011	1/11/2011

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**CIRCLE ONE:** Discussion, Action, Decision or Discussion Only

**ITEM REQUESTED FOR CONSIDERATION:**

Discussion and Possible Decision to Approve Jose Telles to the Pahrump Veterans Memorial Advisory Board.  
Consent Agenda Item.

*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:**

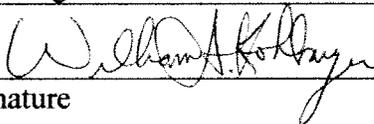
See attached Application from Mr. Telles. The PVMAB did not vote on this member.  
However, do to the PVMAB experiencing issues with obtaining a quorum the Town Manager placed Mr. Telles on the Consent Agenda to have the Town Board vote on this member to assist the PVMAB in obtaining a quorum.

BACKUP ATTACHED:     YES     NO

SPONSORED BY: Pahrump Veterans Memorial AB

NAME OF PRESENTER(S) OF ITEM: Town Manager

William A. Kohbarger, Town Manager  
Print Name

  
Signature

Town Office  
Mailing Address

(775) 727-5107 ext. 305  
Telephone Number

PLEASE READ BACK OF APPLICATION BEFORE COMPLETING

Town Advisory Board (TAB) Application

Name of Board: Pahrump Veterans Memorial Advisory Board

Applicant Name: Jose A. Telles

Home Address: 301 W. Jarvis Rd City Pahrump Zip 89060

Mailing Address: Same as above City \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone: 775-537-1660 Unlisted? Yes \_\_\_ No  Cell Phone 775-513-4659

Work Phone: N/A Fax: \_\_\_\_\_

E-Mail Address: Melipepc@aol.com

Please provide a brief description of your qualifications, experience, or interests that would be considered an asset to this Advisory Board: I have been a member of the PVMAB as chair person for 1 1/2 years. I left problems because of family health problems. The family health have been taken care of.

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.

Jose A. Telles  
Signature

11-6-10  
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

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