

PAHRUMP TOWN BOARD MEETING
BOB RUUD COMMUNITY CENTER
150 NORTH HIGHWAY 160
TUESDAY – 7:00 P.M.
February 10, 2009

AGENDA

1. **Call to Order.**
2. **Discussion and possible decision** regarding moving the order of or deleting an agenda item(s). (Action)
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,** from Advisory Board Chairpersons and/or Town Board Liaisons on the status of Advisory Boards. (Non-Action)
5. **Discussion and possible decision** pertaining to a Request from Pahrump Valley Disposal for a Rate Reduction and All Matters Related Thereto. (Action)
6. **Discussion and possible decision** regarding adding a Standing Item to the Town Board Agenda Entitled: Action – Board Members Comments. (Action)
7. **Second 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. (Non-Action)
8. **Discussion and possible decision** that the Town of Pahrump requests that the Nye County Board of Commissioners move forward with the process for obtaining a Section 10 Permit associated with the Accepted Draft Low-effect Habitat Conservation Plan (HCP) for the Desert Tortoise. (Action)
9. **Discussion and possible decision** regarding moving forward on two recommended ordinances pertaining to vagrancy in public parks. (Action)
10. **Discussion and possible decision** regarding spending up to \$25,000.00 to Repair the Irrigation Well Located at Honeysuckle Park and All Matters Related Thereto. (Action)
11. **Discussion and possible decision** regarding spending \$8,300.00 for Marker Stones for Chief Tecopa Cemetery and All Matters Related Thereto. (Action)
12. **Discussion and possible decision** regarding a recommendation by the Pahrump Tourism Advisory Board to Accept the Resignation of Mr. Chuck Baker from the PTAB. (Action)

13. **Discussion and possible decision** to approve a Recommendation from the Pahrump Tourism Advisory Board to Deny a Grant Request for \$3,000.00 to the Pahrump Arts Council for the "Missoula Children's Theater "Robin Hood" Production", from the Tourism Room Tax Fund.

14. **Town Manager Report. (Non-Action)**

15. **Consent agenda items:**

- a. Action – approval of Town vouchers
- b. Action – approval of Town Board meeting minutes of January 27, 2009
- c. Action – approval of Town Board closed meeting minutes of January 27, 2009.
- d. Action – approval of 72 Hour Liquor License for Our Lady of the Valley Catholic Church for 2009 scheduled events.

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

17. **Adjournment.**

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

Any member of the public who wishes to speak during public comment or on an agenda item, at the appropriate time, will be limited to three (03) minutes.

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

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

- 1) PAHRUMP TOWN OFFICE
- 2) COMMUNITY CENTER
- 3) COUNTY COMPLEX
- 4) FLOYD'S ACE HARDWARE
- 5) CHAMBER OF COMMERCE

AGENDA ITEM REQUEST

Requests and backup must be in the Town Office by Noon, Wednesday of the week preceding the Town Board meeting you wish the item presented. Town Board meetings are held on the second and fourth Tuesday of each month at 7:00 p.m. in the Bob Ruud Community Center.

DATE AGENDA ITEM SUBMITTED
2/3/2009

DATE OF DESIRED BOARD MEETING
2/10/2009

CIRCLE ONE:

Action

or

Non-Action

ITEM REQUESTED FOR CONSIDERATION:

Approval of a Rate Reduction for Pahrump Valley Disposal

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:

Mr. John Shea will give a verbal presentation on this matter during the Town Board meeting.

See Attached Letter from Mr. John Shea, VP - PVD, Inc.

BACKUP ATTACHED:



YES



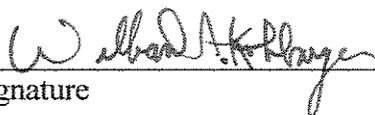
NO

SPONSORED BY: Town Manager William A. Kohbarger

NAME OF PRESENTER(S) OF ITEM: Mr. Shea & Mr. Kohbarger

William A. Kohbarger

Print Name



Signature

Town Office

Mailing Address

(775) 727-5107 ext 305

Telephone Number

#5



January 16, 2009

Town of Pahrump
Bill Kohbarger, Town Manager
250 N Hwy 160
Pahrump, NV 89060

Re: Fuel Cost Adjustment/CPI

Dear Mr. Kohbarger,

In response to our phone conversation, I am submitting this letter regarding Pahrump Valley Disposal's (PVD) prior rate adjustment for fuel, the current status of fuel prices as well as the deferred cost of living adjustment.

As you well know, the past few years have witnessed some of the highest and most volatile fluctuations ever seen in the price of fuel. In May of 2008, Pahrump Valley Disposal (PVD), no longer able to continue absorbing the rapid escalation of fuel prices, received a rate adjustment from the Pahrump Town Board to mitigate those impacts.

In addition to the rate adjustment to offset fuel increases, PVD, in accordance with Section 42.110 (E) of Pahrump Town Ordinance No. 43, was permitted an annual cost of living adjustment based on the Consumer Price Index (CPI). That increase, traditionally implemented September 1 of each year, has been deferred because at that time fuel prices began to descend.

Since May 2008, after a brief rise, fuel prices have stabilized and decreased to manageable levels. With that in mind, PVD proposes the following rate reduction in an effort to set collection rates at their appropriate level, effective March 1, 2009.

May 2008 – Rate adjustment for fuel = 5.8%

CPI for 2008 (Index Month July) = 4.25% (80% of CPI) – Not Implemented

4.25% - 5.8% = (1.55%) Rate Reduction

We appreciate the opportunity to serve the Town of Pahrump and look forward to working through this with you. If you have any questions, or need additional information, please let me know.

Sincerely,

John Shea
Vice President
Pahrump Valley Disposal, Inc.

William Kohbarger

From: Bill Dolan [bdolan@pahrumprnv.org]
Sent: Wednesday, January 28, 2009 4:35 PM
To: Kohbarger, William
Subject: Agenda Item

Bill,

Please add an agenda item for the next board meeting:

Discussion and decision to add a standing item to the Pahrumprnv Town Board Agenda entitled:
Action - Board Members Comments (This item limited to announcements or topics / issues
proposed for future workshops / agenda's)

After speaking with Mr. George H. Taylor from the Nevada Attorney General's Office This
afternoon this item is not against the Nevada Open Meeting Law as we had been previous lead
to believe by a former board member.

Several Public Commissions, Boards & Councils have this item on their agenda's and I feel we
should as well.

As always if you have any direction or questions please give me a call or e-mail me.

Thank you for your time,

Bill

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."

#7

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.

“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 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 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.

"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 approved by the Town Board and set forth in the 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 approved by the Town Board and specified in the 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 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 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 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.

43.050 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 geographical expansions thereto. 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 solid waste franchise agreement, which rights, privileges, and obligations shall remain in full force and effect.

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.

43.070 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.

43.080 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 the 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 the 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 the 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.

43.110 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 the 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.

43.130 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 approved by the Town Board and specified in the 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 the 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 the 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 the 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 the 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 by approval by the Town Board and set forth in the solid waste franchise agreement 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 by approval by the Town Board and set forth in the 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 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 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 approved by the Town Board and set forth in the 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 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 approved by the Town Board and set forth in the 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 approved by the Town Board and set forth in the 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 approved by the Town Board and set forth in the 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 approved by the Town Board and set forth in the 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 rates as approved by the Town Board and set forth in 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 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 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 approved by the Town Board and set forth in the 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 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.

43.280 Charges – Rate Changes.

- A. The rates and charges established pursuant to this chapter shall be adjusted annually based upon the percentages 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 upon 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.

43.290 Customer Service Standards.

- A. Franchisee shall be required to implement a complaint resolution procedures to handle all complaints receive 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 the 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 the Town.

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 the 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 on the 31st day after its adoption by the Town Board.

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.

43.380 No Conflict.

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

AGENDA ITEM REQUEST

Requests and backup **must** be in the Town Office by Noon, Wednesday of the week **preceding the Town Board meeting** you wish the item presented. Town Board meetings are held on the second and fourth Tuesday of each month at 7:00 p.m. in the Bob Ruud Community Center.

DATE AGENDA ITEM SUBMITTED
2/3/2009

DATE OF DESIRED BOARD MEETING
2/10/2009

CIRCLE ONE.

Action

or

Non-Action

ITEM REQUESTED FOR CONSIDERATION:
Please see Attached

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

BRIEF SUMMARY OF ITEM:

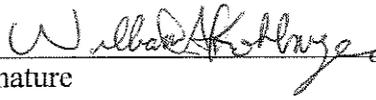
See Attached Letter from Al Balloqui & Julene Haworth J.H. Resources.

BACKUP ATTACHED: YES NO

SPONSORED BY: Town Manager William A. Kohbarger

NAME OF PRESENTER(S) OF ITEM: Al Balloqui, Julene Haworth, JH Resource

William A. Kohbarger
Print Name


Signature

Town Office
Mailing Address

(775) 727-5107 ext 305
Telephone Number

#8

Item requested for Consideration

The Town of Pahrump requests that the Nye County Board of Commissioners move forward with the process for obtaining a Section 10 Permit associated with the accepted draft Low-effect Habitat Conservation Plan (HCP) for the Desert Tortoise. The draft HCP was approved on 15 July 08 by the BOCC for the Pahrump Regional Planning District. The Town of Pahrump is requesting Nye County accept a single source contract with JH Resources, the original author of the BOCC accepted draft HCP. Additionally, JH Resources has the expertise to complete the Section 10 application process with the U.S. Fish & Wildlife Service (FWS). JH Resources has agreed to complete the draft HCP and formal application necessary to obtain the Section 10 Permit and assist Nye County in drafting the necessary fee implementation ordinance. The fee requested for Nye County contribution, to complete this vital document/process is in the range of \$30,000 - \$40,000.

Under brief Summary

The finalization of an approved and accepted Low-Effect Habitat Conservation Plan (HCP) for the Desert Tortoise and the associated Permit with the U.S. Fish & Wildlife Service (FWS) is crucial to the economic vigor of the Pahrump Valley. Endangered Species Act (ESA) compliance relating to the listed desert tortoise is required to meet federal law. Without an approved HCP and associated Section 10 Permit in the Pahrump Valley an unrealistic financial burden is placed on all future private development and includes County public works and infrastructure needs. Without a Section 10 Permit, the PARC project along with a dozen other private and public plans cannot move forward.

Tim Hafen

From: Julene Haworth [jhresources@cox.net]
Sent: Monday, April 21, 2008 7:15 AM
To: Jeri_Krueger@fws.gov
Cc: Tim Hafen; butchborasky@yahoo.com
Subject: RE - Questions-clarification-documentation request

Jeri

RE: Draft Pahrump Valley Desert Tortoise Low-Effect HCP - Public comment, per agenda item # 6 - 04/16/08 Nye County BOCC Meeting: my questions/requested information.

I am certain that the following information being requested has been provided to the Nye County Commissioners or their advocates (Ron Williams/Jim Marble, Entrix and/or MEG et al.). However, I am requesting copies of the following USFWS (Service) documents, as the advocate for a directly impacted stake holder.

- The criterion used to determine the low-effect HCP recommendation for Pahrump Valley/Pahrump Regional Planning District (PRPD)?
- The criterion used to set the 100-125 acre land disturbance limitation for the Pahrump Valley Low-Effect HCP, especially when the USFWS (Service) does not have a policy or regulation that sets acreage amount for L-E HCPs. *“The relationship between the geographic size of a project and the scope or severity of its impacts will not always be clear-cut. Projects that are large or small in size often will have commensurately high or low effects. However, a project may be large in size, but still be categorized as low-effect if it is expected to result in minor or negligible impacts.”* [HCP Handbook] The Bureau of Land Management (BLM) survey results “there is very low to low density tortoise habitat in Southern Nye County along with Nye County tortoise surveys – landfill and Lathrop Wells – and numerous private land owner surveys indicating little or no tortoise or sign must be factored in as ‘best available science’ for the Services’ determination.
- The criterion and/or biological rationale behind each of the following mitigation measures: [especially when the Service’s own guidelines recommend **only** habitat rehabilitation for Low-Effect HCPs].

“Preconstruction Surveys – All land subject to development will be surveyed by a USFWS approved desert tortoise biologist within 30 days prior to land clearance activities...100 percent clearance survey protocol.”

“Desert Tortoise Monitoring – During all construction activities within the Low and High Fee Zones a trained person shall be onsite to monitor activities...The developer is responsible for the cost of this activity.”

“Desert Tortoise Best Management Practices (BMPs) for Construction Activities - Specific desert tortoise BMPs are proposed for ground disturbance activities.” (Nye County has specific ordinances already in place)

“Mitigation Fees” – Rational/justification for raising the Services’ own proposed one flat fee of \$325 to a tiered \$250 - \$550 fee for this Low-Effect HCP; in light of existing roads, trails, utility easements, land disturbance, and prior development in the PRPD covered area.

“Conservation Education” – Please provide research results or specific studies that

justify this mitigation measure.

“Creating a Native Seed Bank” – Please provide the rationale/justification that this should be the County’s responsibility in light of the fact that a mitigation fee amount will be allocated to the BLM for habitat restoration on the public land it manages.

- “Take” of the species, allowable under Section 10 (a)(1)(B), has not been identified; what is the actual number of tortoises identified for take and what is the science rational and/or justification for that number?
- The justification for the economic impact to the builder developer – see following example:

Economic Impact of mitigation costs on a 20 acre parcel:	
Fee: 20 acres @ \$550 an acre =	\$11,000.00
Survey: 20 acres @ \$1000.00+ an acre =	\$20,000.00
On site monitor: \$15/Hr for 6 months =	\$14,000.00
Fencing: 20 acres =	\$25-35,000.00+
Total \$70,000 to \$80,000.00	

“Mitigation programs should be based on sound biological rationale; they should also be practicable and commensurate with the impacts they address” (USFWS). The mitigation measures of the Pahrump Valley Desert Tortoise Low-Effect HCP are neither “practicable nor commensurate” with the ‘minor and/or negligible’ impacts they address.

Please keep in mind the Services’ own guidelines: *“For example, the mitigation requirement for low-effect HCPs that have a negligible effect on habitat could be to enhance existing habitat so that it meets the species’ requirements.”*

I would also appreciate written clarification regarding the following: Nye County consultants have repeatedly stated that low-effect HCPs do NOT allow any “impact” NOR “mortality” to the species. My understanding is that impacts are allowable however, impacts must be minor and/or negligible and the Section 10 Permit allows the incidental take/mortality of the species in an otherwise legal activity – development.

I look forward to receiving clarification and copies of the requested documentation prior to the Nye County Commissioners’ next HCP workshop on Friday, August 25th.

Regards,
Julene

JH Resources
702-523-0102
jhresources@cox.net



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Nevada Fish and Wildlife Office
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130
Ph: (702) 515-5230 ~ Fax: (702) 515-5231

January 8, 2009
File: Nye County HCP

Mr. Andrew "Butch" Borasky, Commissioner
Nye County Board of Commissioners
401 South Frontage Road, Suite 5
Pahrump, Nevada 89048

Dear Mr. Borasky:

Subject: Draft Pahrump Valley Desert Tortoise Low-Effect Habitat Conservation Plan, July 16, 2008

We received your email dated November 26, 2008, requesting our review of the draft Pahrump Valley Desert Tortoise Low-Effect Habitat Conservation Plan (HCP). It is our understanding that this version replaces previous drafts. Our review is based on statutory and regulatory requirements for the issuance of incidental take permits under section 10 of the Endangered Species Act (Act), and policies regarding the determination of Categorical Exclusions pursuant to the National Environmental Policy Act (NEPA).

Based on our review we have determined that this current version of the HCP does not meet criteria for issuance of an incidental take permit. To meet section 10 requirements, the HCP should include the following:

- A map depicting where land disturbance is expected to occur within the 37,950-acre Pahrump Regional Planning District. The quality of desert tortoise habitat within the district varies; and without more specific information, we are unable to assess the level of effect to the tortoise, a requirement of our permit issuance review process. *more details*
- A commitment to moving desert tortoises out of harm's way prior to commencement of land disturbance. Based on the latest information and recommendations from desert tortoise scientists, tortoises displaced by development are important to the recovery of the species, and can be used in future efforts to repopulate areas that have experienced population crashes or declines. Voluntary removal does not provide assurances that your proposal to minimize effects to the tortoise will be carried out. *? How Detailed*

- A practical method for estimating the amount of desert tortoise take that will occur under the plan. The number of individual tortoises that occur within the plan area is unknown; therefore, estimating number of individual tortoises that may be taken as a result of the proposed covered activities described in your plan is not possible. However, in situations where the absolute number of individual tortoises cannot be estimated within a broad planning area, and the take is expected to occur over an extended period of time, acres of habitat disturbance is often used as a surrogate for estimating take of individuals.

what is it?

- More specific information on your habitat rehabilitation plan. A general description of how the rehabilitation will be carried out, how much habitat will be improved, where rehabilitation activities may take place, and how you will coordinate with the Bureau of Land Management to accomplish rehabilitation must be described.

*Planting
Acres*

- An estimate of the amount of funding needed to implement the plan. Currently, the plan proposes to collect a \$325 per-acre disturbance fee. There is no information provided on whether the fees will be sufficient to cover the costs of desert tortoise surveys and removal, habitat rehabilitation, public education, monitoring, and plan administration. We require assurance that HCP applicants have adequate funding available to address plan implementation.

*What a Budget
Not 1/2*

- A description of the mechanism establishing the authority for Nye County to collect fees from developers, which will be necessary if developers are to be covered under Nye County's permit. For example, in Clark County, developers pay a disturbance fee when they obtain grading or building permits. To establish this authority, the Clark County permittees passed ordinances that allow them to collect this fee.

Town Ordinance

- A specific statement of the requested term of the permit. ?

The plan as currently defined does not qualify as "low effect" and thus does not meet the threshold for categorical exclusion of the project from development of an environmental impact document under NEPA. Low effect HCPs by definition have minor or negligible effects on environmental values including wildlife, vegetation, cultural resources, water, soil, air quality, and socioeconomic resources. Given the size of the proposed disturbance (500 acres), preparation of an Environmental Assessment will be necessary to comply with NEPA.

IF NOT LOW EFFECT

We continue to be very concerned that there is no HCP and incidental take permit in place to cover development in the Pahrump area. Despite the shortcomings we have identified in the current plan, we believe that it could be modified to meet our criteria for issuance of a permit. The most effective way to accomplish this would be to meet with you to discuss how to address our major concerns, as well as some minor concerns not identified above. Again, thank you for

Done by 1/15/07

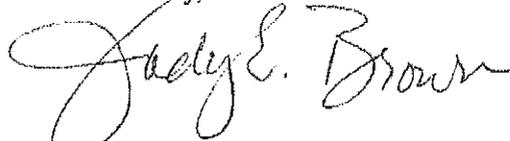
*45,000 7/11/07
125,000 - 37,000
MATRIX
Kuro*

Mr. Andrew "Butch" Borasky

File No. Nye County HCP

the opportunity to comment. Please contact me at (775) 861-6300, or Janet Bair or Jeri Krueger in our Las Vegas office at (702) 515-5230, to schedule a meeting to discuss next steps for completing the plan.

Sincerely,



boy Robert D. Williams
Field Supervisor

cc:
Joni Eastley, Chair, Nye County Commission, Tonopah, Nevada

This is Nye

*where to place the
Desert Tortoise*

Memorandum

To:

From: Tim Hafen

Date: January 15, 2009

Re: HCP Draft

1. I am very encouraged by the response from U.S.F.W.S. in their letter of January 8, 2009. The conditions outlined are doable. The only real sticking point is the definition of "low effect". I believe that can be overcome by the following reasoning in Item 2.
2. Low effect – There is 230,921 acres within the Pahrump Regional Planning District boundaries. 86,467 acres are privately owned with 144,454 acres public land.

This is from the March 17, 2008 HCP Draft page 6.

Page 18 says there is 137,672 acres of potentially suitable tortoise habitat.

500 acres is .0036318% of that area.

37,950 acres are private land. 500 acres is .0131752% of the private land.

Therefore we challenge U.S.F.W.S. to declare that the current plan does not qualify as "low effect," and would not require an Environmental Assessment.

3. The plan adopted by Nye County excludes fees from the Town and County.
4. The Nye County plan requires more mitigation than the Clark County Plan. The only requirement in Clark County is to pay the fee.
5. Julene Haworth has the best science available concerning tortoise populations. She has survey records of more than 1,000 acres from one end of the valley to the other. No tortoises or tortoise sign found on any of them.

Then there is the survey previously done for the Fairgrounds and the survey for the Detention Center.

These surveys are just about the only science existing today.

These surveys will show a "low effect" even if 500 acres are developed because there are very few tortoises in Pahrump anyway.



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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#9

- ~~(iii) Intentionally blocking or interfering with the safe or free passage of a person or vehicle by any means, including causing a person or vehicle operator to take evasive action to avoid physical contact;~~
- ~~(iv) 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.

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Section 2. Prohibited Acts

It shall be unlawful for any person to:

- (a) Willfully and substantially obstruct the safe or free passage of any 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.

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Additionally, the ordinance includes the following provision that will prevent unlawful conduct by peaceable persons: "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."

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

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) “Glass container” means a bottle or other container consisting in whole or in part of clear or translucent materials commonly known as glass, excluding plastic, paper and cardboard.
- (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.

- (h) “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.

Section 2. Prohibited Acts

It shall be unlawful for any person to:

- (a) Consume, or possess an open container of, any wine, malt beverage, mixed beverage or spirituous liquor on park property; [Possess any glass container on park property;]
- (b) Construct, maintain or inhabit any structure, tent or any other thing on park property that may reasonably be expected to be used for housing or sleeping accommodations or camping, or storage of personal items, or construct or maintain on park property any device that can be used for cooking;
- (c) Modify park property so as to create a shelter, or accumulate household furniture or appliances or construction debris on park property; or
- (d) Sleep on park property, or remain on park property for the purpose of sleeping, between the hours of 12:00 a.m. and 6:00 a.m. [Enter or be present on park property between the hours of 12:00 a.m. and 6:00 a.m.]

Notwithstanding the foregoing, the Town Manager or his or her designee may grant permission to engage in any of the foregoing activities in connection with any social, civic or other special group event, taking into account public peace, safety and sanitation and the general welfare of the Town.

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.

RC/bfm

**THE TOWN OF PAHRUMP
BUILDINGS AND GROUNDS DEPARTMENT**

To: Town Board

From: Matt Luis

Re: Repair Honeysuckle Park well

February 4, 2009

The irrigation well at Honeysuckle Park is sucking large amounts of small gravel size rocks. These rocks are pumped through the water lines to the sprinkler head which plug the sprinkler nozzle. Staff must dig up the plugged sprinkler head clean it and reinstall it. This procedure is very time consuming and quickly becoming overwhelming for staff.

After meeting with Great Basin Drilling Company we feel there must be a hole in the side of the well casing that needs to be patched.

SCOPE OF WORK

1. Remove existing pump and motor installed on 4 inch galvanize drop pipe approximately 300 ft. deep.
2. Perform video survey of 10 inch to inspect integrity of casing wall.
3. Spot repair any parted casing, holes or any other defects in the casing.
4. Reinstall pump system with new equipment. (pump and meter)

Estimated cost- \$24,000.00

Note: Estimated cost is for one patch only. Each additional patch is \$4,000.00

#10

**THE TOWN OF PAHRUMP
BUILDINGS AND GROUNDS DEPARTMENT**

To: Town Board
From: Matt Luis
Re: Signage for Chief Tecopa Cemetery

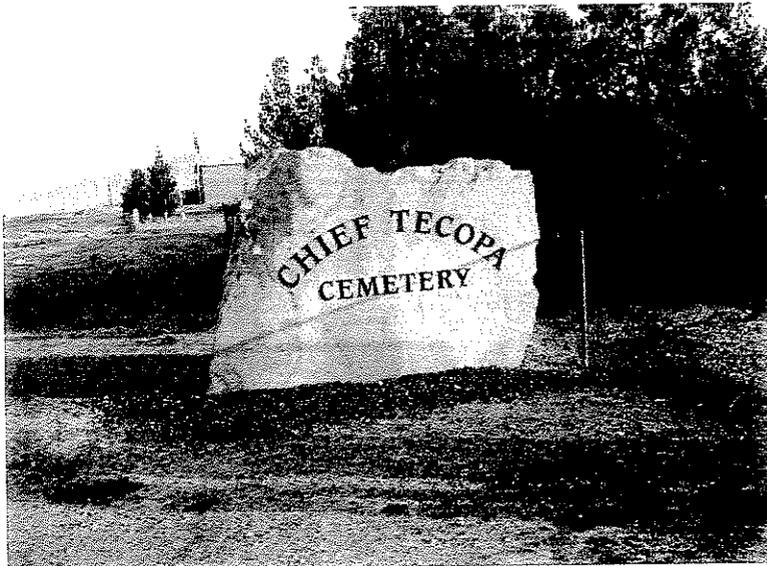
The Buildings and Grounds Department has been working with the Pahrump Genealogical Society on improvements at Chief Tecopa Cemetery. Presently it is very difficult to determine specific burial sites. We would like to mark each section with a 3ft.X5ft. stone marker to match the monument stone at the cemetery entrance (Photo below). Together with the database created by the Pahrump Genealogical Society this will be excellent help to visitors and family members in locating the grave of a loved one and will be an added civic improvement.

I have received three estimates; two from Las Vegas and one local. They are all real close. I highly recommend High Impact Sign to complete this project. They are the only local company that does this type of work. With today's economy, I feel it more important then ever to support our local businesses. High Impact has completed many projects for the town of Pahrump and all have been of high quality and they are always very helpful in every way possible.

Six marker stones

1. WEST SIDE
2. EAST SIDE
3. WEST LAWN
4. NEW WEST
5. INDIAN SITE
6. VETERANS SITE

Total cost-\$8,220.00



//

EXPENDITURE REQUEST

(Please fill out completely and insure that signature for approval is included)

NAME: Matt Luis

DATE: 1/20/09

DEPARTMENT/COMMITTEE Buildings And Grounds (Cemetery)

DESCRIPTION OF PURCHASE: (Description of materials, items, or services needed)
 Stone markers for Cemetery

NAME OF SUPPLIER/VENDOR: High Impact

ESTIMATED AMOUNT OF PURCHASE \$8,220.00

APPROVED BY: ***FINANCE DEPARTMENT AND TOWN MANAGER***

SIGNATURE: _____

SIGNATURE: _____

CHARGE TO ACCOUNT#: ?

FOR EMERGENCY SITUATIONS ONLY

(Fill out the above information as thoroughly as possible and provide a description of the emergency circumstances below)

Cookie Westphal

From: Chuck N. Baker [Bakerwriter@sprintmail.com]
Sent: Sunday, January 25, 2009 6:34 PM
To: Kellybuffi@yahoo.com
Cc: cwestphal@pahrumprnv.org
Subject: resignation

To: Kelly Buffi
Pahrump Tourism Advisory Board
From: Chuck N Baker
Date: January 26, 2009

It is with great regret that I must offer my resignation from the tourism advisory board. Recently I was asked to take on an additional workload and I find my volunteer time has become too limited to continue with the board. Thank you sincerely for all the courtesies extended in the past.

Cordially,

Chuck N. Baker

#12

February 5, 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 \$3,000.00 for the "Missoula Children's Theater Robin Hood" project from the state room tax.

Sincerely,

Paula Glidden Chair – Tourism Advisory Board
Kelly Buffi
Alice Eychaner
Lucy Ivins
Tim Lockinger
Marvin Minnick
Karen Spalding

#13

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: Allison Salmon, chair & Maria Hurst, co-chairman
Telephone: 751-6776 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: Missoula Children's Theater "Robin Hood"
6. Has this project been funded by the Town of Pahrump before? yes When? 2008
7. Have you applied to any other sources for funding on this project? Yes If so,
what were the results of that application: additional grant funding in partial support for
directors lodging and room rental.
8. If application is for an event, actual date(s) of event: March 9-14, 2009
9. Location of project: Pahrump Valley High School Auditorium
10. Narrative description and justification of project, including the objectives of the
Project: One-week residency of professional (2) directors from Missoula Children's
Theatre. Auditions for students K - 12 on Monday, rehearse with students (approx. 60
children) for one week, and produce a play on Saturday. The plays are musicals based on
well-known children's stories and provide excellent training in teamwork for students and
much needed "G-rated" family entertainment for this community.
11. Total budget of project: (details must be attached) \$4,340 + \$1750 = \$6090
12. Pahrump Tourism Grant funds requested: \$3,000
13. Other funds which will be used for match: \$1,050 cash match \$1750 In-kind

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?

expect @15 people from outside Pahrump – relatives and friends of cast

A 4- question survey will be filled out by adults attending – see attached

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

MCT directors: 2 x 6/7 nights – 12-14 nights total

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

Unknown. Local newspapers are mailed to out of state subscribers.

d) What is the overall economic impact of this project? Based on prior performances:

How many tourists did your project draw? approx 15 How many visitors stayed at least one night as a result of this project? 17

2 MCT directors @ 7 nights plus approx 15 family members of cast from out of town

Estimate the financial impact of this project on the local economy: \$5585 + _____

How did you arrive at the financial impact estimate?

\$360 – food for directors, cast, volunteers

\$800 – food out for 40 families x 2 days @\$10 per family (low estimate)

\$2000 – food out for 50 families x 4 days @\$10 per family (low estimate)

\$50 – shoes purchased in local stores

\$80 – memorial plaque for Doktor family

\$35 – water purchased locally by parent and donated

\$500 – gasoline purchased locally traveling to RCMS once or twice a day for 6 days by families (low estimate)

\$600 – lodging for MCT directors

\$322 – display ads in Mirror and Times

\$600 – NCSD fee for use of RCMS cafeteria

\$100 – accompanist \$20 day x 5 days

\$138 – local printers and copiers

Please answer the following questions that apply to your grant:

In addition to paid advertising, PAC, as a 501-c-3 organization, sends public service announcements (PSAs) to all local (and certain regional) radio and television stations regarding each of our events. We have no control over when the ads are run, but they are a main component of our advertising locally and in the region.

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

Signature

1/27/09

Date

Rodney Camacho, PAC president

Printed Name

FOR PTAB USE ONLY

Approval Date: _____

Letter of Recommendation sent to TB (date): _____

Follow-Up Evaluation Due: _____

5/23/08



Office of the
Nye County Sheriff

Nye County Courthouse
Post Office Box 831
Tonopah, Nevada 89049



Anthony L. DeMeo
Sheriff

December 26, 2008

Pahrump Town Board
400 North Highway 160
Pahrump, Nevada 89048

Fax# 775-727-0345

Dear Town Board:

Enclosed please find a copy of request for 72 Hour Permits from Our Lady of the Valley Catholic Church for their fund raisers in 2009.

This request is set to go before the Nye County Commissioners at their scheduled Board Meeting on January 20th, 2009 should you have any objections as to why these should not be approved, please contact Assistant Sheriff Cody at 482-8110 so your concerns can be presented to the Licensing Board at their next scheduled meeting.

Sincerely,

Anthony L. DeMeo
Sheriff

By

Georgiana M. Barnwell
Administrative Technician

#15d

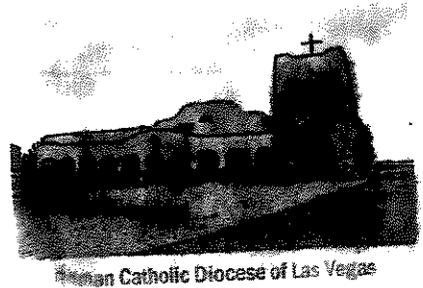
AREA:		OFFICES:	PHONE:	FAX:
Tonopah	P.O. Box 831	Tonopah, Nevada 89049	(775) 482-8101	(775) 482-8195
Beatty	P.O. Box 805	Beatty, Nevada 89003	(775) 553-2345	(775) 553-2586
Amargosa	P.O. Box 68	Amargosa Valley, Nevada 89020	(775) 372-5345	(775) 372-1241
Pahrump	1520 E. Basin Ave.	Pahrump, Nevada 89060	(775) 751-7000	(775) 751-4672
Mercury	P.O. Box 378	Mercury, Nevada 89023	(702) 295-6600	(702) 295-7871

Our Lady of the Valley

Catholic Church

4700 Central Road, Pahrump, Nevada 89049

Phone (775) 727-4044 Fax (775) 727-3784



December 18, 2008

Joanne Cody
Nye County Sheriff's Office
Post Office Box 831
Tonopah, NV 89049

Dear Ms. Cody:

As you know, our Church organizes various fund-raisers throughout the year. The Daughters of Mary will be holding their Fish Fry Dinners throughout the year and want to serve beer and wine. These dinners are held at our parish hall on the first Fridays of the month and all Fridays during Lent. Therefore, we request that you please issue a liquor license for our Church, which is a non-profit organization. All security measures will be taken to prevent the purchase of these beverages by minors.

The following dates are scheduled for 2009:

February 6, February 27, March 6, March 13, March 20, March 27, April 3, May 1, September 4, October 2, November 6, December 4.

We will also be holding a St. Valentine's Day Dinner Dance on February 14.

Knights of Columbus will be hosting the following events:

Wine Tasting February 8, St. Patrick's Dinner/Dance March 15, Theater April 24 & 25, Fish Fry Dinner June 5 and July 3, and August 7, Hoedown dinner dance June 20 and November 14,

We look forward to receiving your approval for a liquor license at your earliest convenience.

Thank you,

Sincerely yours,

Jean Lynch
Director of Volunteers