

PAHRUMP TOWN BOARD MEETING
BOB RUUD COMMUNITY CENTER
150 NORTH HIGHWAY 160
TUESDAY – 7:00 P.M.
January 27, 2009

AGENDA

1. **Call to Order**, Pledge of Allegiance, and Welcome.
2. **Discussion and decision** regarding agenda items.
3. **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)).
4. **Advisory Board Reports**
5. **Announcements and “Good News”.**
6. **Advisory Board Liaison Appointments by the Chairman of the Board.**
7. **Discussion and decision** regarding Resolution 2009-01 accepting and approving the 2007/08 Town audit and supplemental materials. Finance Director/Town Manager
8. **Discussion and decision** regarding grant request from Pahrump Arts Council for “Youth Artists in Schools & Art for Young People” for \$1,020. Town Manager/PAC
9. **Discussion and decision** regarding grant request from Pahrump Arts Council for “Theater Guild Production-I Have before Me a Remarkable Document to Me by a Young Lady from Rwanda” for \$1,000. Town Manager/PAC
10. **Discussion and decision** regarding grand request from Pahrump Arts Council for an addendum to the Fiber Arts Budget for Regional advertising for \$1,050.00. Town Manager/PAC
11. **Discussion and decision** regarding letter of support for Utilities, Inc. – Pahrump Valley Water and Wastewater Infrastructure Project. Town Manager
12. **Discussion and decision** regarding barring firearms on Town owned property, in Town owned buildings, and at Town sponsored events. Town Manager
13. **First Reading** of Ordinance #43 (An Amendment to Ordinance No. 43 of the Unincorporated Town of Pahrump, to Revise and Restate the Town’s Regulation Concerning the Collection, Transportation, Deposit, and Disposal of Solid Waste and Recyclables, and Providing for Other Matters Properly Relating Thereto). Town Board

14. **Discussion and decision** regarding two ordinances pertaining to vagrancy in public parks. Town Board
15. **Discussion and decision** regarding request by Town Manager to be excused from the Town Board meeting held on February 24, 2009. Town Manager
16. **Town Manager Report.**
17. **Consent agenda items:**
 - a. Action – approval of Town vouchers
 - b. Action – approval of Special Town Board meeting minutes of December 22, 2008
 - c. Action – approval of Town Board meeting minutes of January 13, 2009.
 - d. Action – approval of Town Board closed meeting of January 13, 2009.
18. **Future Meetings/Workshops: Date, Time and Location.**
19. **Adjournment.**

A quorum of Nye County Commissioners may be present at any Town Board meeting but they will not take any formal action.

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 writhing, or call 775-727-5107 prior to the meeting. Assisted listening devices are available at Town board meetings upon request.

POSTED IN THE PAHRUMP TOWN OFFICE, TOWN ANNEX, COMMUNITY CENTER, COUNTY COMPLEX, FLOYD'S ACE HARDWARE AND CHAMBER OF COMMERCE

PAHRUMP TOWN BOARD MEETING
BOB RUUD COMMUNITY CENTER
150 NORTH HIGHWAY 160
TUESDAY – 7:00 P.M.
January 27, 2009

AGENDA ADDENDUM

1. **Discussion and decision** regarding closed session pursuant to NRS 241.015 to meet with the Town Attorney regarding potential and/or existing litigation issues over which the Town Board has jurisdiction. Town Manager
2. **Closed Session**
3. **Discussion and decision** regarding items discussed in closed session

A quorum of Nye County Commissioners may be present at any Town Board meeting but they will not take any formal action.

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.

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AGENDA ITEM REQUEST

Requests and backup **must** be in the Town Office by **3:00 p.m. Monday** 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
1/20/2009

DATE OF DESIRED BOARD MEETING
1/27/2009

CIRCLE ONE: Discussion, Action, Decision or Discussion Only

ITEM REQUESTED FOR CONSIDERATION:

Advisory Board Liason Appointments by the Chairman of the Board.

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:

Chairman of the Town Board appoints members of the Town Board to act as liasons to various Town of Pahrump Advisory Boards

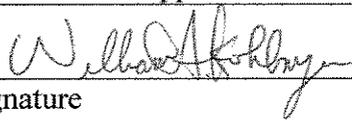
BACKUP ATTACHED: YES NO

SPONSORED BY: Town Manager William A. Kohbarger

NAME OF PRESENTER(s) OF ITEM: Chairman Mrs. Shupp

William A. Kohbarger

Print Name


Signature

Town Office

Mailing Address

(775) 727-5107 ext.305

Telephone Number

#6

ADVISORY BOARDS TO PAHRUMP TOWN BOARD
January 27, 2009

Airport Technical	Bill Dolan
Arena	Frank Maurizio
Fall Festival Executive Board	Mike Darby
Incorporation	Bill Dolan
Nuclear Waste & Environment	Mike Darby
Parks & Recreation	Frank Maurizio
Public Lands	Nicole Shupp
Tourism	Vicki Parker
Veteran's Memorial	Bill Dolan

OTHER COMMITTEES AND ORGANIZATIONS

Economic Development (PAVED)	Town Board Chair Town Manager
POOL/PACT	Town Manager Town Board Chair (Alt)
Nevada League of Cities and Municipalities	Town Board Chair Vice Chairman (Alt)
Nye Communities Coalition	Frank Maurizio
Nye County CIP	Town Manager Town Finance Director
Regional Planning Commission	Vicki Parker

Submitted 12/30/08

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DATE AGENDA ITEM SUBMITTED _____ DATE OF DESIRED BOARD MEETING
01/13/2009

CIRCLE ONE: Discussion, Action, Decision or Discussion Only

ITEM REQUESTED FOR CONSIDERATION:
DISCUSSION AND POSSIBLE ACTION AND DECISION REGARDING
GRANT REQUESTS FOR PAHRUMP ARTS COUNCIL

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:
- (9) 1. \$1,000. PAC THEATER GUILD PRODUCTION/I HAVE BEFORE ME A REMARKABLE DOCUMENT GIVEN TO ME BY A YOUNG LADY FROM RWANDA
 - (8) 2. YOUTH PROGRAMS/ARTISTS IN SCHOOLS AND ART FOR YOUNG PEOPLE. \$1,020.
 - (10) 3. ADDENDUM TO FIBER ARTS BUDGET FOR REGIONAL ADVERTISING. \$4,000.
- BACK UP ATTACHED: YES NO

SPONSORED BY: _____
Town Board Member

NAME OF PRESENTER(S) OF ITEM: RODNEY COMACHO
RODNEY COMACHO

Print Name
POB 3481 PAHRUMP, NV. 89041
Mailing Address

Signature
775-751-6776
Telephone Number

#8

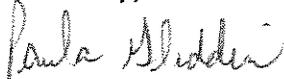
January 15, 2009

Memo To: Pahrump Town Board
Subject: Letter of Recommendation for Grant Funding

Dear Members of the Board:

The Pahrump Tourism Advisory Board voted (6-0) to recommend that the Town of Pahrump grant the Pahrump Arts Council \$1,020.00 for the "Youth Programs-Artists in Schools & Art for Young People" project from the state room tax. Ms. Lindell submitted the appropriate paperwork according to the Tourism Board Grant Guidelines.

Sincerely,



Paula Glidden
Chair – Tourism Advisory Board
Chuck Baker
Kelly Buffi
Alice Eychaner
Denise Fortin
Tim Lockinger
Marvin Minnick
Karen Spalding

#8

Pahrump Tourism Advisory Board

Application for Grant and Matching Funds

The Town of Pahrump Tourism Grant funds are intended exclusively to develop, promote and improve tourism to and within Pahrump. Providing detailed information such as plans, schedules, creative ideas and tentative outlines to support items requested will assist the Pahrump Tourism Advisory Board and the Pahrump Town Board in evaluating this request.

1. Name of Applicant Organization: Pahrump Arts Council
Mailing Address: P.O. Box 3481
City, State, Zip: Pahrump, NV 89041 Telephone: 775-751-6776
2. Project Director: Roberta Sabori/Jan Lindsay
Telephone: 727-5312 Email: pacinfo@pahrump.com
3. How long organized? 1993 Non-Profit? 501C3; NV Chartered Non Profit Corp
4. Purpose of Organization: to create an environment for the arts to flourish in our Community
5. Project Name: Youth Programs – Artists in Schools & Art for Young People.
6. Has this project been funded by the Town of Pahrump before? yes When? FY2008
(Youth programs)
7. Have you applied to any other sources for funding on this project? Yes If so,
what were the results of that application: NVArts Council grant for \$1,020
8. If application is for an event, actual date(s) of event: Sept 2008 – May 2009
9. Location of project: Pahrump Museum, Elementary Schools, & 4-H Club
10. Narrative description and justification of project, including the objectives of the
Project: Artists in Schools partners with Elementary schools to enhance the arts education of all 5th graders. Art for Young People is an extracurricular program designed to reach children ages 8 & up with visual arts classes taught in Pahrump Museum & 4-H Clubhouse. (All provide employment for artists – economic development)
11. Total budget of project: (details must be attached) \$2,040
12. Pahrump Tourism Grant funds requested: \$1,020
13. Other funds which will be used for match: cash match from NV Arts Council

5/23/08

14. Local economic impact (complete the following as it pertains to your project):

a) How many visitors from outside of Pahrump do you expect to draw to your event as a result of this project and how will you track their attendance?

30 relatives from out of town

b) How many total nights do you expect the out-of-town visitors to spend in Pahrump as a result of this project?

unknown

c) Approximately how many people outside of Pahrump (both in-state and out-of-state) will be exposed to the promotion of this project?

advertising in local media, word-of-mouth advertising (families)

d) What is the overall economic impact of this project? Locally purchased supplies; parent and family attendance at PTO meetings where student work is displayed require gasoline and potential eating out; employment for 20 artists

15. If you do not have match funds or other sources of funding for this project, explain why:

Signature _____

Date

12/26/08

Rodney Camacho
Printed Name

FOR PTAB USE ONLY

Approval Date: _____

Letter of Recommendation sent to TB (date): _____

Follow-Up Evaluation Due: _____

January 15, 2009

Memo To: Pahrump Town Board
Subject: Letter of denial for Grant Funding

Dear Members of the Board:

The Pahrump Tourism Advisory Board voted (6-0) to deny funding to the Pahrump Arts Council for \$1,000.00 for the "Theater Guild Production-I Have before Me a Remarkable Document Given to Me by a Young Lady from Rwanda" project from the state room tax.

Sincerely,



Paula Glidden
Chair – Tourism Advisory Board
Chuck Baker
Kelly Buffi
Alice Eychaner
Denise Fortin
Tim Lockinger
Marvin Minnick
Karen Spalding

#9

Pahrump Tourism Advisory Board Application for Grant and Matching Funds

DENIED

The Town of Pahrump Tourism Grant funds are intended exclusively to develop, promote and improve tourism to and within Pahrump. Providing detailed information such as plans, schedules, creative ideas and tentative outlines to support items requested will assist the Pahrump Tourism Advisory Board and the Pahrump Town Board in evaluating this request.

1. Name of Applicant Organization: Pahrump Arts Council
Mailing Address: P.O. Box 3481
City, State, Zip: Pahrump, NV 89041 Telephone: 775-751-6776
2. Project Director: Paul DiLella
Telephone: 727-5312 Email: pacinfo@pahrump.com
3. How long organized? 1993 Non-Profit? 501C3; NV Chartered Non Profit Corp
4. Purpose of Organization: to create an environment for the arts to flourish in our Community
5. Project Name: PAC Theater Guild production: "I Have Before Me A Remarkable Document Given to Me By A Young Lady From Rwanda"
6. Has this project been funded by the Town of Pahrump before? yes When? 2008
(Theater Guild productions)
7. Have you applied to any other sources for funding on this project? Yes If so,
what were the results of that application: positive received grant for Advertising only
8. If application is for an event, actual date(s) of event: November 14 & 15, 2008
9. Location of project: Pahrump Valley High School Auditorium
10. Narrative description and justification of project, including the objectives of the
Project: Play production with local actors
11. Total budget of project: (details must be attached) \$1,109
12. Pahrump Tourism Grant funds requested: \$1,000
13. Other funds which will be used for match: \$615 (tickets & cash match)

5/23/08

14. Local economic impact (complete the following as it pertains to your project):

a) How many visitors from outside of Pahrump do you expect to draw to your event as a result of this project and how will you track their attendance?

5

b) How many total nights do you expect the out-of-town visitors to spend in Pahrump as a result of this project?

one night

c) Approximately how many people outside of Pahrump (both in-state and out-of-state) will be exposed to the promotion of this project?

advertising in LVRJ View/Summerlin

d) What is the overall economic impact of this project?

attendees going out for dinner before show

15. If you do not have match funds or other sources of funding for this project, explain why:

Signature _____

12/26/08

Date _____

Rodney Camacho

Printed Name _____

FOR PTAB USE ONLY

Approval Date: _____

Letter of Recommendation sent to TB (date): _____

Follow-Up Evaluation Due: _____

5/23/08

Rewanda Budget

I Have Before Me a Remarkable Document
Given to Me by a Young Land from Rewanda

		Nov 14 & 15, 2008	
Income			
Tickets & donations	415.00		
NV Arts Council			
Cash match publicity	200.00		
Totals	615.00		\$75.00
Expenses			
Royalties & Scripts			\$190.00
Sets/props/technical			\$254.00
Publicity posters/flyers			
Publicity local			\$350.00
Publicity Las Vegas			\$240.00
In kind donations			
Auditorium rental	700.00	(rehearsals & performances)	
Programs	75.00		
Volunteer time	1,000.00		
Total	1,775.00		\$1,109.00
		Pahrump Arts Council	

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DATE AGENDA ITEM SUBMITTED

DATE OF DESIRED BOARD MEETING

/

01/13/2009

CIRCLE ONE:

Discussion, Action, Decision

or

Discussion Only

ITEM REQUESTED FOR CONSIDERATION:

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GRANT REQUESTS FOR PAHRUMP ARTS COUNCIL

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BRIEF SUMMARY OF ITEM:

1. \$7,020. PAC THEATER GUILD PRODUCTION/I HAVE BEFORE ME A REMARKABLE DOUCMENT GIVEN TO ME BY A YOUNG LADY FROM RWANDA
2. YOUTH PROGRAMS/ARTISTS IN SCHOOLS AND ART FOR YOUNG PEOPLE. \$1,000.
3. ADDENDUM TO FIBER ARTS BUDGET FOR REGIONAL ADVERTISING. \$4,000.

BACK UP ATTACHED: YES NO

SPONSORED BY:

Town Manager (see)
Town Board Member

NAME OF PRESENTER(S) OF ITEM:

RODNEY COMACHO

RODNEY COMACHO

Print Name

POB 3481 PAHRUMP, NV. 89041

Mailing Address

Rodney Comacho
Signature

775-751-6776

Telephone Number

#10

AGENDA ITEM REQUEST

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DATE AGENDA ITEM SUBMITTED
1/20/2009

DATE OF DESIRED BOARD MEETING
1/27/2009

CIRCLE ONE: Discussion, Action, Decision or Discussion Only

ITEM REQUESTED FOR CONSIDERATION:

Letter of Support for Utilities, Inc. - Pahrump Valley Water and Wastewater
Infrastructure Project

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:

U.I. is requesting Town support in their attempt to obtain \$238,500,000.00 Water and Wastewater Infrastructure project through the Federal Stimulus Package and All Matters Related Thereto. (Public/Private Partnership)

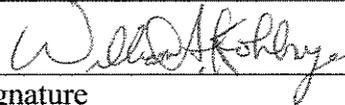
BACKUP ATTACHED: YES NO

SPONSORED BY: Town Manager

NAME OF PRESENTER(S) OF ITEM: Mr. Paul Burris, Regional Vice-President

William A. Kohbarger

Print Name



Signature

Town Office

Mailing Address

(775) 727-5107 ext.305

Telephone Number

11



Utilities, Inc. of Central Nevada

Pahrump Valley Water and Wastewater Infrastructure

Version 1.0 - DRAFT
January 8, 2009

1.0 Description

The Utilities Inc of Central Nevada system which provides water to the majority of the Pahrump Valley in the state of Nevada is in need of water and sewer lines to remove approximately 12,000 domestic wells and septic systems from the area. The large numbers of septic systems pose great risk to the potable water system due to nitrites and nitrates. Currently one well in the system has already been sealed due to higher than acceptable nitrites and nitrates. The domestic wells are not monitored for use and with a valley that is currently over appropriated the need for having conservation (in the desert) control by a water supplier is highly needed. Approximately 14,000 homes and businesses have private on-site systems septic tanks and domestic wells posing a health risk to safe drinking water.

Specifically, the project will consist of construction of over 500,000 linear feet of sewer main, 500,000 feet of water distribution piping, closing of domestic wells and septic tanks, and construction of effluent disposal reuse system for the wastewater.

2.0 Budget

Item	Quantity	Unit	Unit Cost	Cost
UICN water distribution	500,000	Ft	100.00	50,000,000
Closing of wells	14,000	Wells	5,000	70,000,000
Sewer collection system	500,000	Ft	100.00	50,000,000
Effluent disposal				10,000,000
Bonding 5%				9,000,000
Engr./Surveying/Inspection 10%				18,000,000
Legal/Land 7.5%				13,500,000
Contingencies 10%				18,000,000
Total Infrastructure Costs				238,500,000

3.0 Schedule

The Regional Sewer Consolidation Plan can begin as soon as funding is granted.

Effluent disposal designed and used by 9/1/2009

Sewer collection and water distribution engineer completed by 7/1/2009

Construction started on Sewer collection and water distribution by 12/1/2009

Completed construction by 12/31/2011(including capping of domestic wells)

4.0 Participants

The Regional Sewer Consolidation Plan will be a **public-private partnership**.

This is where we would put in Town of Pahrump and / or Nye County information.

The private entity involved is Utilities, Inc. ("UI"), a national water and wastewater company with over 300,000 customers nationwide in 15 states. UI has a reputation for quality, environmentally responsible and efficient service. UI through its subsidiaries Utilities, Inc. of Louisiana and Louisiana Water Service has been providing water and wastewater service to St. Tammany Parish ("Parish") residents since 1982 and is currently one of the largest private utilities in the Parish with over 8,500 water and wastewater connections. UI has 10 wastewater treatment plants with over 3.7 mgd of capacity in the Parish and is widely recognized by the local environmental agency as an efficient and environmentally responsible owner and operator.

A partnership between UI and "ADD SUPPORT GROUP", represents a mutually beneficial opportunity to meet the objectives of all entities.

5.0 Project Benefits

5.1 Environment

5.2 Reduce Financial Impact to Citizens

5.4 No Ongoing Cost to Government

5.5 Efficient Public Private Partnership

6.0 Summary

In summary, this new infrastructure is needed

William Kohbarger

From: Pamela Webster [pwebster@co.nye.nv.us]
Sent: Friday, January 16, 2009 11:27 AM
To: Paul Burris
Cc: Joni Eastley; Richard L. Osborne; William Kohbarger
Subject: RE: White Papers

Paul,

The County supports this project. Let me know if you need anything besides this email notification.

I especially like the mention of rate benefit to the population!!

Thanks.

Pam Webster

Nye County Assistant County Manager
1510 E. Basin Ave., Pahrump, NV 89060
(775) 482-8138 (T) - (775) 751-4269 (P) - (702) 415-7150 (C)
Fax (775) 482-8198 (T) - (775) 751-7093 (P)
pwebster@nyecounty.net

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From: Paul Burris [mailto:PDBurris@uiwater.com]
Sent: Thursday, January 15, 2009 7:24 PM
To: Pamela Webster
Cc: Richard L. Osborne; bkohbarger@pahrumprnv.org; Wendy Barnett
Subject: FW: White Papers
Importance: High

Pam,

Here is what I discussed with Joni and would like to know if County would be on board for backing UICN in this stimulus package request. I am also hoping the Town will join in with support as well. Please give me a call if you have any questions. Need to hear something by 12pm Friday January 16th. Sorry for the short timeline but I had tried to contact Rick and Joni and I was just able to reach Joni earlier to night.

Note – there is no financial obligation to the County or Town.

Thanks

Paul Burris
Regional Vice President
Utilities Inc.

Office Phone 775-727-5941

Cellular 775-513-7381

Fax 775-727-7879

Email pdburris@uiwater.com

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From: Paul Burris

Sent: Wednesday, January 14, 2009 1:39 PM

To: Bill Kohbarger (bkohbarger@pahrumprnv.org)

Subject: White Papers

Importance: High

Bill,

Here is what we discussed on the phone. Project is written at a high level for right now. We will be touching up over the next 24 hours but if you can support the IDEA at a high level I will continue to push for this to be added to our internal Public / Private Stimulus package that we will be lobbying for.

Look forward to your reply soon.

Thanks

Paul Burris

Regional Vice President

Utilities Inc.

Office Phone 775-727-5941

Cellular 775-513-7381

Fax 775-727-7879

Email pdburris@uiwater.com

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William Kohbarger

From: Paul Burris [PDBurris@uiwater.com]
Sent: Friday, January 16, 2009 10:01 AM
To: William Kohbarger
Subject: RE: White Papers

Bill,

I am sorry that the town feels this is not a project that could be supported by them when Utilities Inc has offered to improve services to the Town of Pahrump through funding that is free from the federal Government verses the current method of customers funding projects.

I am going to continue to proceed forward while hoping the Town will jump on board to try and get \$250 Million for improvements at no cost to the Town.

As for your questions, the concept was for this is high level and details would be worked out on construction once we have the money. As for fees, that is regulated by our current tariff and would not change unless PUCN allowed it.

In general this project would bring infrastructure to Pahrump that normally new customers must pay for currently. This would increase the chances of growth as construction would be less for residential and commercial customers that have to run new lines or increase fire flows in areas due to system age.

As we discussed on the phone, I am not looking for a written letter right now, just something in the near future. Just need an email that says yes we support project to add infrastructure to UICN service area.

I am more than willing to address your board or discuss with you if you desire to do that. Maybe I can address your issues then.

Worse case is they offer the money and when they ask who your Public partner is we do not have one and lose the money. All I can say is we tried.

Please let me know if you would like to work this out as a team.

*Paul Burris
Regional Vice President
Utilities Inc.*

*Office Phone 775-727-5941
Cellular 775-513-7381
Fax 775-727-7879*

Email pdburris@uiwater.com

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From: William Kohbarger [mailto:bkohbarger@pahrumprnv.org]
Sent: Friday, January 16, 2009 9:44 AM
To: Paul Burris
Subject: RE: White Papers

Paul,

We like the idea however at this time it is too late to take it to the Town Board. Not to mentioned in order to totally support this project we would need more information than what was presented. (A map of the area, is this project going to be phased, what are the phases, hook-up fees waivers, hook-up costs for new residential and commercial businesses, etc... The Town would like to say good luck.

William A. Kohbarger
Pahrump Town Manager
775-727-5107

From: Paul Burris [mailto:PDBurris@uiwater.com]
Sent: Thursday, January 15, 2009 7:24 PM
To: Pam Webster
Cc: Richard Osborne; bkohbarger@pahrumprnv.org; Wendy Barnett
Subject: FW: White Papers
Importance: High

Pam,

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Note – there is no financial obligation to the County or Town.

Thanks

Paul Burris
Regional Vice President
Utilities Inc.

Office Phone 775-727-5941
Cellular 775-513-7381
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From: Paul Burris
Sent: Wednesday, January 14, 2009 1:39 PM
To: Bill Kohbarger (bkohbarger@pahrumprnv.org)
Subject: White Papers
Importance: High

Bill,

Here is what we discussed on the phone. Project is written at a high level for right now. We will be touching up over the next 24 hours but if you can support the IDEA at a high level I will continue to push for this to be added to our internal Public / Private Stimulus package that we will be lobbying for.

Look forward to your reply soon.

Thanks

*Paul Burris
Regional Vice President
Utilities Inc.*

Office Phone 775-727-5941

Cellular 775-513-7381

Fax 775-727-7879

Email pdburris@uiwater.com

This message is for the named person's use only. This communication, including any attachments, may contain information that is proprietary, privileged, confidential, including information that is protected under the HIPAA privacy and security rules, or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of this message

William Kohbarger

From: Paul Burris [PDBurris@uiwater.com]
Sent: Thursday, January 15, 2009 7:24 PM
To: Pam Webster
Cc: Richard Osborne; bkohbarger@pahrumprnv.org; Wendy Barnett
Subject: FW: White Papers
Attachments: UICN v1 (2).docx

Importance: High

Pam,

Here is what I discussed with Joni and would like to know if County would be on board for backing UICN in this stimulus package request. I am also hoping the Town will join in with support as well. Please give me a call if you have any questions. Need to hear something by 12pm Friday January 16th. Sorry for the short timeline but I had tried to contact Rick and Joni and I was just able to reach Joni earlier to night.

Note – there is no financial obligation to the County or Town.

Thanks

*Paul Burris
Regional Vice President
Utilities Inc.*

*Office Phone 775-727-5941
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William Kohbarger

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ORDINANCE NO. 43

AN AMENDMENT TO ORDINANCE NO. 43 OF THE UNINCORPORATED TOWN OF PAHRUMP, TO REVISE AND RESTATE THE TOWN'S REGULATIONS CONCERNING THE COLLECTION, TRANSPORTATION, DEPOSIT, AND DISPOSAL OF SOLID WASTE AND RECYCLABLES, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

WHEREAS, current regulations regarding solid waste management within the town of Pahrump must be updated to reflect, among other things, additional definitions, updated and reformatted rate methodologies, medical and sewage waste rates, minimum container requirements, enhancement of recycling services, overflowing solid waste conditions and charges, adoption of customer service standard; and

WHEREAS, to accomplish this it is appropriate to replace current regulations in their entirety with updated regulations.

NOW, THEREFORE, the town of Pahrump, Nevada does ordain:

43.000 Declaration of Town Policy.

It is declared to be the policy of this town to regulate the collection, transportation, and disposal of solid waste in a manner that is consistent with the Nevada Revised Statutes and that will:

- (1) Protect the public health and welfare;
- (2) Prevent water, air, and land pollution;
- (3) Prevent the spread of disease and the creation of nuisances;
- (4) Prevent unlawful dumping and disposal of solid waste;
- (5) Enhance the beauty and quality of the environment;
- (6) Conserve natural resources; and
- (7) Provide for such other activities as may be required to carry out town's solid waste goals and objectives.

43.010 Short Title.

The title by which this ordinance shall be known is the "Solid Waste and Recycling Franchise Ordinance."

43.020 Definitions.

In the construction of this chapter, the following definitions shall apply, unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number; and words in the singular number include the plural number; the words “shall” and “will” are mandatory, and “may” is permissive.

“Agricultural waste” means all putrescible and nonputrescible waste material in solid or semisolid form that is generated by the rearing of animals other than household pets, or the production and harvesting of crops or trees, for profit, in a zoning district where such activities are permitted, and that has not been discarded or abandoned by its owner.

“Amended Solid Waste Franchise Agreement” means that certain exclusive agreement between the town and its franchisee by which such franchisee is authorized to collect, transport, and dispose of solid waste and perform curbside recyclables collection services in the town.

“Medical waste” means items other than a culture or stock of an infectious substance that contain an infectious substance and are generated in:

1. The diagnosis, treatment or immunization of human beings or animals;
2. Research pertaining to the diagnosis, treatment or immunization of human beings or animals; or
3. The production or testing of biological products.
4. The term “medical waste” does not include the following if the items as packaged do not contain any material otherwise subject to the requirements of 49 CFR Part 173, App. G, as amended:
 - a. Biological products;
 - b. Diagnostic specimens;
 - c. Laundry or medical equipment that conforms to 29 CFR 1910.1030 of the regulations of the Occupational and Health Administration of the United States Department of Labor;
 - d. A material, including waste, that previously contained an infectious substance and has been treated by steam sterilization, chemical disinfection or other appropriate method, so that it no longer poses the hazard of an infectious substance;
 - e. Any waste material, including garbage, trash and sanitary waste in septic tanks, derived from households, including but not limited to single and multiple residences, hotels and motels;
 - f. Corpses, remains and anatomical parts that are intended for ceremonial interment or cremations; or
 - g. Animal waste generated in animal husbandry or food productions.

“Bulky waste” shall mean large items of solid waste, such as appliances, furniture, large auto parts, automobiles, trailers, trees, branches, stumps, and other oversized waste materials.

“Buy-back center” means a facility operated a licensed commercial recycler or registered charitable organization where persons may bring recyclables in exchange for payment.

“Commercial recycler” means any licensed entity, to include any licensed franchisee, that is in the business of purchasing, accepting donations of, collecting, storing, transporting or processing source-separated recyclable materials.

“Compacted solid waste” means solid waste reduced by mechanical equipment, in volume but not weight, by a minimum of three to one.

“Construction or demolition waste” means waste resulting from the construction or demolition of buildings and other structures, including, but not limited to, wood, plaster, metals, asphaltic substances, bricks, block, and concrete and excavation dirt, rock, stone, and gravel. The term “construction or demolition waste” does not include uncontaminated soil, rock, stone, gravel, unused brick and block and concrete if they are separated from other construction or demolition waste and are to be used as clean fill, but does not include landscaping and native vegetation resulting from the construction or demolition of buildings and other structures.

“CPI” means the Consumer Price Index, All Urban Consumers for All Items, U.S. City Average (1982-84 = 100), as published by the U.S. Department of Labor, Bureau of Labor Statistics, Washington D.C.

“Curbside recyclables collection” means a collection program operated by a franchisee in which source-separated recyclables are collected from residential customers on a regularly scheduled basis as part of the franchisee’s solid waste business.

“Customers” means any solid waste disposal service customer of franchise, including single-family residences, duplexes, mobile homes, and business within the franchise service area.

“Dead animals” means all dead animals or parts thereof (including condemned meats) that are not intended to be used as food for man or animal.

“Dirt” means loose earth, ashes, and manure, but exclusive of sand and gravel that is to be used in construction work.

“Disposal Facility” shall mean a solid waste disposal facility which has all applicable permits and authorizations needed to accept solid waste for transformation, recovery, recycling, transfer, processing or disposal.

“Drop-off center” means a collection site where source-separated recyclables may be taken by persons and deposited into designated containers.

“Duplex” means a building or dwelling containing residential dwelling units for two separate families or occupants, each receiving individual solid waste curbside collection.

“Franchise Service Area” shall mean the district or area for collection purposes which shall include all commercial and residential areas within the unincorporated town of Pahrump, including any areas annexed to that unincorporated town of Pahrump during the term of the amended solid waste franchise agreement. To the extent permitted by law, all state and federal agencies having facilities within, or doing business within the town limits, shall be deemed to be within the franchise service area, and shall be subject to that certain Solid Waste and Recycling Franchise Ordinance.

“Franchisee” means any person who has contracted with the town for collection, transportation and disposal of solid waste and/or the performance of curbside recyclables collection.

“Franchise fee” means the fee required by a franchise agreement based upon a percentage of a franchisee’s gross receipts collected from the collection, transportation and disposal of solid waste and/or curbside recyclables collection services in the town.

“Garbage” means putrescible animal and vegetable wastes, other than source-separated recyclables, that result from the handling, storage, sale, preparation, cooking, and serving of food and that have been discarded or abandoned.

“Generators” shall mean all individuals, businesses and other entities, including federal, state, county, and local governmental agencies, as well as the town, located within the franchise service area that generates solid waste of recyclable materials within the franchise service area.

“Gross receipts” means all cash receipts derived from the collection of solid waste, construction or demolition waste, and curbside recyclables collection services and includes, by way of illustration and not limitation, all cash, credits, property or other consideration of any kind derived directly or indirectly by a franchisee (or any of its authorized agents or affiliates) for the collection, transportation and disposal of solid waste, including all revenue received from residential service (including any charges attributable to curbside recyclables collection services), commercial and industrial service, medical waste service, container rentals, packaging, shipping and late fees, but excluding revenues from: (i) the sale of recyclables; and (ii) any taxes on services furnished by a franchisee that are imposed by other governmental entities, or environmental surcharges on services furnished by a franchisee that are imposed to provide for environmental activities or programs, that are passed through to and collected from the franchisee’s customers.

“Hazardous waste” means any waste or combination of wastes, including without limitation, solids, semisolids, liquids or contained gasses, which:

1. Because of its quantity or concentration or its physical, chemical or infectious characteristics may:
 - a. Cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness; or
 - b. Pose a substantial hazard or potential hazard to human health, public safety or the environment when it is given improper treatment, storage, transportation, disposal or other management;
2. Is identified as hazardous waste by the Nevada Department of Conservation and Natural Resources as a result of studies undertaken for the purpose of identifying hazardous wastes. The term includes, but is not limited to, toxins, corrosives, flammable materials, irritants, strong sensitizers and materials which generate pressure by decomposition, heat or otherwise.

“Materials recovery facility” means a facility that provides for the extraction from construction or demolition waste of those recyclable materials that may be found in construction or demolition waste. The term does not include:

1. A facility that receives only recyclable materials that have been separated at the source of waste generation;
2. A salvage yard for the recovery of used motor vehicle parts;
3. A facility that receives, processes or stores only concrete, masonry waste, asphalt, pavement, brick, uncontaminated soil or stone for the recovery of recyclable materials; and
4. A facility that recovers less than twenty-five percent by weight of recyclable material from the solid waste received.

“Mining waste” means residues which result from the extraction of raw materials from the earth and which are dumped on land owned by the mining operation that extracted them.

“Motel” means a building or group of buildings whose main function is to provide temporary lodging and which does not offer conference rooms, restaurants or similar amenities to its customers in addition to sleeping quarters.

“Multiple dwellings” means any premises on which there are three or more residential dwelling units which are grouped together under the management of one person and which do not require separate individual collection of solid waste.

“Non-residential customer” means any solid waste disposal service customer of franchisee except for customers at single-family residences, duplexes or mobile home residences that receive individual curbside collection of solid waste and do not share containers with other residents.

“Overflow” or “overflowing solid waste” means solid waste of non-residential customers that is deposited on the ground outside of a solid waste container, or excess solid waste that has been piled onto a solid waste container that is already full to such an extent that

the excess solid waste will spill onto the ground in the emptying process, requiring more than minimal manual cleanup of waste from the ground.

“Place of business” means any place of business in the town or franchise service area, other than multiple dwellings, motels or mobile home parks, to conduct or carry on principally or exclusively any pursuit or occupation for the purpose of gaining a livelihood.

“Premises” means a commercial or residential lot, together with any buildings, improvements, and personal property located thereon.

“Public building” means office buildings, clubs, churches, schools, hospitals or other places of similar character, but does not include town-owned buildings that primarily accommodate government functions.

“Putrescible” means capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odor or gasses.

“Recyclable materials” or “recyclables” shall mean a source-separated commodity which is sold for compensation, or given away, but which is not discarded into the residential or commercial waste stream. A recyclable material which is discarded into the residential or commercial waste stream loses its character as recyclable material and becomes solid waste, subject to this ordinance.

“Recycling center” means a facility designed and operated to receive, store, process, or transfer recyclable material which has been separated at the source from other solid waste.

“Refuse” means those discarded materials that have no useful physical, chemical, or biological properties after serving their original purpose and that cannot be reused or recycled for the same or other purposes.

“Residual solid waste” means an insubstantial amount of non-permitted material, as determined by the solid waste management authority, that remains or is left after the separation and removal of legitimate recyclable materials, that cannot be recycled and that must be disposed of as solid waste.

“Rubbish” means nonputrescible wastes, other than source-separated recyclables, that have been discarded or abandoned such as paper, cardboard, automobiles, cans, wood, glass, bedding, crockery and similar materials.

“Sewage waste” means any solid or semisolid waste, including biosolids, sludge, screenings and grit, excluding septic waste and grease trap waste.

“Single-family residence” means a building or dwelling designed or used for single family residential occupancy, where only a licensed home occupation business may be conducted, and includes a mobile home, apartment and other unit in a multiple dwelling which receives individual and heavy and bulky item collection.

“Solid waste” means all putrescible and nonputrescible materials in solid or semisolid form that have been discarded or abandoned by their owner, including garbage, rubbish, junk vehicles and parts, ashes or incinerator residue, street refuse, dead animals, construction or demolition waste, medical waste, sewage waste, recyclable materials that are not commingled with solid waste, and other refuse. The term “solid waste” does not include any of the following:

1. Hazardous waste managed pursuant to NRS 459.400 through 459.600, inclusive.
2. Agricultural waste or mining waste.

“Solid Waste Management Authority” has the same meaning as defined in NRS 444.495, as amended.

“Transfer Station” shall mean any of the in-county facilities operated by franchisee, where solid waste or recyclable materials are disposed of, processed, recycled, or transferred for disposal or recycling, including a materials recovery facility.

“Town” means the unincorporated town of Pahrump, Nevada, including its town manager and town board.

“Town Board” means the duly elected and/or appointed members of the town board of the unincorporated town of Pahrump, Nevada.

“Unforeseen economic circumstance” means

1. A percentage change in the CPI for a given consecutive twelve-month period that is greater than ten percent or below zero (a decrease);
2. An adverse economic occurrence beyond a franchisee’s reasonable control, including but not limited to, adoption of laws, rules, or regulations impacting franchisee’s:
 - i) utilization of its collection equipment (i.e. changes in vehicle emission requirements and/or collection standards);
 - ii) ability to provide additional collection services as required by the town or other governmental entity; or
3. A finding by the town board or other governmental entity that there have been economic occurrences during that period that have caused specific additional economic costs upon a franchisee which are unexpected and not recoverable, nor properly reflected or accounted for in changes to the CPI during that period. As more fully set forth in exhibit A to the amended solid waste franchise agreement, franchisee shall be permitted to pass through such anticipated fuel costs to its customers in accordance with the

fuel rate standards adopted and published by the Energy Information Administration (EIA), "west coast," which surcharge shall be reflected as a separate and distinct line item on all customer billings and invoices. Price adjustments shall not be permitted to be assessed more than one time per month upon submission by franchisee and approval of same from the town manager.

43.030 Provisions for collection and disposal of solid waste in franchise area.

The town board of the town of Pahrump may, by contract or franchise agreement, or in any manner such town board members may deem necessary for the protection of the health, safety, and welfare of the inhabitants of the town, provide for the collection and disposal of solid waste and recyclables from residences, multiple dwellings with or without kitchen facilities, places of business and public buildings, at the expense of the town or otherwise.

43.040 Franchisee subject to rules and regulations.

A. Grant of Exclusive Franchise

A franchisee entering into an exclusive solid waste franchise agreement or contract with the town to the collect, transport, process, or dispose of solid waste, hazardous waste or recyclable materials, shall do so subject to the ordinances, rules, and regulations of the town, the State of Nevada, by and through the Nevada Department of Environmental Protection, and the federal government. Franchisee shall pay a quarterly franchise fee based on its gross receipts derived from the collection of solid waste for the preceding calendar quarter, as specified in the amended solid waste franchise agreement.

B. Solid Waste Handling and Medical Waste Collection

The franchisee entering into a solid waste franchise agreement or contract with the town for the collecting, transporting, processing, or disposal of solid waste shall have the exclusive right to provide all solid waste handling and medical waste collection services within the franchise service area. Franchisee shall provide curbside collection of solid waste to all generators, including residences and business establishments within the franchise service area. Except as otherwise specifically provided in this chapter, no other person or entity shall collect solid waste within the franchise service area. Franchisee shall also have the exclusive right to provide debris boxes/rolloffs for the collection of solid waste materials (including, but not limited to, construction or demolition debris) from construction sites, commercial sites, residential sites, and agricultural sites. The town and/or its franchisee shall take all required enforcement actions against any violation of franchisee's exclusive rights conferred under this chapter and/or the amended solid waste franchise agreement.

C. Curbside Recycling Collection

Franchisee shall have the sole and exclusive right to provide curbside recycling collection within the franchise service area, and collect recyclable solid waste within the franchise service area in exchange for compensation from the generator. This subsection shall not limit franchisee from collecting recyclable materials for no compensation, nor shall it prohibit franchisee from purchasing recyclable materials. Except as otherwise provided in this chapter, no other person or entity shall collect or recycle curbside recyclable materials within the franchise service area.

D. Transportation and Disposal of Collected Materials

Franchisee shall have the sole and exclusive right and obligation to collect solid waste and recyclable materials, and franchisee shall have the sole and exclusive right and obligation to transport all solid waste and recyclable materials from the point of collection to any appropriate transfer station, storage, sorting, processing, or buy-back facility or properly designated disposal facility. Except as otherwise provided in this chapter, no other person or entity shall transport or dispose of solid waste or recyclable materials within the franchise service area.

E. Additional Services

Franchisee shall have the right of first refusal to provide any other exclusive services concerning solid waste, recyclable materials, or any other classification of wastes or recyclable/reusable materials not granted specifically under this chapter or the amended solid waste franchise agreement. Any request for such new services to be provided by franchisee shall be made by town pursuant to this chapter and the amended solid waste franchise agreement.

F. Annual Clean Up Week

For either one week during the month of either March, April, or May during a week mutually satisfactory to town and franchisee, or other town sponsored clean-up events, franchisee shall collect without additional charge up to one (1) cubic yard (seven 32 gallon cans or equivalent) of solid waste from each residential customer within the town, provided that such items are placed at curbside in thirty-two (32) gallon cans, company-issued carts, bags, or bundled.

Franchisee will make special arrangements with the waste generator for collection of non-hazardous bulky waste materials which cannot be collected at curbside.

43.060 Exclusions.

This Ordinance shall not apply to nor prohibit:

- A. Gardeners and landscapers from collecting and/or transporting green waste directly resulting from such gardening or landscaping activities;
- B. Any person from selling recyclable materials or giving away free of charge recyclable materials to persons or entities other than franchisee; provided however, in either instance:
 - 1. The recyclable materials must be source-separated by the generator and not co-mingled with other solid waste; and
 - 2. The seller/donor may not pay the buyer/donee any consideration, directly or indirectly, for the collection, processing, and/or transferring of such recyclable materials. Any rebate, discount, or reduction of price for collection, disposal and/or recycling services of any form of source-separated or co-mingled recyclable solid waste is not a sale or donation of recyclable materials within the meaning of this exclusion.
- C. Any person from self-hauling solid waste generated at his owned residence or premises;
- D. Any business entity from recycling within its operation any internally used or produced item, which in the normal course of business would be transferred from one branch, subsidiary, or agent to another branch, agent, or subsidiary, and does not involve co-mingling of said recyclables with recyclable materials generated outside of the normal business operation, or being co-mingled with other solid waste;
- E. Nothing in this chapter is intended to or shall be construed to excuse any person or entity from obtaining all appropriate authorizations and/or permits from the town, or as otherwise required by law.

43.050 Franchise Service Area.

The exclusive solid waste franchise agreement granted by this chapter shall be applicable to all residential and commercial areas within the current boundaries of the unincorporated town of Pahrump, and any geographic expansions thereto, as more particularly described in the map attached hereto and incorporated herewith as exhibit A. Should the town, at any point, incorporate or otherwise change its entity status, such change in status shall not in any way impair the exclusive rights, privileges, and obligations conferred upon franchisee under this chapter and the amended solid waste franchise agreement, which rights, privileges, and obligations shall remain in full force and effect.

43.070 Prohibited Methods of Disposal.

It is unlawful for any person to:

- A. Throw or deposit, or cause to be thrown or deposited, in any street, alley, gutter or highway within the town, any solid waste, hazardous waste or recyclables.
- B. Throw or deposit, or cause to be thrown or deposited, any solid waste, hazardous waste or recyclables upon the public or private property or premises or into the container of another person or entity within the town, except as may be provided for in this chapter.
- C. Place, deposit or accumulate, or cause to be placed, deposited or accumulated, any solid waste, hazardous waste or recyclables in such a manner, or permit the same to remain on his or her premises in such condition so that the same may be blown or carried over to public or other private property by any means whatsoever.
- D. Allow solid waste and hazardous waste to accumulate upon the premises under his or her control in an amount which is detrimental to the public health or safety or which results in unsightly or unsanitary conditions.
- E. Throw or deposit, or cause to be thrown or deposited, any solid waste, hazardous waste or recyclables in any areas of the town not designated, authorized or licensed by town for deposit of these materials.
- F. Hire, contract, or utilize the services of any unlicensed hauler to collect, transport, or dispose of solid waste.
- G. Identification of the owner of any solid waste which is disposed of in violation of this section creates a reasonable inference that the owner is the person who disposed of the solid waste. The fact that the disposal of the solid waste was not witnessed does not , in and of itself, preclude the identification of its owner.

43.290 Customer Service Standards.

The following customer service standards shall apply to franchisee:

- A. Franchisee shall be required to implement a complaint resolution procedure to handle all complaints received by either the town or franchisee. The complaint resolution procedure shall include: 1. Franchisee recording all complaints and making every effort to investigate and resolve them within forty-eight hours of receipt.
- B. If the town is not satisfied with the franchisee's proposed resolution of a complaint, the town manager shall have the authority to direct the franchisee to resolve the complaint in a manner that is satisfactory to the town.
- C. Upon request, the franchisee shall provide town with a written monthly report, in a form satisfactory to town, summarizing the complaints received by the franchisee and the resolutions thereof for the preceding month.
- D. Franchisee shall designate a person, and provide contact information, for town to contact in connection with complaints received by town.

43.080 Burning of Solid Waste or Recyclables.

It is unlawful for any person, for the purpose of disposal of solid waste, hazardous waste or recyclable materials by burning, to kindle or maintain any bonfire, or knowingly to furnish the materials for any such fire, or to authorize any such fire to be kindled or maintained in any solid waste, hazardous waste or recyclables container, or on any street, alley, road, land or other public grounds or upon any private property, within the town, unless a written permit to do so shall first have been secured from the town fire department; provided, however, that solid waste and infectious waste may be burned in an incinerator duly approved by the fire chief, the building inspector, and the air pollution control officer.

43.090 Collecting or Transporting of Solid Waste or Recyclables.

Except in case of an emergency declared by the town board under section 43.100, it is unlawful for any person, other than the town, its franchisee or their duly appointed agents, to collect or transport any solid waste, or provide curbside recyclables collection service; provided, however, that:

- A. Any duly licensed and permitted septic tank or grease trap pumpers, licensed yard maintenance services and tree trimmers may transport those materials accumulated in or generated by the performance of licensed services to a transfer station or a disposal site operated by town or its franchisee.
- B. Any person may directly transport his or her own solid waste to a duly permitted transfer station or a disposal site operated by the town or its franchisee.
- C. Any person may directly transport his or her own source-separated recyclables to recycling centers or drop-off centers.
- D. A commercial recycler or a charitable organization qualified under the Federal Internal Revenue Code may collect source-separated recyclables from any premises at the express request of the owner, tenant or occupant and may transport those recyclables to drop-off centers or recycling centers.

43.100 Emergency Collections.

A. In the event of an interruption in the collection, transportation or disposal of solid waste and recyclable materials by town or its franchisee, problems affecting the public health, safety and welfare may arise. These problems may include increases in pathogens, vectors, fire hazards, unsightly litter, odor and traffic hazards from the accumulation of solid waste and recyclables. The purpose of this section is to provide for the temporary collection, transportation and disposal of solid waste and recyclables by private citizens, during such declared emergency, in order to minimize the adverse impact on the public health, safety and general welfare arising from an interruption in the collection, transportation and disposal of solid waste and recyclables.

B. In the event of an interruption in the collection, transporting or disposal of solid waste and recyclables by town or its franchisee, the town board may declare an emergency, upon adoption of such declared emergency by a four-fifths (4/5) vote.

C. If the town board declares an emergency under subsection B of this section, the provisions of section 43.090, which relate to collecting and transporting of solid waste and recyclables, shall be suspended and the following provisions shall apply until the date specified in the declaration of emergency or in a subsequent declaration:

1. The town manager may designate, establish, operate, and maintain temporary; emergency collection areas for solid waste and recyclables;

2. Any person may transport his or her own solid waste and recyclables generated at such residence and/or business to a designated temporary emergency collection area; and

3. Until hauled to a designated temporary emergency collection area, all putrescible solid waste shall be stored indoors in securely tied plastic bags or outdoors in containers which will not permit access by flies or animals or constitute a fire hazard.

43.280 Charges – Rate Changes

A. The rates and charges established pursuant to this chapter shall be adjusted annually based upon the percentage of change in the CPI.

B. Rate adjustments shall be made effective July 1 each year, and shall be based upon the percentage change in the annual average of the CPI for the twelve-month period ending December 31 immediately preceding the effective date of the rate adjustment.

C. In addition to a fuel surcharge, when an unforeseen economic circumstance has occurred during a given twelve-month period, the town board may consider and may approve a method for adjusting rates which is not based on changes to the CPI. In any year following a period when the adjustment to rates was based on some other method, rate adjustments shall again be based on changes in the CPI. A minimum of one annual rate adjustment, based on the CPI method, must occur between annual rate adjustments based on methods other than the CPI method.

D. In the event the County of Nye imposes tipping fees or dump fees upon franchisee, franchisee may recover those fees actually paid by franchisee to County without petition and/or consent of the town board, and may pass through such increases to franchisee's customers in order to recover such costs.

43.110 Interference with Containers Prohibited.

A. It is unlawful for any person other than the owner, the town or its franchisee, or their duly appointed agents, to interfere in any manner with any containers containing solid waste or recyclables or to remove any such container from the location where placed for pickup by town or its franchisee.

B. It is unlawful for any person, other than the operator of a drop-off center, or its duly appointed agent, to interfere with or remove any recyclables from a drop-off center.

43.120 Requirements as to Carts and Vehicles.

It is unlawful to use any cart or vehicle for the transportation or removal of solid waste or recyclables unless such cart or vehicle is appropriately constructed and covered in accordance with NRS Chapter 484 to prevent or minimize odors from or leakage, sifting, spilling, drifting or blowing of such solid waste or recyclables in or upon the streets through which such cart or vehicle may be driven.

43.380 No Conflict.

All ordinances, or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Ordinances of the town of Pahrump, Nevada, in conflict herewith, are hereby repealed and replaced as necessary.

43.130 Containers Required.

Every person owning or managing any premises, or any person responsible for obtaining solid waste disposal service at any premises, except as otherwise provided in this chapter, shall receive one or more containers provided by franchisee, sufficient for the depositing of all solid waste from the premises pursuant to the minimum container requirements of this chapter. The solid waste franchisee may rent or sell solid waste containers to its customers pursuant to the rates specified in the amended solid waste franchise agreement, but responsibility for placement of such rented containers remains with the person owning or managing the premises.

43.140 Container Requirements.

- A. At any residence that receives individual curbside collection service, each container provided by franchisee shall be designed and be capable of being emptied by mechanical or hydraulic equipment.
- B. Except for manual type drop-box containers listed in this chapter, solid waste containers shall be constructed watertight and shall be equipped with handles and covers appropriate to the container design. Each such container and cover provided by franchisee shall be made of a material approved for such use by town. Covers shall not be removed except when necessary to place solid waste therein. Each container and its cover shall be kept clean by customers from accumulating grease and decomposing material.
- C. Any non-residential customer who has a container overflowing with solid waste at the time of collection shall be subject to an overflow charge pursuant to section 230 of this chapter.

43.150 Removal of Contents of Containers Prohibited.

- A. No person other than the owner, town, its franchisee (or franchisee's agents) may remove any solid waste or recyclables from the solid waste containers or recyclables containers that are intended for pickup by the franchisee as part of its solid waste collection and recyclables collection programs;

- B. No person other than the owner or operator of a drop-off center, or their authorized agents, may remove recyclables from the drop-off center or recyclables that have been bundled, boxed, tied or otherwise collected and placed adjacent to the drop-off center.

43.160 Solid Waste to be Placed in Containers – Exceptions.

- A. All solid waste shall be placed in an appropriately sized container; provided, however, that in a residential district under the zoning and/or land use regulations of town, tree trimmings, scrap lumber, and other such solid waste may be bundled in accordance with subsection B, if securely tied and placed at curbside on a scheduled collection day.
- B. Items bundled pursuant to this section shall not exceed three feet in length nor weigh more than fifty pounds.

43.170 Containers in Residential Areas Removed from Public View – Placement for Collection.

- A. It is unlawful in any district classified as residential district, under the zoning regulations of town to place, keep, store or locate within the public right-of-way of a street or sidewalk, any solid waste or recycling container; provided, however, that such container may be placed within such area, but not within vehicle lanes so as to permit unimpeded passage or vehicular traffic, for the purpose of the collection thereof no earlier than two p.m. on the day prior to a designated collection day and must be removed no later than midnight on the designated collection day.
- B. A franchisee shall not be required to pick up solid waste or recyclables from any location that the franchisee, subject to town's approval, determines is not safe to access with its disposal vehicles due to space limitations restricting vehicle access or maneuverability, including maneuvers requiring the unsafe backing up of vehicles.

43.180 Storage of Containers in Commercial Areas.

On any multi-family, commercial or industrial premises, it is unlawful to place, keep, store or locate any solid waste or recyclables container within the right-of-way of a street, sidewalk or alley. Containers shall be stored within an enclosure if an enclosure was required in connection with development approval or is otherwise provided on the premises.

43.190 Charges – Residential and Multiple Dwellings.

- A. The charges for collecting, transporting and disposing of solid waste, and collecting and transporting recyclables, at residential premises shall be determined in accordance with exhibit A to the amended solid waste franchise agreement, as amended, irrespective of occupancy. The town manager, its franchisee and specific property owners in designated controlled areas may agree upon alternate collection schedules

for specified test periods for the purpose of testing alternate collection/recycling options.

- B. The charges for collecting, transporting and disposing of solid waste at multiple dwellings, and for multiple dwellings up to three dwelling units as the individual living units therein, shall be determined in accordance with exhibit A to the amended solid waste franchise agreement, regardless of whether any of the units are vacant. Multiple dwellings shall provide a minimum of one 95 gallon mobile solid waste container, and shall be allowed no more than two 96 gallon mobile containers, for use by the occupants of the premises.
- C. A multiple dwelling generating solid waste in excess of two 96 gallon mobile containers will be required to replace the two mobile containers with one or more cubic yard type containers sufficient to store the solid waste generated on the premises until its scheduled collection day to prevent overflow. Any overflow shall be subject to overflow charges in accordance with section 230 of this chapter.
- D. All charges for single-family residences, duplexes and multiple dwellings pursuant to this section shall be billed quarterly in advance, subject to applicable CPI rate adjustments made pursuant to this chapter, and in accordance with the amended solid waste franchise agreement.

43.200 Charges – Places of Business and Public Buildings.

- A. Unless specifically excepted in this Ordinance, franchisee shall charge for collecting, transporting and disposing of solid waste from places of business and public buildings a fee determined by the number and type of containers required by each such place of business or public building and by the number of collections each week in accordance with the amended solid waste franchise agreement. The franchisee shall charge for collecting, transporting and disposing of compacted solid waste, from containers other than compaction-type drop boxes, three times the otherwise applicable charge.
- B. Each place of business or public building premises shall provide a minimum of one 96 gallon mobile container for depositing its solid waste, and shall be allowed no more than two 96 gallon mobile containers. Premises generating solid waste in excess of two 96 gallon mobile containers shall replace the two mobile containers with one or more cubic-yard containers sufficient to store, and prevent overflow of, the solid waste generated on the premises until its scheduled collection day. Any overflow shall be subject to overflow charges in accordance with section 230 of this chapter.
- C. All monthly charges set forth in exhibit A to the amended solid waste franchise agreement shall be billed as set forth therein. All charges set forth in this section shall be subject to applicable CPI rate adjustments made in accordance with the amended solid waste franchise agreement.
- D. Rates for contracted solid waste compactor service shall be set in accordance with compactor size and number of pulls per week as set forth in exhibit A to the amended solid waste franchise agreement, and subject to applicable CPI rate adjustments authorized pursuant to this chapter.

43.210 Charges – Container Rentals – One-Time On-Call Collections.

The franchisee shall be permitted to charge for container rentals and special one-time collection for single-family residences, multiple dwellings, places of business and public buildings a fee as set forth in exhibit A to the amended solid waste franchise agreement, and subject to applicable CPI adjustments therewith, depending on the container size rented.

43.220 Charges – Overflowing Solid Waste.

- A. The owner of a premises, other than a premises of a single-family residence, duplex or mobile home park with individual solid waste collection service, whose solid waste container or containers have overflowing solid waste prior to being emptied on collection day, shall be subject to an overflow charge, which may be billed at the time of service as an on-call service, in the amount set forth in exhibit A of the amended solid waste franchise agreement, subject to applicable CPI adjustments authorized under this chapter.
- B. No overflow charges may be assessed except as follows:
 1. Written notice of an overflow delivered by regular U.S. mail, e-mail, facsimile or personal delivery has been provided to the owner or manager of the premises, and a subsequent overflow occurs at the premises within ninety days:
 - a. After such notice has been given; or
 - b. After the last overflow charge has been assessed at the premises, and there is significant overflow from the container as defined in this chapter and as evidenced by a photograph, and the overflow actually has been collected by the town or its franchisee.
 2. For overflow that is caused by a prior collection being missed or being performed improperly, or by containers being repositioned by a franchisee after collection such that a container is inaccessible to tenants of the premises resulting in overuse of and overflow occurring in another container.
 3. For overflow that is caused because the time of day of collection was more than four hours later than the time of day when the last regularly scheduled collection occurred.
- C. Overflow charges assessed pursuant to this chapter may be waived by the town manager, or his/her designee, or a franchisee if it is determined that the owner or manager of the premises has taken reasonable steps to avoid future overflows, including but not limited to, increasing the container capacity and/or collection frequency on the premises, installing locks on the lids of the containers and/or on access gates to curtail illegal dumping by third parties, or other property-management measures designed to avoid overflows.

43.230 Charges – Medical Waste.

A franchisee's basic and additional service charges per container for preparation, collection, transportation and disposal of medical waste, and the charges for the optional purchase and rental of medical waste containers shall be determined in accordance with

the service level utilized, as set forth in exhibit A to the amended solid waste franchise agreement. All charges for medical waste service, except for on-call service, which will be billed at the time of service, shall be billed monthly in advance.

43.240 Charges – Sewage Waste.

The franchisee shall charge the rates listed in exhibit A to the solid waste franchise agreement for sewage waste disposal service.

43.250 Charges Not Applicable to Certain Types of Waste.

The charges specified in the amended solid waste franchise agreement and this chapter for collecting, transporting and disposing of solid waste shall not apply to septic tank waste, grease trap waste, or landscaping or tree-trimming waste handled in accordance with this chapter, and franchisee may set its own rates for the collection, transportation and disposal of such solid waste.

43.260 Mandatory Subscription, Collection of Delinquent Charges, Fees, and Penalties.

- A. To ensure the uniform, safe and sanitary treatment of solid waste in the town and to discourage the illegal handling and disposal of solid waste, it shall be mandatory for any person owning, occupying or managing any premises in the town which are connected to electrical service to subscribe to solid waste collection service provided by the town or its authorized franchisee, and to pay the charges set forth in the amended solid waste franchise agreement and as specified in this chapter. No person may discontinue paying for solid waste collection service for his or her premises, unless such premises are not connected to electrical service for the entire billing period.
- B. In order to discontinue paying for solid waste collection service pursuant to this section, a person must request discontinuation of service and provide proof that no electrical service to the premises is provided. A reasonable fee, as set forth in the amended solid waste franchise agreement, may be charged to re-establish service to the premises after service has been discontinued pursuant to this section.
- C. All charges for regular or periodic serviced provided by the town, its franchisee, or their duly appointed agents, pursuant to this chapter, shall be billed on the first business day of the quarterly or monthly billing period, as applicable, and shall be due and payable on the last day of the billing month; provided, however, that charges for on-call service may be billed at the time of service. All charges for services under this chapter, including the penalties for delinquent payment, shall constitute a debt and obligation of the legal owner of the premises, and such person shall be liable therefore in a civil action commenced by the town or its franchisee in any court of competent jurisdiction for the recovery of such charges and penalties.
- D. If any person fails to pay the charges authorized by the day they become due and payable, a penalty shall be added thereto of three (\$3.00) dollars per quarter (or

fraction thereof) for residential accounts and two percent per month (or fraction thereof) of the delinquent amount for commercial accounts.

- E. A customer shall be entitled to a refund of any advance payment for service he or she has made upon presenting proof that a connection to electrical service did not exist at the customer's premises during the entire billing period for which the advance payment was made. All refunds from the franchisee to a customer shall be paid within thirty days from the date of the customer's request for reimbursement or date of franchisee's knowledge that a refund is owed.
- F. No person shall accept and no franchisee shall offer or give any solid waste collection, transportation and disposal services or curbside recyclables collection services without charge, or shall offer or give a discount, refund or rebate of any charge authorized by this chapter, except that this provision does not apply to any credits or refunds issued pursuant to this chapter, charitable organizations which are exempt from federal income tax pursuant to Section 501(c) of the Internal Revenue Code or as further provided by the amended solid waste franchise agreement.

43.270 Charges – Billing – Penalty – Lien.

All solid waste collection charges or fees authorized and established by this chapter, including any penalties assessed under section 270, shall constitute a lien upon the real property of the premises served until such charges and fees have been paid. Such lien shall be enforced in the manner specified in NRS 444.520.

43.300 Repair and Replacement Standards for Franchisee's Containers.

- A. If a solid waste container supplied by franchisee to a customer receives damage caused by franchisee's own actions or through normal wear and tear, franchisee shall, at its own cost, fix or replace the container no later than seven calendar days after franchisee has been notified of the damage.
- B. For purposes of this section, franchisee shall be deemed to have been notified that a container has been damaged when franchisee's collection worker arrives to collect the solid waste from a container and finds the container damaged, or when a premises owner or manager notifies franchisee in writing that a container is damaged, whichever occurs first.
- C. If franchisee misses or improperly performs a scheduled collection for a non-residential customer, resulting in solid waste that the customer has properly put out for collection not being collected, within twenty-four hours of receiving notice of such missed or improper collection franchisee shall send a second vehicle to the premises to properly collect such solid waste.
- D. If franchisee fails to fix or replace one of its damaged solid waste containers rented by a non-residential customer, or correct a missed or improper collection, or properly position a container for a non-residential customer, in accordance with this section, franchisee shall automatically issue a pro-rata credit to such customer's account until the damaged or misplaced container is serviceable or properly placed, or for the missed or improper collection, based on the charges for regularly scheduled collection

service to the premises for the applicable billing period, regardless of whether the customer makes any request for such a credit.

43.310 Solid and Hazardous Waste a Nuisance.

Solid waste and hazardous waste, as defined and for the purposes of this chapter, are deemed a nuisance per se.

43.320 Unauthorized Disposal Prohibited.

No solid waste or hazardous waste collected from the public and private places and premises in the town shall be deposited at any place within the town limits except at a properly permitted materials recovery facility or solid waste disposal facility legally authorized by town, or such solid waste management authority having jurisdiction over such facility.

43.330 Penalty for Violation.

- A. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and subject to the following penalties:
1. Upon conviction of a first offense shall be sentenced to pay a fine of not less than two hundred (\$200.00) dollars nor more than one thousand (\$1,000.00) dollars, or by imprisonment for not more than six months in the town jail, or by both such fine and imprisonment.
 2. Upon conviction of a second offense shall be sentenced to a pay a fine of not less than five hundred (\$500.00) dollars nor more than one thousand (\$1,000.00) dollars or by imprisonment for not more than six months in the town jail, or by both such fine and imprisonment.
 3. Upon conviction of a third offense shall be sentenced to pay a fine of not less than one thousand (\$1,000.00) dollars and be imprisoned for a minimum of ten days in the town jail, not to exceed six months.
- B. Every day that a violation occurs, exists, or is allowed to exist or continue, shall constitute a separate offense.

43.340 Injunctive Relief

The town and/or its franchisee, in addition to the remedies and penalties above named, may seek injunctive relief against any violator of this chapter, with or without prior notice, to prevent or correct any solid waste, hazardous waste or recyclable materials problem.

43.350 Rights of Owners to Dispose of Recyclable Materials.

Nothing in this chapter shall limit the right of any person to donate, sell, or otherwise legally dispose of his or her source-separated recyclable materials.

43.360 Effective Date.

The ordinance codified in this chapter shall be effective upon publication in the Pahrump Valley Times.

43.370 Severability.

If any section, subsection, subdivision, paragraph, clause or provision of this chapter shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section or subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this chapter.



ARMSTRONG TEASDALE LLP

MISSOURI | KANSAS | ILLINOIS | NEVADA | WASHINGTON, DC | SHANGHAI
ATTORNEYS AT LAW

Memorandum

To: William Kohbarger
From: Richard G. Campbell Jr.
Date: January 21, 2009
Subject: Revision of ordinance enacting offenses for disorderly conduct

This memorandum is in response to your request to amend the ordinance enacting offenses for disorderly conduct, also known as the aggressive solicitation ordinance. Based upon my understanding of comments expressed by members of the Town Board, there is concern that the ordinance may prohibit solicitation by peaceable persons, such as members of the Girl Scouts of the United States of America. In response to these concerns, I have attached a revised ordinance for the Board's consideration.

The ordinance enacting offenses for disorderly conduct has been amended as follows:

Section 1. Definitions

The words and phrases defined in this section shall have the meanings indicated when used in this Ordinance.

Aggressive manner" means:

- (i) Approaching or speaking to a person, or following a person before, during or after soliciting, if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to himself or herself or to another or damage to or loss of property, or to cause a reasonable person to be intimidated into giving money or other thing of value;
- (ii) Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;

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AN ORDINANCE ENACTING CRIMINAL MISDEMEANOR OFFENSES FOR DISORDERLY CONDUCT AND ENUMERATING PROHIBITED ACTS, PENALTIES FOR VIOLATION, AND OTHER MATTERS PROPERLY RELATING THERETO

WHEREAS, the Town Board of the unincorporated Town of Pahrump finds that it has the power to enact and enforce disorderly conduct ordinances under NRS 269.215; and

WHEREAS, the Town Board desires to protect the public peace, morals, and welfare of the citizens of the Town; and

WHEREAS, the Town Board finds that the problems of aggressive and improper solicitation are among the most difficult and vexing faced by the Town and that prior approaches have not been entirely successful; and

WHEREAS, the Town Board finds that under certain circumstances solicitation of money and other items threatens residents' and visitors' safety, privacy and quality of life, and the Town seeks to implement policies that preserve citizens' rights to enjoy public spaces free from fear and harassment while protecting the free speech rights of individuals and groups, and permitting appropriate and safe commercial activities of street artisans, performers and merchants; and

WHEREAS, the Town Board finds that enacting and enforcing this Ordinance is in the best interest of the citizens of the Town.

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

Section 1. Definitions

The words and phrases defined in this section shall have the meanings indicated when used in this Ordinance.

- (a) "Aggressive manner" means:
 - (i) Approaching or speaking to a person, or following a person before, during or after soliciting, if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to himself or herself or to another or damage to or loss of property;
 - (ii) Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
 - (iii) Using violent or threatening gestures toward a person being solicited; or
 - (iv) Following a person being solicited for more than twenty five feet after the person has given a negative response to such soliciting.

- (b) “Automated teller machine” means a device, linked to a financial institution's account records, which is able to carry out one or more financial or related transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and other loan payments.
- (c) “Automated teller machine facility” means an area or facility containing one or more automatic teller machines, and any adjacent space that is made available to users of such machines.
- (d) “Check cashing business” means any business or entity duly licensed to engage in the business of cashing checks, drafts or money orders for consideration pursuant to State of Nevada law.
- (e) “Peace officer” means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.
- (f) “Public place” means a place to which a governmental entity has legal title or the right to possession and use and to which members of the public have access, including but not limited to any public street, highway, sidewalk, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.
- (g) “Solicit” or “Soliciting” means asking for money or any item of value, whether or not in exchange for goods or services, with the intention that the money or item be transferred at substantially the same time and place as the solicitation. Soliciting includes using the spoken, written, or printed word, bodily gestures, signs, and other means.

Section 2. Prohibited Acts

It shall be unlawful for any person to:

- (a) Willfully and substantially obstruct the safe or free passage of a person or vehicle in any public place for the purpose of solicitation. Nothing contained herein shall be deemed to prohibit the exercise of any constitutionally protected right of freedom of speech or assembly, or to prohibit any persons from sitting on public benches or other public facilities provided for such purpose;
- (b) Solicit in an aggressive manner in any public place;
- (c) Solicit in any public place which is within twenty feet of any entrance or exit of a check cashing business or any facility containing an automated teller machine, or which is within twenty feet of an automated teller machine, without the consent of the owner or operator of such machine or facility; or
- (d) Solicit an operator or other occupant of a motor vehicle while such vehicle is located on any street or highway, including, without limitation, any on-ramp or off-ramp; provided, however, that this paragraph shall not apply to solicitations in

connection with emergency repairs or assistance requested by the operator or any other occupant of a vehicle.

Before any peace officer may cite or arrest a person under this Ordinance, the officer must warn the person that his or her conduct is in violation of this Ordinance and must give the person an opportunity to comply with the provisions of this Ordinance.

Section 3. Penalty for Violation

Any person found guilty of a violation of this Ordinance is guilty of a misdemeanor under the general laws of the State of Nevada and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six (6) months, or by both such fine or imprisonment, and additionally shall pay costs of suit. In no case shall costs be suspended.

Section 4. Repealer

Pahrump Town Ordinance No. 42, entitled "AN ORDINANCE ENACTING THE CRIMINAL MISDEMEANOR OFFENSES OF LOITERING AND PROWLING, ENUMERATING PROHIBITED ACTS, PENALTIES FOR VIOLATION, AND OTHER MATTER PROPERLY RELATING THERETO" is hereby repealed and shall be of no further force or effect.

Section 5. Severability

If any section, sentence, clause, or phrase of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this Ordinance.

Section 6. Effective Date

This Ordinance shall be in full force and effect from and after its passage, adoption, and second publication in a newspaper printed and published within the Town of Pahrump, County of Nye, State of Nevada.

RC/bfm

William Kohbarger

From: Bret F. Meich [bmeich@ArmstrongTeasdale.com]
Sent: Tuesday, November 11, 2008 2:20 PM
To: bkohbarger@pahrupnv.org
Cc: msullivan@pahrupnv.org; Kirby Colson; Richard Campbell
Subject: Revised vagrancy ordinances

Bill,

Find attached two ordinances pertaining to vagrancy in public parks, which is scheduled to be addressed at this Thursday's meeting of the Town Board. The attached ordinances reflect a simplification of the language included in the Firm's memorandum dated November 4, 2008. I have Redlined versions of the ordinances available at your request that identify the changes made.

The Parks ordinance includes language prohibiting the consumption and possession of alcohol. That language, however, may be easily removed at the Board's discretion. Also, the numbering and formatting of these ordinances may be amended in accordance with Town practice. Please contact Kirby Colson or myself should you have any questions. My direct line is (775) 784-3206. Best,

Bret

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**AN ORDINANCE ENACTING CRIMINAL MISDEMEANOR OFFENSES FOR
DISORDERLY CONDUCT, AND ENUMERATING PROHIBITED ACTS,
PENALTIES FOR VIOLATION, AND OTHER MATTERS PROPERLY
RELATING THERETO**

WHEREAS, the Town Board of the unincorporated Town of Pahrump finds that it has the power to enact and enforce disorderly conduct ordinances under NRS 269.215; and

WHEREAS, the Town Board of the unincorporated Town of Pahrump desires to protect the public peace, morals, and welfare of the citizens of the Town; and

WHEREAS, the Town Board of the unincorporated Town of Pahrump finds that the problems of aggressive and improper solicitation are among the most difficult and vexing faced by the Town and that prior approaches ~~mostly have failed~~ not been entirely successful; and

WHEREAS, the Town Board of the unincorporated Town of Pahrump finds that ~~aggressive~~ under certain circumstances solicitation ~~for of money in public and private places~~ other items threatens residents' and visitors' safety, privacy and quality of life. ~~The, and the~~ Town seeks to implement policies that preserve citizens' ~~right~~ rights to enjoy public spaces free from fear and harassment while protecting the free speech rights of individuals and groups, and permitting appropriate and safe commercial activities of street artisans, performers and merchants; and

WHEREAS, the Town Board of the unincorporated Town of Pahrump finds that enacting and enforcing this ~~ordinance~~ Ordinance is in the best interest of the citizens of the Town; and,

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

Section ~~1~~ 1. Definitions

The words and phrases defined in this section shall have the ~~meaning~~ meanings indicated when used in this Ordinance.

(a) "Aggressive manner" means:

- (i) Approaching or speaking to a person, or following a person before, during ~~or after~~ soliciting, if that conduct is intended or is likely to cause a ~~reasonable person to fear bodily harm to oneself~~ himself or herself or to another, or damage ~~to or loss of property or otherwise to~~ cause a reasonable person to be intimidated into giving money or ~~other thing of value~~;
- (ii) Intentionally touching or causing physical contact with another person ~~without that person's consent in the course of soliciting~~;

(a) Willfully and substantially obstruct the free passage of any person or persons on ~~_____ in any street, sidewalk, passageway or other public place. It is not intended that this _____ Section shall apply where its application would result in an interference with or _____ inhibition of any exercise of _____ for the purpose of solicitation. Nothing contained herein shall be deemed to prohibit the exercise of any constitutionally protected right of freedom of _____ speech or assembly, and nothing contained herein shall be deemed or to prohibit _____ any persons from sitting on public benches or other public facilities provided for such _____ purpose;~~

9-(b) Solicit in an aggressive manner in any public place;

9-(c) Solicit in any public place which is within twenty feet of any entrance or exit of any a check cashing business or _____ within twenty feet of any any facility containing an automated teller machine, or which is within twenty feet of an automated teller machine, without the consent of the _____ owner of the property or another person legally in possession or operator of such facilities. _____ Provided, however, that when an automated teller machine is located within an _____ automated teller machine facility, such distance shall be measured from the _____ entrance or exit of the facility; or;

10-(d) Solicit an operator or other occupant of a motor vehicle while such vehicle is _____ located on any street or highway, including, without limitation, any on-ramp or off-ramp, for the purpose of performing or offering to perform a service in connection with such vehicle or otherwise soliciting donations or the sale of goods or services. Provided, ; provided, however, that this paragraph shall not apply to services rendered in connection _____ with emergency repairs or assistance requested by the operator or ~~passenger of such any other occupant of a vehicle.~~

Before any peace officer may cite or arrest a person under this Ordinance, the officer must warn the person that his or her conduct is in violation of this Ordinance and must give the person an opportunity to comply with the provisions of this Ordinance.

Section _____ 3. Penalty for Violation

Any person found guilty of a violation of this Ordinance is guilty of a misdemeanor under the general laws of the State of Nevada and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six (6) months, or by both such fine or imprisonment, and additionally shall pay costs of suit. In no case shall costs be suspended.

Section _____ 4. Severability

If any section, sentence, clause, or phrase of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this Ordinance.

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AN ORDINANCE ENACTING CRIMINAL MISDEMEANOR OFFENSES ON PARK, ~~PROPERTY,~~ AND ENUMERATING PROHIBITED ACTS, PENALTIES FOR VIOLATION, ~~AND~~ OTHER MATTERS PROPERLY RELATING THERETO

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WHEREAS, the Town Board of the unincorporated Town of Pahrump finds that it has the power to enact and enforce ordinances regulating conduct on park property under NRS 269.125 and .575; and

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WHEREAS, the Town Board ~~of the unincorporated Town of Pahrump~~ desires to protect ~~the park~~ property and maintain the public peace, morals, and welfare of the citizens of the Town; and

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WHEREAS, the Town Board ~~of the unincorporated Town of Pahrump~~ finds that enacting and enforcing this ~~ordinance~~ Ordinance is in the best interest of the citizens of the Town; and,

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

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Section ~~_____~~ I. Definitions

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The words and phrases defined in this section shall have the ~~meaning~~ meanings indicated when used in this Ordinance.

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~~1. (a)~~ "Wine" means any wine or other beverage made by fermentation from grapes, fruits, ~~berries, rice, or honey,~~ including any wine or other such beverage which ~~nothing has been added other than pure brandy~~ made from fortified by the same type ~~addition of grape, fruit, berry, rice, or honey that is contained in the base wine~~ spirited liquors or any other substance, and which has an alcoholic content containing at least one half of ~~not more than twenty-four~~ one percent (24.5%) alcohol by volume.

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~~2. (b)~~ "Malt beverage" means beer, lager, malt liquor, ale, porter, and any other brewed ~~or similar~~ fermented beverage containing at least one-half of one percent (0.5%), and ~~not more than six percent (6%),~~ alcohol by volume.

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~~3. (c)~~ "Mixed beverage" means ~~either of the following: (i) any drink, cocktail or other beverage~~ composed in whole or in part of spirited liquor and served in a quantity less than the quantity contained in a closed package; or (ii) a premixed cocktail served from a closed package containing only one serving.

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~~4. (d)~~ "Open container" means a container on which the seal has been broken or a ~~container other than the manufacturer's unopened original container.~~

Before any peace officer may cite or arrest a person under this Ordinance, the officer must warn the person that his or her conduct is in violation of this Ordinance and must give the person an opportunity to comply with the provisions of this Ordinance.

Section ~~_____~~ 3. Penalty for Violation

Any person found guilty of a violation of this Ordinance is guilty of a misdemeanor under the general laws of the State of Nevada and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six (6) months, or by both such fine or imprisonment, and additionally shall pay costs of suit. In no case shall costs be suspended.

Section ~~_____~~ 4. Severability

If any section, sentence, clause, or phrase of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this Ordinance.

Section ~~_____~~ 5. Effective Date

This Ordinance shall be in full force and effect from and after its passage, adoption, and second publication in a newspaper printed and published within the Town of Pahrump, County of Nye, State of Nevada.

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- (iv) Using violent or threatening gestures toward a person being solicited; or
 - (v) Following a person being solicited after the person has given a negative response to such soliciting.
- (b) “Automated teller machine” means a device, linked to a financial institution's account records, which is able to carry out one or more financial or related transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and other loan payments.
 - (c) “Automated teller machine facility” means an area or facility containing one or more automatic teller machines, and any adjacent space that is made available to users of such machines.
 - (d) “Check cashing business” means any business or entity duly licensed to engage in the business of cashing checks, drafts or money orders for consideration pursuant to State of Nevada law.
 - (e) “Peace officer” means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.
 - (f) “Public place” means a place to which a governmental entity has legal title or the right to possession and use and to which members of the public have access, including but not limited to any public street, highway, sidewalk, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.
 - (g) “Solicit” or “Soliciting” means asking for money or any item of value, whether or not in exchange for goods or services, with the intention that the money or item be transferred at substantially the same time and place as the solicitation. Soliciting includes using the spoken, written, or printed word, bodily gestures, signs, and other means.

Section 2. Prohibited Acts

It shall be unlawful for any person to:

- (a) Willfully and substantially obstruct the free passage of any person in any public place for the purpose of solicitation. Nothing contained herein shall be deemed to prohibit the exercise of any constitutionally protected right of freedom of speech or assembly, or to prohibit any persons from sitting on public benches or other public facilities provided for such purpose;
- (b) Solicit in an aggressive manner in any public place;
- (c) Solicit in any public place which is within twenty feet of any entrance or exit of a check cashing business or any facility containing an automated teller machine, or which is within twenty feet of an automated teller machine, without the consent of the owner or operator of such machine or facility; or

AN ORDINANCE ENACTING CRIMINAL MISDEMEANOR OFFENSES ON PARK PROPERTY AND ENUMERATING PROHIBITED ACTS, PENALTIES FOR VIOLATION, AND OTHER MATTERS PROPERLY RELATING THERETO

WHEREAS, the Town Board of the unincorporated Town of Pahrump finds that it has the power to enact and enforce ordinances regulating conduct on park property under NRS 269.125 and .575; and

WHEREAS, the Town Board desires to protect park property and maintain the public peace, morals, and welfare of the citizens of the Town; and

WHEREAS, the Town Board finds that enacting and enforcing this Ordinance is in the best interest of the citizens of the Town.

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

Section 1. Definitions

The words and phrases defined in this section shall have the meanings indicated when used in this Ordinance.

- (a) “Wine” means any wine or other beverage made by fermentation from grapes, fruits, berries, rice, or honey, including any wine or other such beverage which has been fortified by the addition of spirituous liquors or any other substance, and containing at least one half of one percent (0.5%) alcohol by volume.
- (b) “Malt beverage” means beer, lager, malt liquor, ale, porter, and any other brewed or similar fermented beverage containing at least one-half of one percent (0.5%) alcohol by volume.
- (c) “Mixed beverage” means any drink, cocktail or other beverage composed in whole or in part of spirituous liquor.
- (d) “Open container” means a container on which the seal has been broken or a container other than the manufacturer’s unopened original container.
- (e) “Park property” means any real property owned, operated or used by the Town of Pahrump as a public park.
- (f) “Peace officer” means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.
- (g) “Spirituous liquor” means distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin and vodka and cordials and liqueurs, and any mixtures thereof, regardless of their dilution.

Section 2. Prohibited Acts

AGENDA ITEM REQUEST

Requests and backup **must** be in the Town Office by **3:00 p.m. Monday** 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
1/20/2009

DATE OF DESIRED BOARD MEETING
1/27/2009

CIRCLE ONE: Discussion, Action, Decision or Discussion Only

ITEM REQUESTED FOR CONSIDERATION:

Request by Town Manager to be Excused from the Town Board meeting held on February 24th, 2009.

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:

LOGMAN (Local Government Managers Association of Nevada) is holding their annual Winter Conference in Carson City on Feb. 24, 2009. Mr. Kohbarger would like to attend for training and networking reasons.

BACKUP ATTACHED: YES NO

SPONSORED BY: Town Manager William A. Kohbarger

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

William A. Kohbarger
Print Name


Signature

Town Office
Mailing Address

(775) 727-5107 ext.305
Telephone Number



LOGMAN

**Local Government Managers
Association of Nevada**

A State Affiliate of **ICMA**

2009 LOGMAN Winter Conference

The Plaza Hotel Conference Center

801 South Carson Street

Carson City, NV 89701

(888) 227-1499

TUESDAY, FEBRUARY 24, 2009

9:00 a.m. – LOGMAN Board Meeting

10:00 a.m. – Pension/Retirement Security Presentation & Discussion

12:00 p.m. – Legislative Panel in Legislative Building Room 3143 with Senate and
Assembly Government Affairs and Taxation Committee Chairs

1:15 p.m. – Buffet Lunch

1:45 p.m. – Labor Compensation & Negotiation Strategies Discussion
w/ Labor Attorneys Charlie Cockerill and Mark Ricciardi

4:30 p.m. – Break

5:30 p.m. – Reception with Legislators

Directions to The Plaza: <http://www.carsoncityplaza.com/Directions/>

The deadline to register for the conference is February 13, 2009.
The registration fee is \$75 for LOGMAN members and \$125 for non-members.
The registration form is available at www.nevadalogman.org under Upcoming Events.

For more information, contact Maggie Plaster at (702) 229-5918 or
mplaster@lasvegasnevada.gov

**SPECIAL PAHRUMP TOWN BOARD MEETING
TOWN OFFICE CONFERENCE ROOM
400 NORTH HIGHWAY 160
MONDAY – 8:00 A.M.
DECEMBER 22, 2008**

MINUTES

1. Call to Order, Pledge of Allegiance, and Welcome.
Chairman Laurayne Murray called the meeting to order. Mr. Frank Maurizio was sworn in as the new Town Board member replacing Dan Sprouse. Mrs. Murray led in the pledge of allegiance.

2. Discussion and decision regarding agenda items.
None

3. Public Comment.
Gina Goode commented regarding a newspaper article asking for support of a family in need. Dave Stevens commented regarding disappointment that there were no Commissioners present as they let the community down with regard to the detention center and feels the Town should incorporate.

4. Discussion and decision regarding approval of Memorandum of Understanding (MOU) between Town of Pahrump, Pahrump Valley Fire-Rescue Service and Corrections Corporation of America (CCA). Town Manager/Fire Chief
Bill Kohbarger noted that he and Chief Lewis agree with the MOU with changes as written regarding trips for fire and ambulance. If the amount of trips exceeds the amount indicated then CCA would contribute 25% for equipment purchase. Laurayne Murray asked if the agreement has been reviewed by our attorneys. Mr. Kohbarger replied that it has.

Don Rust motioned to approve the memorandum of understating between the Town of Pahrump, Pahrump Valley Fire-Rescue Service and CCA as written. Nicole Shupp seconded the motion.

A citizen Jeff Bobeck asked if they would be paying the same amount as the citizens of Pahrump for PVFRS services. Mr. Kohbarger replied they would. (No. 4 of MOU)
Tony Lloyd This citizen asked if they will be paying 25% for additional equipment. Mr. Kohbarger replied yes. The citizens asked if that was acceptable. He also spoke about issues involving escapees in the middle of Town. He asked that the Town Board really think about this.
Don Cox asked if CCA has its own fire pump and is fire personnel trained to handle fires in this environment. Nicole Shupp responded that the first priority is the safety of the firefighters. Bill Kohbarger explained procedures for these incidents. He commented on the amount that the transport company will be making transporting prisoners from Las Vegas to Pahrump.
Sandra Darby commented on her safety as an employee of the hospital and protection of the firemen. Dave Stevens commented that we should be getting all we can for the fire department for equipment.

#166

Special Town Board Meeting
December 22, 2008

Robin White asked if Mrs. Murray had any monetary interest with PVFRS in this matter. Laurayne Murray noted that she will read a disclosure before voting. Ms. White asked each Board member about conflicts of interest in this matter. All responded they had none.

Michael (inaudible) asked if the fire department is capable of putting out fires in a 40 foot building. Mr. Kohbarger clarified 40 foot high building. Mrs. Murray replied that the fire department has a ladder truck to handle it.

Robin White commented on the trips by PVFRS and asked if there were 11 trips and not 12, would they still be bound. Mrs. Murray clarified the wording in the document and noted that they will also be paying property taxes. Ms. White asked about simultaneous calls, which would have priority.

Mr. Kohbarger replied that it would be dispatched and there are three fire stations for responses. Mrs. Murray explained priorities.

Dave Stevens commented that he would not settle for the 25%.

Donna Cox commented that the Concerned Citizens for a Safe Community (CCSC) are against this facility. They believe that CCA should have their own fire and ambulance district.

Pearl West asked if it was normal when something is placed on the agenda that someone represents the item like CCA. Chairman Murray replied that CCA has been in contact with the Town Manager and Fire Chief. Ms. West asked if it was normal that CCA was not present. Mrs. Murray explained that they do not have to be present for an agenda item.

Ted Holmes stated "he has a three and a half hour drive from here and most of the Board members up there are not native Nevadans and are from other states. One of the things I have noticed in the past is you need to take into consideration when you move here you accept the way of life and our ideologies of what we believe. One of the big things I've noticed is you don't take the time to get the feel of the majority of the people and what they want before you vote on things. I want, as a matter of record, I want, in the future. I'll be (inaudible) watching because I am involved in politics. As you know that I ran for sheriff from last time (inaudible) you will know it next time. It's going to be my taking on my shoulder to personally hold you all accountable as well as the rest of the people of this town for the way you vote and what you do. If it is illegal in my federal capacity, I will investigate it to the maximum to try to get justice for the people of Pahrump. And I hope I'm not too broad (inaudible) on that but I hope you understand what I am saying."

Bill Dolan noted that it is a rolling 12 month period with regard to transports. Mr. Dolan asked if it was known if the transport would be using the northern route or going through Town. Bill Kohbarger replied that they would be switching off and it would be decided at the time of transport for security purposes.

Mrs. Murray encouraged that everyone get a copy of the document so it is understood.

Laurayne Murray disclosed that she is married to an employee of the PVFRS but due to the fact that this agreement will give her or her spouse any benefit above anyone else in this group or business, she will participate in the vote of the MOU.

Don Rust stated he had no interest in anything.

Special Town Board Meeting
December 22, 2008

Vote passed 5 – 0.

5. Adjournment.

Chairman Murray adjourned the meeting.

Respectfully submitted,

Nicole Shupp, Vice Chairman
For Don Rust, Clerk/cw

PAHRUMP TOWN BOARD MEETING
BOB RUUD COMMUNITY CENTER
150 NORTH HIGHWAY 160
TUESDAY – 7:00 P.M.
January 13, 2009

MINUTES

PRESENT:

Nicole Shupp
Bill Dolan
Frank Maurizio
Vicky Parker
Mike Darby
Rick Campbell, Attorney

1. Call to Order, Pledge of Allegiance, and Welcome.
Nicole Shupp called the meeting to order and led in the pledge of allegiance.
2. Discussion and decision regarding election of Town Board Officers (Chairperson, Vice Chairperson and Town Clerk). Town Board

Bill Dolan motioned to appoint Nicole Shupp as Chairman. Vicky Parker seconded the motion.

Vote passed 4 – 0 – 1. Nicole Shupp abstained.

Frank Maurizio motioned to nominate Bill Dolan as Vice Chairman. Mike Darby seconded the motion.

Vote passed 4 – 0 – 1. Bill Dolan abstained.

Mike Darby motioned to nominate Vicky Parker as Clerk. Bill Dolan seconded the motion.

Vote passed 5 – 0.

3. Discussion and decision regarding agenda items.
None
4. Public Comment.

Don Rust made a presentation to the Town Board members and welcomed them to their positions. Don Rust commented on proposed reading of PTO #43.

Caroline Endersby represented the newly formed League of Women Voters and invited the public, both women and men, to join their formation meeting on January 21, 2009 at 5:30 p.m. JobConnect conference room.

Pahrump Town Board Meeting
January 13, 2009

Paula Elefante welcomed the Board members.

Dave Stevens wished the Town Board luck.

Nicole Shupp presented Laurayne Murray a plaque for her time on the Town Board.

5. Advisory Board Reports

Public Lands: Al Balloqui reported on the recent workshop and grant received from the National Park Service. The public was invited to attend the next workshop on February 18, concerning Last Chance Park.

Economic Development: Mr. Balloqui reported that on January 24 there will be a public forum on the entitlement process.

Al Balloqui invited the Board and public to attend the next PAVED meeting on January 20. There will be a guest speaker from Round Mountain Gold.

Pahrump Veterans Memorial Advisory Board: Bill Dolan announced there will be a meeting of the on January 15, at 7:00 p.m. in the Town Annex.

6. Announcements and "Good News".

Vicky Parker announced that there is an Emergency Food and Shelter project locally that received \$40,000 from FEMA that will help local food banks.

Tom Waters announced the VITA Program for income tax assistance for low income residents and will be at the Nevada Federal Credit Union.

Mr. Waters announced that there is a Pahrump Prostrate Cancer Support Group. The first meeting is January 22 at the Library at 5:00 p.m.

7. Discussion and decision regarding Town Staff to review and make recommendations for any changes needed on all Town of Pahrump Advisory Boards and Committees Policies and/or By-laws. Bill Dolan

Bill Dolan explained that he has researched the Advisory Boards' by-laws and policies and procedures and found some housekeeping items that need addressed. Mr. Dolan asked that staff look into the following items and bring them back at the next meeting or the one after.

The Town of Pahrump Advisory Board and Committee Policy last reviewed in 2005 be reviewed and updated.

A list of current Advisory Boards and each member sitting on that Board indicating the Chair; when they were appointed; and if there is a letter of interest on file per the current policy.

A report of when the last quarterly report from each Chairman was brought before the Town Board.

Each Advisory Board has a different agenda for running a meeting. Mr. Dolan asked staff to make recommendations that all Boards will use the same procedures.

Pahrump Town Board Meeting
January 13, 2009

Bill Dolan motioned to have staff look into the items as stated. Frank Maurizio seconded the motion.

Karen Spalding stated that one format will not work for all boards.

Vote passed 5 – 0.

8. Consent agenda items:

- a. Action – approval of Town vouchers
- b. Action – approval of Town Board meeting minutes of December 11, 2008
- c. Action – approval of PVFRS Ambulance Revenue Report.
- d. Action – approval of request for 72-Hour Liquor Permits for the Chamber of Commerce for events February 21-22, March 21-22, May 15-17, June 19-21, July 3 -5, August 8, September 19-20, October 16-18, and December 11-12

Bill Dolan motioned to approve consent agenda items a – d. Frank Maurizio seconded the motion.

Vote passed 5 – 0.

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

None

10. Discussion and decision regarding closed session pursuant to NRS 241.015 to meet with the Town Attorney regarding potential and/or existing litigation issues over which the Town Board has jurisdiction. Town Manager

Vicky Parker motioned to close the meeting. Bill Dolan seconded the motion.

Vote passed 5 – 0.

11. Closed Session

Board retired to closed session.

Pahrump Town Board Meeting
January 13, 2009

12. Discussion and decision regarding items discussed in closed session including possible First Reading of Ordinance #43 (An Amendment to Ordinance No. 43 of the Unincorporated Town of Pahrump, to Revise and Restate the Town's Regulation Concerning the Collection, Transportation, Deposit, and Disposal of Solid Waste and Recyclables, and Providing for Other Matters Properly Relating Thereto). Town Board

Pahrump Town Board Meeting
January 13, 2009

Bill Dolan motioned to set the first reading of the Pahrump Town Ordinance #43 for the next meeting. Vicky Parker seconded the motion.

Vote passed 5 – 0.

13. Adjournment.

Mr. Kohbarger asked that two members and one alternate be designated for the voucher signing committee. Mrs. Shupp appointed Vicky Parker and Frank Maurizio to the quarterly signing. Nicole Shupp appointed herself as the alternate signee.

Meeting adjourned at approximately 8:20 p.m.

Respectfully submitted,

Vicky Parker, Clerk
Pahrump Town Board

/cw