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

AGENDA

1. **Call to Order and Pledge of Allegiance.**

2. **Discussion and possible decision** regarding moving the order of or deleting an agenda item(s). (Action)

3. **Advisory Board Reports,** from Advisory Board Chairpersons and/or Town Board Liaisons on the status of Advisory Boards. (Non-Action)

4. **Discussion and possible decision** regarding approval of Tina Rieger and Dwight Lily to the Fall Festival Finance Sub-Committee. (Action)

5. **Discussion and possible decision** regarding approval of Robert Adams to the Public Lands Advisory Board. (Action)

6. **Discussion and possible decision** regarding approval of Don Rust to the Incorporation Advisory Board. (Action)

7. **Discussion and possible decision** regarding review and approval of material to go into the Comprehensive Development Strategy Document (CEDS). (Action)

8. **Discussion and possible decision** regarding review and approval of PAVED's Quarterly Report (4th Quarter- 2008). (Action)

9. **Discussion and possible decision** regarding approval of Resolution #2009-02 A Resolution to Establish Policy and Guidelines for Rules of Procedure at Pahrump Town Board Meetings (Action)

10. **Discussion and possible decision** regarding approval of Resolution #2009-03 designating Daniel McArthur as the Town's External Auditor for Fiscal Year 2009-2010 and approving the proposed audit engagement letter. (Action)

11. **Discussion and possible decision** regarding request for permission to seek bids for the sale of one (1) 250 gallon poli-water tank that is considered excess equipment. (Action)

12. **Discussion and possible decision** regarding the approval of Pahrump Town Ordinance #43 (Solid Waste and Recycling Franchise Ordinance) a) as written; or b) with changes as discussed: with an effective date after publication. (Action)

13. **Discussion and possible decision** regarding the approval of Pahrump Town Ordinance #62 (An ordinance enacting criminal misdemeanor offenses for disorderly conduct and enumerating prohibited acts, penalties for violation, and other matters properly relating thereto) a)as written; or b) with changes as discussed: with an effective date after publication. (Action)

14. **Discussion and possible decision** regarding the approval of Pahrump Town Ordinance #63 (An ordinance enacting criminal misdemeanor offenses on park property and enumerating prohibited acts, penalties for violation, and other matters properly relating thereto.) a)as written; or b) with changes as discussed with an effective date after publication. (Action)

15. **Discussion and possible Town Manager Report.** (Non-Action)

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

17. **Consent agenda items:**

    a. Action – approval of Town vouchers
    b. Action – approval of Town Board meeting minutes of February 24, 2009
    c. Action – approval of resignation of Al Balloqui from the Incorporation Advisory Board and Public Lands Advisory Board.

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

19. **Public Comment**. Action may not be taken on matters considered during this period until specifically included on an agenda as an action item – NRS241.020 (2)(C)(3).

20. **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 writhing, 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: 3-3-09

DATE OF DESIRED BOARD MEETING: 3-10-09

CIRCLE ONE: Action or Non-Action

ITEM REQUESTED FOR CONSIDERATION: Approval of Lena Lieger Dwight Lily to Fall Festival Finance Committee

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

BRIEF SUMMARY OF ITEM:

BACKUP ATTACHED: ☐ YES ☒ NO

NAME OF PRESENTER(s) OF ITEM:

SPONSORED BY: Bill Dolan

SANDY HIGGINS — Print Name

Sandy Higgins — Signature

PO Box 9215 89060 — Mailing Address

751-8997 — Telephone Number

#4

AGENDA ITEM REQUEST

Requests and backup **must** be in the Town Office by **12:00 p.m. 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: 3-3-09

DATE OF DESIRED BOARD MEETING: 3-10-09

CIRCLE ONE: Discussion, Action, Decision or Discussion Only

ITEM REQUESTED FOR CONSIDERATION:
Approval of Robert Adams to the Public Lands Advisory Board

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

BRIEF SUMMARY OF ITEM:
PLAB approved membership

BACK UP ATTACHED: _____ YES X NO

SPONSORED BY: _____
Town Board Member

NAME OF PRESENTER(s) OF ITEM: Al Barlogni

Print Name _____ Signature _____

Mailing Address _____ Telephone Number _____

#5

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 3-4-09

DATE OF DESIRED BOARD MEETING 3-10-09

CIRCLE ONE: Action or Non-Action

ITEM REQUESTED FOR CONSIDERATION: Approval of Dow Rust to Incorporation Advisory Board

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

BRIEF SUMMARY OF ITEM:

BACKUP ATTACHED: ☐ YES ☑ NO

NAME OF PRESENTER(s) OF ITEM: _____

SPONSORED BY: _____

Print Name _____ Signature _____

Mailing Address _____ Telephone Number _____

#6

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
3/4/2009

DATE OF DESIRED BOARD MEETING
3/10/2009

CIRCLE ONE: Action or Non-Action

ITEM REQUESTED FOR CONSIDERATION:
Review and Approval of Material to go into the CEDS Document

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:
This is the material that PAVED prepared to be added to the CEDS (Comprehensive Economic Development Strategy) document.

BACKUP ATTACHED: ☒ YES ☐ NO

SPONSORED BY: Town Manager Kohbarger

NAME OF PRESENTER(s) OF ITEM: Al Balloqui, CB&DSM

William A. Kohbarger
Print Name

Signature

Town Office
Mailing Address

(775) 727-5107 ext. 305
Telephone Number

#7

The PAVED Team has provided below a list of items the committee has recommended be part of the Comprehensive Economic Development Strategy.

1) Improve comprehensive planning, land-use, and infrastructure to advance readiness for Pahrump to attract new industries.

2) Develop new marketing collaterals to promote Pahrump as a destination area for day trips to such areas as Death Valley, Ash Meadows, and Amargosa Theater.

3) Work with the zoning and the planning committee to identify potential BLM property that may be dedicated and developed as a recreation area to reflect the Master Plan. The Spring Mountain project has stemmed from this and is an ongoing endeavor to create said recreational area - Last Chance Park project.

4) Develop Pahrump Arts Recreational Complex (PARC) as regional multiple use equestrian facilities, baseball and soccer camps with tournament standard playing fields and Performing Arts facility. Indoor/outdoor convention facility with lodging, to attract events unable to be hosted in Las Vegas. This will be accomplished through private/public co-operative agreements. Gateway visitors/tourist center with information on the surrounding area will be established.

5) Special Improvement District around PARC project (Fairgrounds). Acquisition of, or part of, private water and sewer utility company. .

6) Work with the zoning, planning and public works to identify and develop an enterprise zone along Highway 160.

7) Identify potential markets that Pahrump can support and attract to the area and develop an annual marketing campaign and mail campaign to those identified audiences.

8) Improve labor force skill training through enhanced services of the public school system and better utilization of the Great Basin College facilities in the Pahrump Valley.

9) Support efforts to develop industrial business development around potential regional airport site located in south west area of valley. This joint venture will be in cooperation with county zoning/planning and public works to consider capital improvements and buffer zone for the area.

10) Infrastructure (sewer, utilities, fiber optics etc.) needs to be established for industrial and commercial use. Especially in regards the east side of Highway 160 and planned regional airport. Fiber optic availability is a key factor in attracting new industry and maintaining present companies. Encourage solar and natural gas service & power facility. Seek 3,500 to 5,000 acres from the BLM (Land Grant) on southeast of Pahrump to establish a municipal solar utility facility. Creating the first community in Nevada to receive the primary energy supply from renewable energy.

11) Investigate the establishment of Valley wide municipal water/sewer facility plan.

12) Become proactive encouraging private and public investment in green energy; by seeking all available incentives on national, state level and assist in application of grants.

13) Begin process of negotiating with BLM and private owners to secure right a way for Pahrump beltway. The two major benefits are flood control on the eastern boundary and easing of truck traffic along highway 160 which will service the majority of business and industrial service zoned areas. Secondly, the southern part of beltway leading to the projected regional airport and large industrial/business development opportunities. This

area is presently where over 20,000 new home sites are being made available. Therefore providing relief to interior road networks.

14) The establishment of recognized regional shopping districts. With a considerable tilt of large residential tracts being developed in the southern portion of Pahrump Valley. Planned regional shopping areas will aid in reduced congestion, traffic, and energy efficiency by reducing commute for family staples. Future capital road and services improvement plan should prepare for needed allocations and maintenance.

15) The potential of rail service needs to be explored. The line would run through Sandy Valley connecting to UPRR by I-15 between Primm and Jean Nevada. This eastern north/south route would prove to be valuable running through Amargosa, Beatty, and Tonopah connecting to Hawthorne. This exchange would open commerce flow from north/central California through Carson City, Reno southern Nevada and entire south western United States. The rail line could provide additional service to the increased mining activity and the test site.

16) Transportation of light rail or public/private bus transportation network connecting northern town through Pahrump to proposed regional airport and Las Vegas. This will relieve congestion along the present corridors, while providing fuel savings. Additionally light rail would aid tourism opportunities to the entire region.

17) Seek funding to establish four public bus routes, and service terminal, within the Pahrump Valley, with a service connecting to Clark County RTC.

18) The Town to provide incubator spaces, within the Enterprise Zone Business Park to assist & encourage start up businesses in cooperation with Great Basin College. Plan to create clusters around the proposed campus – "Knowledge Neighborhoods." Community Development to provide for students – Live, Work & Play around campus.

19) Begin review process of developing 240 acres, which BLM controls, for Municipal and Miniature Golf Course. This area could also benefit the community as a water retention pond for flood control.

20) Seek available State and Federal grants to support Pahrump Senior Center. Areas of interest to include transportation, nutritional education/subsidiaries program, building maintenance/improvements and assistance with quality of life. A significant portion of Pahrump's general population are retirees and older than the States average. Therefore special economic development support needs to be considered.

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
3/4/2009

DATE OF DESIRED BOARD MEETING
3/10/2009

CIRCLE ONE: Action or Non-Action

ITEM REQUESTED FOR CONSIDERATION:
Review and Approval of PAVED's Quarterly Report (4th Quarter - 2008)

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:
It is that time for PAVED to submit their Quarterly Report to the Town Board Town Board meeting.

BACKUP ATTACHED: ☒ YES ☐ NO

SPONSORED BY: Town Manager Kohbarger

NAME OF PRESENTER(s) OF ITEM: PAVED Board Member

William A. Kohbarger
Print Name

William A. Kohbarger
Signature

Town Office
Mailing Address

(775) 727-5107 ext. 305
Telephone Number

#8

PAVED report to Town Board for quarter ending December 08.

Coordinated meeting to announce PAVED's Marketing Attracting Promoting Pahrump (MAPP) project to the four major lodging facilities in a plan to increase hotel occupancy rate and attract convention events. Objective is to explain how the investment of dollars into Economic Development would benefit them as we are able to bring more Tourist $ into the community.

PAVED volunteers manned a booth at the Fall Festival to promoted PARC project on behalf of Town.
Enthusiastic reception from the visitors, challenges are the period of time that they have been waiting for the commencement. It is imperative for the Town & County to start this phenomenal project. Pahrumpians need to see a positive move on behalf of the Town, we will drive this.

Team from PAVED attended International Attractions & Amusement Parks Expo. IAAPA. Gathering information, materials & contacts to expand & compliment Tourism & PARC. Full report available. Educated on the running of theme parks, "What's Hot & What's Not". Able to investigate what could work on the PARC project, how we can create employment, attract visitors & also service local families. PAVED is working with two developments to establish a "Special Improvement District" (SID) around the PARC site. This is likely to create Pahrumps first "Municipal Utility District". The SID could encompass 2,300 property owners presently without utility infrastructure. Therefore increasing their property value and build ability. Area could exceed 3,000 acres dramatically increasing property tax base along with employment.

Website launched. PahrumpEDO.com – more transparency to our goals & missions. The contract was awarded after receipt of bids. A lot of time & effort has been placed in achieving a mix of promoting Pahrump, while also endorsing businesses and inviting local partnerships.

Ongoing preparation in collaborating information to be used for the Permission vs. Forgiveness USDA RBEG workshops. Buy in and support from County Commissioners, Public Works, Planning Dept, Town Staff & RPC.
Several meetings were held with the objective to ensure that the presentation (and future DVD) will alleviate the headaches involved when present companies and new companies face the Entitlement Process. (First class was held in January 09 – as per Grant procedures)

Contacts to office during this quarter 18. Presently working with 5 investment groups considering building up to 600 hotel rooms in support of PARC project and Front Sight expansion. PAVED is presently conducting an economic impact study for Front Site on the development of 2,200 unit destination timeshare resort. PAVED is also working on two additional impact studies that have the potential of developing over 100 full time employment positions within 12 months.
Membership increased by ??? PAVED will be launching membership drive on 2nd quarter 2009.
Monthly informational meetings are held for the public. Average attendance 40 people. Board of Directors meet in addition at least once a month, plus sub committees.

In December PAVED successful negotiated a merger with a 501C3 workforce development organization, RCWS (Rural Communities Workforce Development of

Nevada Inc.) This achieved two major objectives. Achieving IRS C3 status and partnership with organization with over five years experience in workforce development. This merger will significantly enhance opportunity in securing future grants especially in arena of workforce development.

Plans for 2009 – To write and implement a Business Retention & Expansion Project (BRE), by undertaking survey to obtain information for Pahrump on skilled labor force & opportunities.
This will strengthen our partnership with Great Basin College to pursue opportunities for Workforce Development. PAVED has begun partnering with Buddy Borden with UNR economic extension department on special project. The project study is focused on determining specific business & industrial operations that are mutually compatible with Pahrump. Therefore having the greatest opportunity to attract to Pahrump and will flourishing. This new program has been successfully test in other western states. Another vital cooperative impact study (Two year process) with UNR will be drawing to competition of phase one. "Economic Development Feasibility Impact Study" on business attraction and employment development. This critical study will establish economic base line determination of revenue generated and contributed to Pahrumps general operation. The base line study will greatly aid in determination of business development growth or loss. Should Pahrump consider the potential of incorporating in the future the much needed factual financial, tax and revenue information will be readily available.

To request 2% Room Tax increase for the Town – with expectation of increased funding for Economic Development. Specific goal is establishing business clusters unique and needed in Pahrump Valley that will act as draw from surrounding communities. This will increase Pahrumps employment and sales/property tax revenue.

HCP – determined effort to get County Commissioners to accept the proposed plan.

Hopefully begin physical work on the PARC project.

Continue to seek out potential grants & stimulus funding grants for Pahrump.

To offer opportunity to administer USDA RBEG 2009 grants on behalf of all local businesses.

To continue to administer current REG grant through quarterly classes.

Offer support from BOD & Members to Fall Festival Committee, to expand this successful & profitable event. (We have joint BOD & Members who are suggesting an amalgamation)

We are ready, willing and able to serve the Town in any way that we are directed.

ED Program Manager
Mary Balloqui – on behalf of PAVED,INC.

Seed fund Town of Pahrump to PAVED	original BUDGET	expenditure 4 months Mar>June	FY08 Year End BALANCE	ow Pa	expenditure 3 months July>Sept	ow Pa	committed Grant Match in progress	FY09 1st Qtr Balance	expenditure 3 months Oct>Dec	FY09 2nd Qtr Balance
1a 2 employees (6 months calculation)	54,000	22,362	31,638	##	20,095			11,543	20,258	-8,715
1b $6,000 Travel	6000	395	5,605	##	3,673	##		1,932	1,237	695
			0							
2 Strategic Initiative Support Study/meetings	3,000		3,000				2,000	1,000		1,000
			0							
3 Office Rent & Support Services	4,200	2,177	2,023		2,173	##		-150	1,080	-1,230
			0							
4 ED Event Funding Support Material	2,600		2,600					2,600		2,600
			0	##						
5 Marketing Events/Shows	10,000	484	9,516				2,000	7,516	283	7,233
			0							
6 Travel Show Expense Board Participating	10,000		10,000					10,000	5,990	4,010
			0							
7 Workforce Connection seminars/classes (5)	2,000	85	1,915	85			1,200	715		715
			0							
8 Web-Site Development& Town's	20,000		20,000		1,929			18,071	1,902	16,169
			0							
9 Promotional/Marketing	10,000	503	9,497	##	1,311		1,420	6,766	437	6,330
			0							
			0							
10 Misc items & Supplies	3,200	2,062	1,138		294			844	328	516
			0							
	125,000	**28,068**	96,932	##	**29,475**	##	6,620	60,837	**31,515**	**29,322**
								available Dec 31 2008		**29,322**

P.A.V.E.D. Received funding in FY 08
We appear to be over budget in some areas as original funding was only budgeted on 6 months however we have managed to stretch to 11 months before having to ask for supplementary funds

NB with average exps being $30k qtr, request release of $30k to add to $29k in bank
This will fund us until June 30 2009. We will present further request to TB for FY10
P.A.V.E.D. has not requested any funds from FY09 to date

For simplicity **P.A.V.E.D.** **financial statement** **12/31/2008**

Funding received		March 2008		125,000	
Recorded expenses					
4 months expenses	March>June 08		28,068		
FY09	July>Sept 08	1st qtr	29,475		
FY09	Oct>Dec 08	2nd qtr	31,515		
Grant Match withholding			6,620		
			95,678	95,678	
	Balance as at Dec 31 08			**29,322**	see detailed spreadsheet

P.A.V.E.D. Has been in operation since September 07 and self funded until March 2008
P.A.V.E.D. Is in effect still frugally utilizing the allocation which was issued in March 08 (FY08)
No funds have been passed to P.A.V.E.D. in current FY09

In Dec '08 P.A.V.E.D. presented their Budget to Town Board for FY09, funding was approved.

P.A.V.E.D. Is requesting release of $30k from the budgeted amount of $170k for FY09
N.B. The amount of $170k was based on the projected room tax being increase to 3% for ED use
Projected figure @ 1% room tax = $56k available for FY09 - we request $30k

(P.A.V.E.D. Will pursue the increase of 2% RT funds to aid the ED budget for FY10)

Mary Balloqui
ED Program Manager
(775) 537 2778

MEMO
TOWN OF PAHRUMP
AGENDA ITEM UPDATE
MEETING DATE: 03-10-2009

TO: Town Board

FROM: William Kohbarger, Town Manager
Michael Sullivan, Finance Director

DATE: March 10, 2009

RE: Town Board consideration and approval of a revised grant to PAVED For Economic Development Services.

1.) Background

In March, 2007 the Town Board entered into a Memorandum of Agreement with the Pahrump Alliance for Valley Economic Development (PAVED) to serve as the designated economic development agency.

The adopted fiscal year 2008 Budget included a $125,000 grant from the Economic Development Room Tax Fund to PAVED. Since PAVED did not become operational until March, 2008, only $38,000 of the original FY08 grant was used during the previous fiscal year ending 6/30/08.

At the beginning of the current fiscal year 2009 on July 1, 2008, $87,000 of the FY08 grant remained. These remaining FY08 grant funds have been used to support PAVED's goals during the first three quarters of FY09, and none of the approved FY09 $170,000 Grant has been disbursed. At this time, only a portion of the FY09 grant funds will now be needed to complete the current fiscal year, since the unexpended funding from the prior fiscal year was re-allocated to FY09.

PAVED is requesting that only $30,000 of the originally approved FY09 grant be disbursed to complete on-going economic development services through the fiscal year end at 6/30/09. PAVED quarterly financial and activity report to the Town Board is attached. These reports were a condition of the original MOU.

During these times of job loss and financial recession, we believe it is more important than ever for the Town to aggressively purse the economic development outreach which PAVED provides. Consideration of future funding will be part of the FY10 budget process in the next few months, and will be based on a revised budget projection for the Economic Development Room Tax Fund.

2.) Grant Request

PAVED is requesting a revised lower grant from the Economic Development Room Tax Fund in the amount not to exceed $35,000 to fund the following programs:

a.) Local Business Retention & Expansion Support Programs	$ 5,000
b.) Entrepreneur Gardening Support:	$ 5,000
c.) New Business Attraction Support:	$ 5,000
d.) Marketing & Investor Relations:	$ 5,000
e.) Workforce Development partnership Programs:	$ 5,000
f.) Site Development Partnership Programs:	$ 5,000
f.) Total Not to Exceed Amount of Grant Request:	$ 30,000

3.) Fiscal Impact

There are currently sufficient funds available and budgeted in the Economic Development Room Tax Fund to make the requested grant amount of $30,000.

4.) Town Manager Recommendation and Board Action Requested

Town Manager recommends that the Town Board approve a revised FY09 grant to PAVED in an amount not to exceed $30,000 from the Economic Development Room Tax Fund, as outlined above.

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

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 3-4-09

DATE OF DESIRED BOARD MEETING 3-10-09

CIRCLE ONE: (Action) or Non-Action

ITEM REQUESTED FOR CONSIDERATION:
Approval of Resolution 2009-02.

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

BRIEF SUMMARY OF ITEM:
A resolution to establish a Policy & Guidelines for Rules of Procedure at Pahrump Town Board Meetings.

BACKUP ATTACHED: ☑ YES ☐ NO

NAME OF PRESENTER(s) OF ITEM: _____

SPONSORED BY: Town Board

Print Name _____ Signature [signature]

Mailing Address _____ Telephone Number _____

#9

RESOLUTION 2009-02
PAHRUMP TOWN BOARD

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

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

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

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

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

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

4. **SPEAKING ON AGENDA ITEMS**
   - When the Board **invites** public comment on an agenda item, which often occurs after a motion has been made and seconded, comments shall be limited to three (3) minutes; public presenters will only be allowed to speak one time under Public Comment; and presenters may not designate their time to be used by others.
   - The Chairperson may either shorten or lengthen the time allocated for a particular member of the public, all members of the public, and/or the amount of time allocated for an agenda item, subject to being overruled by a majority vote of the Board.
   - No member of the Board or of the public may speak before being recognized by the Chairperson.

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

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

Approved this _____ day of _____, 20____.

Motion proposed by Town Board Member:_____

Motion seconded by Town Board Member:_____

VOTE: AYES: NAYS: ABSENT/ABSTAIN:

ATTEST:

_____

Town Board Chairperson

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
3/4/2009

DATE OF DESIRED BOARD MEETING
3/10/2009

CIRCLE ONE: Action or Non-Action

ITEM REQUESTED FOR CONSIDERATION:
Review and Approval of Resolution 2009-03.

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:
A RESOLUTION DESIGNATING DANIEL C. MCARTHUR LTD AS THE TOWN'S EXTERNAL AUDITOR FOR THE FISCAL YEAR 2009-2010 AND APPROVING THE PROPOSED AUDIT ENGAGEMENT LETTER

BACKUP ATTACHED: ☒ YES ☐ NO

SPONSORED BY: Town Manager Kohbarger

NAME OF PRESENTER(s) OF ITEM: Michael Sullivan, Finance Director

William A. Kohbarger
Print Name

William A. Kohbarger
Signature

Town Office
Mailing Address

(775) 727-5107 ext. 305
Telephone Number

#10

RESOLUTION NO. 2009 - 03
TOWN OF PAHRUMP, NEVADA

A RESOLUTION DESIGNATING DANIEL C. MCARTHUR LTD AS THE TOWN'S EXTERNAL AUDITOR FOR THE FISCAL YEAR 2009-2010 AND APPROVING THE PROPOSED AUDIT ENGAGEMENT LETTER.

WHEREAS, the Town is required annually by the Nevada Department of Taxation to designate an external auditor to prepare and submit an independent audit of its financial statements; and

WHEREAS, the Certified Public Accounting firm of Daniel C. McArthur, Ltd., has proposed to conduct that audit in accordance with generally accepted accounting and auditing standards and practices, and to render an opinion as to the presentation of the Towns financial statements pursuant to an engagement letter dated March 05, 2009 and which is attached and made part of this resolution by reference; and

WHEREAS, the fee and expenses for the audit services outlined and proposed is an amount not to exceed $25,000; now

THEREFORE, BE IT RESOLVED:

SECTION 1. The Town Board of Pahrump approves the designation and appointment of the Certified Public Accounting firm of Daniel C. McArthur, Ltd., as the Town auditor for the fiscal year 2009-10.

SECTION 2. Additionally the Town Board of Pahrump accepts and approves the terms and fees per the Audit Engagement Letter of Daniel C. McArthur CPA Ltd dated as of March 05, 2009.

Approved and adopted this 10th day of March 2009.

Motion proposed by Town Board Member: _____

Motion seconded by Town Board Member: _____

VOTE: YES: NAYS:

ATTEST:

_____
Nicole Shupp
Town Board Chairperson

MEMO
TOWN OF PAHRUMP
TOWN BOARD MEETING AGENDA ITEM
MEETING DATE: 03-10-2009

TO: Town Board

FROM: William Kohbarger, Town Manager
Michael Sullivan, Finance Director

DATE: March 10, 2009

RE: Approval of Engagement Letter and Designation of Daniel C. McArthur as the External Auditor for Fiscal Year 2009-2010

1.) Background

Each year in March, the Town Board is required by the Nevada Department of Taxation to designate who will serve as the external auditor for the current fiscal year.

Dan McArthur has served as the Town's external auditor since 1995, and has done an outstanding job assisting the Town each year. Since by statue our books of original entry are maintained by Nye County, and Dan also serves as the County's external auditor, it has been advantageous to utilize his services for both efficiency and cost reasons. His experience and continuity are valued by both the staff and Town Board.

2.) Fiscal Impact

There currently are sufficient funds available and budgeted in the General Fund to make the payments per the engagement letter attached in an amount not to exceed $25,000.

3.) Town Manager Recommendation and Board Action Requested

The Town Manager recommends that the Town Board move to approve, by the attached Resolution, the engagement letter and designation of Daniel C. McArthur as the Town's external auditor for Fiscal Year 2009-2010; and that the Town Board should further direct the Town Manager to file this Resolution with the Department of Taxation and execute the engagement letter agreement for a fee not to exceed $25,000.

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

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 03/04/09

DATE OF DESIRED BOARD MEETING 03/10/09

CIRCLE ONE: Action or Non-Action

ITEM REQUESTED FOR CONSIDERATION:
Request permission to seek bids for the sale of one (1) 250 gallon poli-water tank that is considered excess equipment.

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

BRIEF SUMMARY OF ITEM:
The tank is one of two that were removed from older fire apparatus. The tanks have been stored on Fire Department property for the past two years. One (1) tank is slated for use by Matt Luis in Buildings and Grounds leaving the second tank available for disposal.

BACKUP ATTACHED: XX☐ YES ☐ NO

NAME OF PRESENTER(s) OF ITEM: Fire Chief Scott Lewis

SPONSORED BY: William A. Kohbarger, Pahrump Town Manager

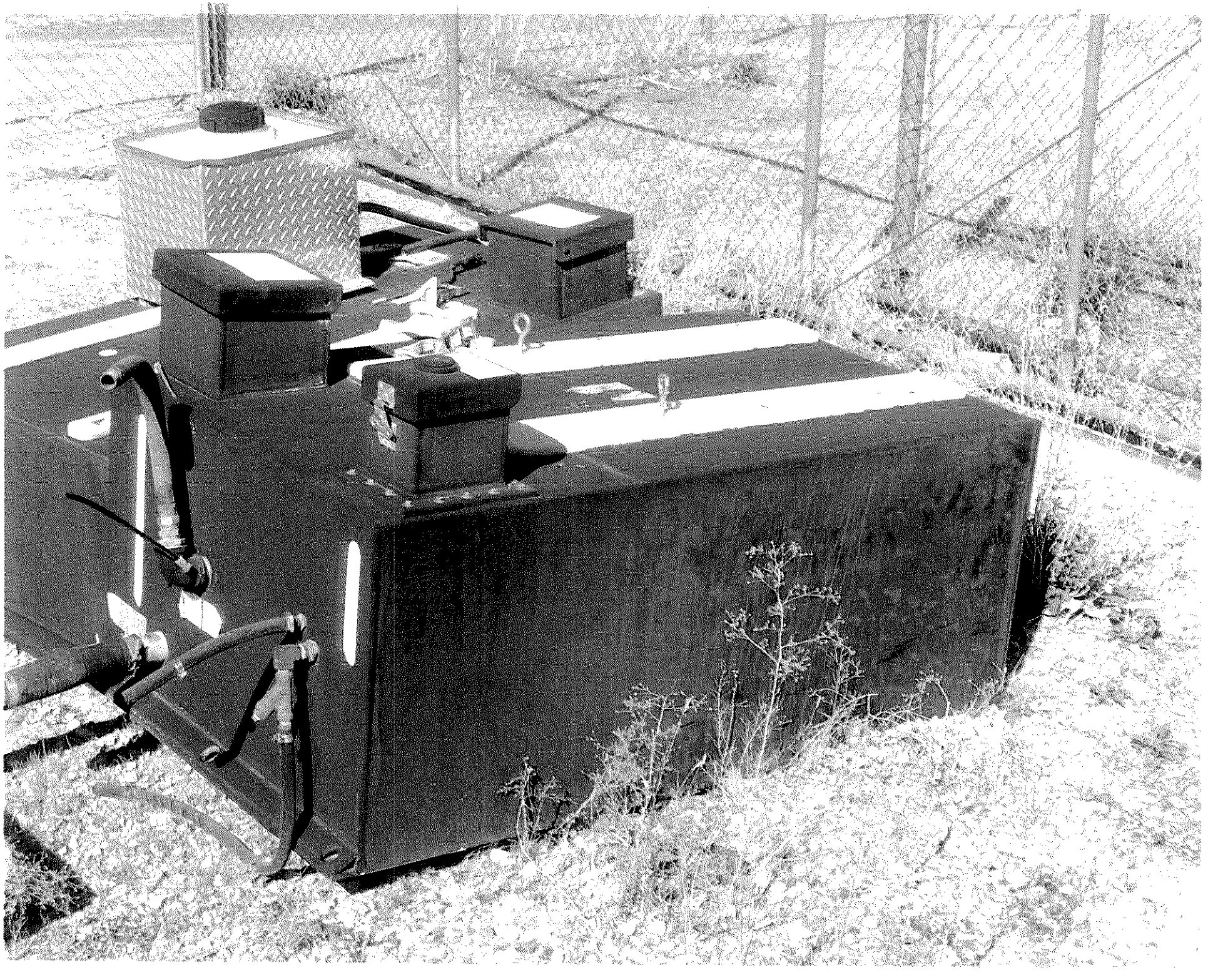
Scott F. Lewis
Print Name

Signature

300 N. Hwy 160
Mailing Address

775-727-5658
Telephone Number

#11



ARMSTRONG TEASDALE LLP

MISSOURI | KANSAS | ILLINOIS | NEVADA | WASHINGTON, DC | SHANGHAI

ATTORNEYS AT LAW

Memorandum

To: William Kohbarger

From: Richard G. Campbell Jr.

Date: March 4, 2009

Subject: Revisions to the Solid Waste and Recycling Franchise Ordinance

---

This memorandum identifies changes made to the Solid Waste and Recycling Franchise Ordinance. The enclosed version of the ordinance eliminates the section once identified as "43.260 Mandatory Subscription, Exceptions, Collection of Delinquent Charges, Fees, and Penalties". The provisions of that section are now included in 43.060. Section 43.060 now reads as follows:

43.060 Mandatory Subscription, Collection of Delinquent Charges, Fees, Penalties, and Exclusions.

A. Except as otherwise provided in subpart F(4) below, it shall be mandatory for any person owning, occupying or managing any premises in the Town which is 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.

B. All charges for regular or periodic service 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.

C. 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.

D. 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

#12

customer's premises during the entire billing period for which the advance payment was made, or upon presenting proof that he or she has self-hauled solid waste from his or her premises at least once every twenty one (21) days for the collection period in which an exemption is sought. 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.

E. 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.

F. This Ordinance shall not apply to nor prohibit:

1. Gardeners and landscapers from collecting and/or transporting green waste directly resulting from such gardening or landscaping activities;
2. 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:
    a. The recyclable materials must be source-separated by the generator and not co-mingled with other solid waste; and
    b. 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.
3. Any person from self-hauling solid waste generated at his owned residence or premises;
4. Any person from not subscribing to solid waste collection service for his or her premises if:
    a. Such premises are not inhabited either full time or part time, or
    b. Such person is self-hauling all solid waste generated at his or her premises to a duly licensed and permitted disposal facility.

    ➥ In order to not subscribe to solid waste collection service pursuant to this section, a person must request that such service not be provided and provide proof that the premises is not inhabited, such as proof that no electrical service to the premises is provided, or provide proof for the collection period in which an exception is sought that the person has self-hauled all solid waste from his or her premises at least once every twenty one (21) days to a duly licensed and permitted solid waste disposal facility. A reasonable fee, as approved by the Town Board and set forth in the solid waste franchise agreement may be charged to establish or re-establish service to a premises.
5. 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;

6. 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.

RC/bfm

cc: Michael Sullivan

ORDINANCE NO. 43

AN AMENDMENT TO ORDINANCE N0. 43 OF THE UNINCORPORATED TOWN OF PAHRUMP, TO REVISE AND RESTATE THE TOWN'S REGULATIONS CONCERNING THE COLLECTION, TRANSPORTATION, DEPOSIT, AND DISPOSAL OF SOLID WASTE AND RECYCLABLES, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

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

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

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

43.000 Declaration of Town Policy.

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

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

43.010 Short Title.

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

43.020 Definitions.

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

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

"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 stream 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 then 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 to do 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 Mandatory Subscription, Collection of Delinquent Charges, Fees, Penalties, and Exclusions.

A. Except as otherwise provided in subpart F(4) below, it shall be mandatory for any person owning, occupying or managing any premises in the Town which is 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.
B. All charges for regular or periodic service 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.
C. 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.
D. 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, or upon presenting proof that he or she has self-hauled solid waste from his or her premises at least once every twenty one (21) days for the collection period in which an exemption is sought. 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.
E. 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.
F. This Ordinance shall not apply to nor prohibit:
    1. Gardeners and landscapers from collecting and/or transporting green waste directly resulting from such gardening or landscaping activities;
    2. 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:
        a. The recyclable materials must be source-separated by the generator and not co-mingled with other solid waste; and
        b. 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.

3. Any person from self-hauling solid waste generated at his owned residence or premises;
4. Any person from not subscribing to solid waste collection service for his or her premises if:
    a. Such premises are not inhabited either full time or part time, or
    b. Such person is self-hauling all solid waste generated at his or her premises to a duly licensed and permitted disposal facility.
    c. In order to not subscribe to solid waste collection service pursuant to this section, a person must request that such service not be provided and provide proof that the premises is not inhabited, such as proof that no electrical service to the premises is provided, or provide proof for the collection period in which an exception is sought that the person has self-hauled all solid waste from his or her premises at least once every twenty one (21) days to a duly licensed and permitted solid waste disposal facility. A reasonable fee, as approved by the Town Board and set forth in the solid waste franchise agreement may be charged to establish or re-establish service to a premises.
5. 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;
6. 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 220 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 220 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:
    a. 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:
        i. After such notice has been given; or
        ii. 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.
    b. 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.
    c. 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 Charges – Billing – Penalty – Lien.

All solid waste collection charges or fees authorized and established by this chapter, including any penalties assessed under section 060, 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.

43.270 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.

43.280 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.

43.290 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.

43.300 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.

43.310 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.

43.320 Penalty for Violation.

A. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and subject to the following penalties:
   1. Upon conviction of a first offense shall be sentenced to pay a fine of not less than two hundred ($200.00) dollars nor more than one thousand ($1,000.00) dollars, or by imprisonment for not more than six months 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.

43.330 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.

43.340 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.

43.50 Effective Date.

The ordinance codified in this chapter shall be effective on the 31st day after its adoption by the Town Board.

43.360 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.

43.370 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.

Proposed by Town Board Member _____

Seconded by Town Board Member _____

Adopted on the _____ day of _____, 20_____.

Vote Ayes Nays

January 21, 2009

PAHRUMP TOWN ORDINANCE – 62

(PTO – 62)

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

#13

(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.

Proposed by Town Board Member _____

Seconded by Town Board Member _____

Adopted on the _____ day of _____, 2006

Vote Ayes Nays

February 12, 2009

PAHRUMP TOWN ORDINANCE – 63

(PTO 63)

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) "Park property" means any real property owned, operated or used by the Town of Pahrump as a public park.

(c) "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.

Section 2. Prohibited Acts

It shall be unlawful for any person to:

(a) 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;

#14

(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.

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.

Proposed by Town Board Member _____

Seconded by Town Board Member _____

Adopted on the _____ day of _____, 2006

Vote Ayes Nays

PAHRUMP TOWN BOARD MEETING
BOB RUUD COMMUNITY CENTER
150 NORTH HIGHWAY 160
TUESDAY – 7:00 P.M.
February 24, 2009

MINUTES

PRESENT:
Nicole Shupp
Bill Dolan
Vicky Parker
Frank Maurizio
Mike Darby
Michael Sullivan for Bill Kohbarger
Rick Campbell

1. Call to Order and Pledge of Allegiance.
   Chairman Nicole Shupp called the meeting to order and led in the pledge of allegiance.

2. Discussion and possible decision regarding moving the order of or deleting an agenda item(s). (Action)
   Vicky Parker read a request from Utilities, Inc., to remove Item #7.

   Vicky Parker motioned to remove Item #7 from the agenda. Mike Darby seconded the motion.

   Vote passed 5 – 0.

   Nicole Shupp addressed an article in the newspaper regarding PTO 43. It will be on the agenda March 10.

   Mrs. Shupp addressed comments received regarding the detention center zone. Nicole Shupp noted that this is a Regional Planning issue and should be addressed at their forum, not at a Town Board meeting and comments will not be heard at this meeting.

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).
   Dave Stevens commented regarding a prosecutor on the Town Board.
   Sandra Darby announced forming a study group with regards to the Constitution of the United States.
   Jeff Wiest suggested the Town have an ordinance for no prisons within the Town of Pahrump.
   Don Rust commented on the newspaper article by Mr. McDonald.
   Nancy Lord commented about the Utilities, Inc. item being removed from the agenda.
   Donald Cox commented on the absence of Mr. Kohbarger
   Norma Jean Opatik asked if the withdrawal of the Utilities, Inc. item was done without prejudice.

#17b

Harley Kulkin commented on the right to speak under public comment per US Code 42.1983.

4. Advisory Board Reports, from Advisory Board Chairpersons and/or Town Board Liaisons on the status of Advisory Boards. (Non-Action)
Frank Maurizio reported that the Incorporation Advisory Board had a meeting.
Mr. Maurizio reported attending the Nye County Local Emergency Planning Committee (LEPC) and has accepted the position as a liaison from the Town Board for this committee.

Bob Irving, Fall Festival Chairman, reported the need for non-profit groups to apply for operation of beer gardens. Youth groups may apply for soft drink vending and the rodeo. The HAM radio operators will operate one of the beer gardens.

5. Discussion and possible decision regarding members of advisory boards being related to Town Board members and relatives/family comment. (Action)
Mike Darby requested a change order to the Town Board Policy and Procedures regarding members of an advisory board being related to a Town Board member, relatives/family with regard to comments. Mr. Darby stated the possibility of ethics violations as family members and close relatives play an important part in influencing members regarding issues coming before the Board. Mike Darby asked that from this day forward no member of an advisory board may be seated if such a person is in anyway related to a member of the currently seated Town Board, and any such advisory member should be replaced immediately. Mr. Darby explained his wife sent Town Board members an email and it may be an ethics violation. Mike Darby said he contacted the Ethics Board and asked about her first amendment rights. The Ethics Board said she may be considered an extension of him. Mr. Darby said he feels this should be adjusted in the Town Board Policy.

Vicky Parker asked Rick Campbell if this would be an ethical problem. Mr. Campbell responded that an ethical problem exists when someone tries to influence for a pecuniary or monetary gain. Mr. Campbell said there is always the appearance of impropriety. The Board member can give a disclosure that they have a relative on the advisory board, and also could recuse themselves from voting on issues of that advisory board.

Bill Dolan noted that the Policy is in the process of rewriting that policy. This should be submitted for consideration. The Policy will be brought to the Board for approval in the near future.

Mike Darby motioned to make the change to the Town Board Policy.

Motioned died for lack of a second.

6. Discussion and possible decision regarding approval of advisory board, committee, and sub-committee memberships. (Action)

Vicky Parker motioned to approve the list of advisory board memberships as stated in the backup. Frank Maurizio seconded the motion.

Vote passed 5 – 0.

7. Discussion and possible decision regarding Utilities Inc. of Central Nevada requesting funding in approximately $250 million through the economic stimulus package provided by the federal government. Funding requested is to complete installation of water and sewer infrastructure throughout Utilities certificate service territory only. (Action)
   This item was removed.

8. Discussion and possible Town Manager Report. (Non-Action)
   There were no comments or questions regarding the report.

9. Town Board Member's Comments. (Non-Action)
   None

10. **Consent agenda items:**

    a. Action – approval of Town vouchers
    b. Action – approval of Town Board meeting minutes of February 10, 2009
    c. Action – approval of 72 Hour Liquor Permit for Veterans of Foreign Wars Post 10054 for Blue Grass Festival, April 3-5, 2009 at 4651 Homestead Rd.
    d. Action – approval of 72 Hour Liquor Permit for Nye County Amateur Radio Emergency Service, Inc., to host beer garden at Pahrump Fall Festival September 25-27, 2009.

Bill Dolan motioned to approve consent agenda items a – d. Vicky Parker seconded the motion.

Vote passed 5 – 0.

11. **Future Meetings/Workshops: Date, Time and Location.** (Non-Action)
    Dates for the Tentative Budget workshops were suggested April 8 – 10 at 6:30 p.m. in the Town Annex.
    The Final Budget Hearing will be held Thursday, May 21 as mandated by the State. This meeting is to be held at 6:30 p.m. at the Town Annex.
    Bill Dolan reported workshops with Legislators in Carson City on March 20 -22, 2009.

12. **Adjournment.**
    Meeting adjourned at 7:27 p.m.

Respectfully submitted,

Vicky Parker, Clerk
Pahrump Town Board

Cookie Westphal

From: ALBALLOQUI@aol.com
Sent: Wednesday, March 04, 2009 7:10 PM
To: bkohbarger@pahrumpnv.org
Cc: cwestphal@pahrumpnv.org
Subject: Please place on Agenda

Bill Kohbarger Pahrump Town Manager

Dear Bill,

I ask that you and the Town Board accept my resignation of Chairman of Public Lands Advisory Board and membership on Pahrump Incorporation Advisory Board.

I appreciated the opportunity to serve the Town of Pahrump in these positions.

Sincerely

Al Balloqui

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

#17c