

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
4/5/2010

DATE OF DESIRED BOARD MEETING
4/13/2010

CIRCLE ONE: Discussion, Action, Decision or [REDACTED]

ITEM REQUESTED FOR CONSIDERATION:

Discussion and Decision on obtaining Town Board Direction on Revising PTO #35 "Business License Ordinance", Holding Workshops and Then Bringing Revision to Town Board for the Approval Process and All Matters Related Thereto.

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

BRIEF SUMMARY OF ITEM:

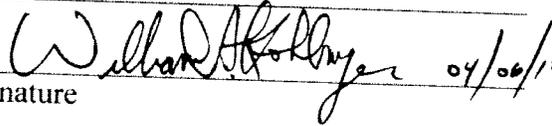
See attached copy of PTO #35. It is the opinion of the staff that this Ordinance is a piece meal Ordinance that has been revamped numerous of times and needs to be completely re-written.

BACKUP ATTACHED: YES NO

SPONSORED BY: Town Manager

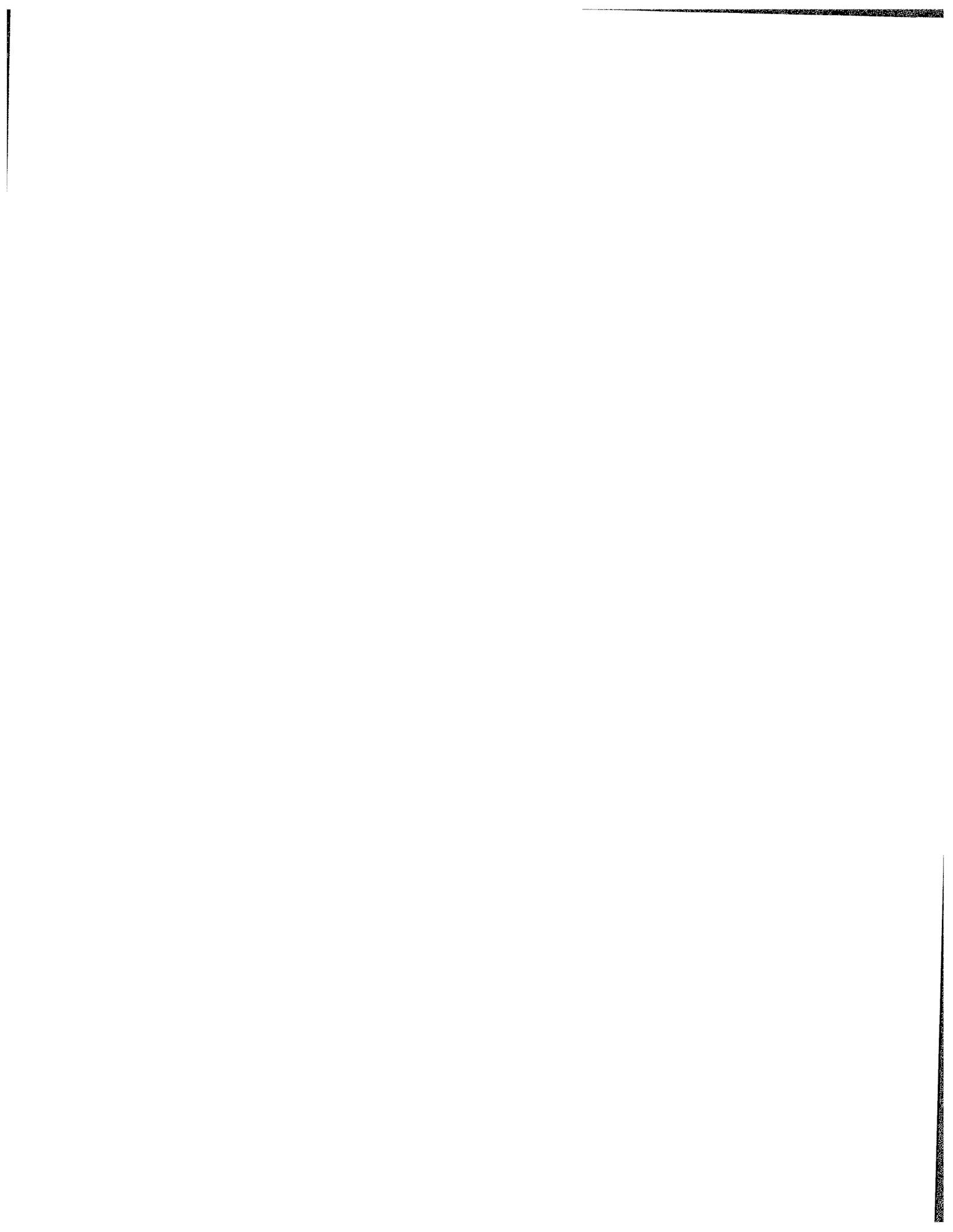
NAME OF PRESENTER(S) OF ITEM: Town Manager

William A. Kohbarger
Print Name

 04/06/10
Signature

Town Office
Mailing Address

(775) 727-5107 ext. 305
Telephone Number



BILL NO. 94-01

PAHRUMP TOWN ORDINANCE NO. 35

SUMMARY: PAHRUMP, NEVADA BUSINESS LICENSE ORDINANCE; INCLUDING ALL MATTERS PROPERLY RELATING THERETO.

TITLE: AN ORDINANCE PROVIDING FOR THE PURPOSE, SHORT TITLE, SCOPE, DEFINITIONS, LICENSE REQUIRED, LICENSE OFFICER, POWERS AND DUTIES; INVESTIGATION OF APPLICANTS; STATE LICENSE REQUIRED; QUALIFICATIONS OF APPLICANTS; LICENSE APPLICATION AND PROCEDURE; EXCEPTIONS; LICENSE RESTRICTIONS, LICENSE POSTING; CONDUCTING BUSINESS AT LOCATION OTHER THAN LICENSED; CHANGE OF LOCATION; CHANGE OF OWNERSHIP; ONE ACT CONSTITUTES DOING BUSINESS; SEPARATE LICENSE FOR BRANCH ESTABLISHMENTS; SEPARATE LICENSE FOR DIFFERENT BUSINESS NAMES LOCATED IN SAME BUILDING; LICENSE TERM; LICENSE FEES; LICENSE RENEWAL; NONPROFIT PERMITS; ENFORCEMENT; APPEAL; PENALTIES; APPLICABLE BUSINESSES; ORDINANCE DOES NOT SUPERCEDE PTO NO. 31; EXISTING BUSINESSES; CONSTITUTIONALITY; REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; EFFECTIVE DATE; AND OTHER MATTERS PROPERLY RELATING THERETO.

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

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

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

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

BUSINESS LICENSES
PAHRUMP TOWN ORDINANCE NO. 35

SECTION:

- 35.010 Purpose of Ordinance
- 35.020 Short Title
- 35.030 Scope
- 35.040 Definitions
- 35.050 License Required
- 35.060 License Officer, Powers and Duties; Investigation of Applicants
- 35.070 State License Required
- 35.080 Qualifications of Applicants
- 35.090 License Application and Procedure
- 35.100 Exceptions
- 35.110 License Restrictions
- 35.120 License Posting
- 35.130 Conducting Business at Location Other than Licensed
- 35.140 Change of Location
- 35.150 Change of Ownership
- 35.160 One Act Constitutes Doing Business
- 35.170 Separate License for Branch Establishments
- 35.180 Separate License for Different Business Names Located in Same Building
- 35.190 License Term
- 35.200 License Fees
- 35.210 License Renewal
- 35.220 Nonprofit Permits
- 35.230 Enforcement
- 35.240 Appeal
- 35.250 Penalties
- 35.260 Applicable Businesses
- 35.270 Ordinance Does Not Supercede PTO No. 31
- 35.280 Existing Businesses
- 35.290 Constitutionality
- 35.300 Repeal of Conflicting Ordinances
- 35.310 Severability
- 35.320 Effective Date

35.010 **PURPOSE OF ORDINANCE:** The business license provisions as set forth herein have been established to license and regulate all lawful trades, callings, industries, occupations, professions and businesses, as more fully set forth in Section 35.270, conducted within the unincorporated limits of the Town and to protect the health, safety and general welfare of the public.

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

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

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

APPLICANT: A person who has applied for a Town business license.

BUSINESS: Vocations, occupations, performance of services wherein a charge is made or compensation accepted, as set forth in Section 35.270 hereof, professions and enterprises carried on or conducted for profit or benefit within the Town, specifically excluding, however, employees of another with wages and or commissions as the sole compensation.

LICENSE OR PERMIT: Permission granted by the licensing authority to engage in the business or activity for which the license or permit is granted.

LICENSE FEE or PERMIT FEE: Money required by Town ordinances or resolutions to be paid to obtain, renew, or maintain a license or permit.

LICENSE OFFICER: The Town Manager of the Town of Pahrump or person designated as such officer.

NONRESIDENT: Places of business located outside the Town limits.

RESIDENT: Places of business located within the Town limits.

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

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

PRINCIPAL: (A) Any person who is an officer, director, trustee, personal representative or general partner or who has an ownership interest in, or

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

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

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

TRADE:

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

TRADESMAN:

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

LICENSEE:

A person who has been granted a license or permit.

35.050 LICENSE REQUIRED:

- (A) It is unlawful for any person to commence, carry on, engage in, or continue in the Town any business, as set forth in Section 35.270 hereof, without holding a valid, unexpired license issued pursuant to this Ordinance. Each day or portion thereof in which a violation is committed, continued or permitted constitutes a separate offense.
- (B) A business license shall only be issued if the applicant has a fixed place of business from which the business will actually be conducted.
- (C) A license may be issued for a tradesman using an existing business address. A tradesman may use his residential address for conducting business or for advertising purposes and may use the address and phone number of the existing business or a post office box. An answering service, cellular phone, or pager number may be used for advertising.

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

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

- (A) Make Rules. Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this Ordinance.
- (B) Adopt Forms. Adopt all forms and prescribe the information to be given therein as to character and other relevant matters for all necessary papers.
- (C) Require Affidavits. Require applicants to submit all affidavits and oaths necessary to the administration of this Ordinance.
- (D) Investigate. Investigate and determine the eligibility of any applicant for a license as prescribed herein and the compliance by the applicant with all Town regulations.
- (E) Give Notice. Notify any applicant of the acceptance or rejection of his application and shall, upon his refusal of any license or permit, at the applicant's request, state in writing the reasons thereof and deliver them to the applicant.

35.070: STATE LICENSE REQUIRED:

- (A) No license to conduct any business which is regulated and licensed under any provision of the Nevada Revised Statutes shall be issued unless the required State license has been obtained therefor.
- (B) No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:
 - (1) The department of taxation has issue or will issue a permit for this activity, and this evidence clearly identifies the business by name; or
 - (2) Another regulatory agency of the state has issued or will issue a license required for this activity.

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

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

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

- (A) Form. A written statement upon forms provided by the License Officer, to include an affidavit to be sworn to by the applicant, before a notary public of this State or the License Officer.
- (B) Contents. This disclosure of all information required by this Chapter and any other information which the License Officer determines to be necessary to the fair administration of this Chapter, including but not limited to:
 - (1) If a special permit or license from a Federal, State, or County agency is required for the business, proof that such permit or license has been obtained. An application cannot be accepted without the aforementioned documents.
- (C) After compliance with the provisions of subsections 35.090(A) and (B) a license, if approved, can be issued.

35.100 EXCEPTIONS:

- (A) A person under the age of eighteen (18) years and a Town resident for thirty (30) days performing any service or offering any product on a casual basis and not as a full-time occupation, such as sale and/or delivery of newspapers, magazines and greeting cards shall not be deemed to be in business or soliciting business.
- (B) Federal, State or County agencies including the Town shall be exempt from the provision of this Chapter.
- (C) A person performing any service or offering any product on a casual basis and not as a full-time occupation which business has for the previous calendar year earned less than \$6,000.00 in total gross income and whose estimate of gross income for the next calendar year is less than \$6,000.00.

35.110 LICENSE RESTRICTIONS: No license shall be issued if:

- (A) The conduct of any business or performance of any act in connection thereto would involve a violation of any Ordinance of the Town.
- (B) An unsatisfactory report is received from the Nye County Health Dept. in connection with the care and handling of food and the preventing of nuisances and the spread of disease, for the protection of health.
- (C) The conduct of any business or performance of any act would involve a violation of any statute of the State of Nevada or other licensing authority including the County or the Town.

35.120 LICENSE POSTING:

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

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

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

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

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

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

35.170 SEPARATE LICENSE FOR BRANCH ESTABLISHMENTS: A license shall be obtained in the manner prescribed herein for each branch establishment or location of the business engaged in, as if each such branch establishment or location is a separate business; provided, that warehouses, storage yards and distributing plants used in connection with and incidental to a licensed business shall not be deemed to be separate places of business or branch establishments, but the addresses of such warehouses, storage yards and distributing plants must be included on the business license application.

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

35.190 LICENSE TERM: All licenses issued pursuant to the provisions of this Ordinance shall be subject to payment of the required fees and shall be for the period specified. The annual term of a license shall commence on July 1 of each year; provided, however, the fee shall be prorated for a new business for the first period if the business does not commence at the beginning of the period. Prorations will be computed on a monthly basis.

35.200 LICENSE FEES:

(A) Any person issued a business license pursuant to this Ordinance, or who renews a business license previously issued shall pay an annual fee of \$50.00.

The Town Board of the Town of Pahrump hereby recognizes that the fee as stated in this Section is nominal in nature and therefor, after due regard to the amount of business done by each person or firm so licensed, this fee shall be applicable to all businesses of whatever size or nature.

35.210 LICENSE RENEWAL:

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

(B) Annual license fees shall be paid by June 30. Failure to make such payment timely and the continuation of doing business shall be grounds for revocation of license in addition to the penalties as provided in subsection 35.220(E) below.

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

(D) If a business license is cancelled due to failure to make payment of required fees and an application for a new license is made within the prescribed license period, the applicant

shall pay the required fee plus the penalties provided in subsection 35.220(E) below before the requested license may be issued.

(E) Penalty: A penalty shall be added for failure to make payment on a license renew fee as follows:

(1) Should said payment be more than ten days late and less than 31 days late, a penalty fee of \$10.00 shall be added to the renewal fee.

(2) Should said payment be 31-60 days or less late, a penalty fee of \$25.00 shall be added to the renewal fee.

(3) Should said payment be 61-90 days or less late, a penalty fee of \$50.00 shall be added to the renewal fee.

(4) Should said payment be in excess of 90 days late, a penalty fee of \$100.00 shall be added to the renewal fee.

35.220 NONPROFIT PERMITS:

(A) Nonprofit permits may be issued to any person or organization operating without profit primarily to further eleemosynary, public, charitable, educational, literary, fraternal or religious purpose for no fee.

(B) An applicant for a nonprofit permit shall submit an application to the License Officer and shall furnish such additional information and affidavits as the License Officer shall reasonably require.

(C) Should the License Officer determine that the applicant does not have a principal purpose which is primarily charitable, nonprofit, fraternal or eleemosynary, the regular license fee shall be applicable.

35.230 ENFORCEMENT:

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

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

(B) Compliance Required.

1. The notice shall require compliance within seven (7) calendar days of service on the affected person.

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

35.240 APPEAL.

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

35.250 PENALTIES. Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor; and, upon conviction thereof, shall be punished as the Nevada Revised Statutes allow for a misdemeanor crime. Whenever in this Ordinance any act is prohibited, or is made or declared to be unlawful, or an offense or a misdemeanor, or whenever in such Ordinance the doing of any act is required, or the failure to do any act is made or declared to be unlawful, or an offense or misdemeanor, the doing of any such prohibited act, or the failure to do any such required act, shall constitute a violation of this Ordinance. Every day of violation of this Ordinance constitutes a separate offense.

35.260 APPLICABLE BUSINESSES. This ordinance shall be applicable to the following businesses:

- (A)
- (1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.
 - (2) Bootmakers, cobblers, dressmakers, milliners, shoemakers, tailors.
 - (3) Boardinghouses, hotels, lodginghouses, restaurants and refreshment saloons.
 - (4) Barrooms, gaming, manufacturers of liquors and other beverages, saloons.
 - (5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, manageries, shooting galleries, skating rinks, theaters.
 - (6) Corrals, hay yards, livery and sale stables, wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies, water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants and traders, stockbrokers.

(10) Drummers, hawkers, peddlers, solicitors.

(11) Insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.

(B) All professions, trades or business within the Town not specified in Section 35.270 (A) above.

35.270 ORDINANCE DOES NOT SUPERCEDE PTO NO. 31. Nothing in this ordinance shall in any way supercede, modify or annul the provisions of PTO No. 31, entitled, "Peddlers, Solicitors and Temporary Merchants".

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

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

35.300 REPEAL OF CONFLICTING ORDINANCES. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance hereby adopted are hereby repealed.

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

35.320 EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, adoption and second publication in the Pahrump Valley Times, a newspaper printed and published within the County of Nye, State of Nevada.

BUSINESS LICENSES

Proposed on the 14th day of September, 1993.

Proposed by Board Member Robert Little.

Passed on the 22nd day of February, 1994.

VOTE:

AYES:

Garland C. Peiris
Robert Little
James D. Hanbury
Patrick F. White
Garland C. Peiris
Robert Little

NAYS:

ATTEST:

Patrick F. White
TOWN CLERK

BILL NO. 95-02

AMENDMENT TO PAHRUMP TOWN ORDINANCE NO. 35

AN ACT AMENDING ORDINANCE NO. 35 PROVIDING FOR THE VOLUNTARY DISCLOSURE OF AN APPLICANT'S SOCIAL SECURITY NUMBER, EXCEPT WHEN APPLICATION IS FOR A CHILD CARE PROVIDER OR RELATED CHILD CARE SERVICES; CHANGING THE EXCEPTIONS FOR LICENSING TO LESS THAN \$10,000 IN TOTAL GROSS INCOME FOR PREVIOUS CALENDAR YEAR OR ESTIMATE FOR NEXT CALENDAR YEAR; AND PROVIDING FOR OTHER MATTERS PROPERTY RELATED THERETO.

THE TOWN BOARD OF THE UNINCORPORATED TOWN OF PAHRUMP, NYE COUNTY, NEVADA, DOES ORDAIN AS FOLLOWS:

SECTION ONE: Pahrump Town Ordinance No. 35 is hereby amended by adding Section 35.090 (D) as follows:

- (D) Nothing in this Ordinance shall require an individual to disclose a Social Security Number except as a voluntary act on the part of the Applicant. This exception does not apply to any person obtaining a license as a child care provider or as a child care related service. In these sole instances the providing of a Social Security Number by the Applicant shall be mandatory.

SECTION TWO: Pahrump Town Ordinance No. 35 at Section 35.100 (C) is hereby amended to read as follows:

- (C) A person performing any service or offering any product on a casual basis and not as a full-time occupation which business has for the previous calendar year earned less than \$10,000.00 in total gross income and whose estimate of gross income for the next calendar year is less than \$10,000.00.

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

SECTION FOUR: REPEAL OF CONFLICTING ORDINANCES. All ordinances, parts of ordinances, or chapters, sections, subsections or paragraphs or resolutions previously adopted by the Pahrump Town Board which are in conflict herewith are hereby repealed.

SECTION FOUR: EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, adoption and second publication in the Pahrump Valley Times, a newspaper printed and published within the County of Nye, State of Nevada.

AMENDED, BUSINESS LICENSES

Proposed on the 28th day of March, 1995.

Proposed by Board Member Steve Rainbolt.

Passed on the 25th day of April, 1995.

VOTE:

AYES:

Terry J. Thompson
James Lee
Steve Rainbolt
Charles Lee

NAYS:

ABSENT:

Garland Price

ATTEST:

Terry J. Thompson
Town Clerk

98-01 BILL NO.

**AMENDMENT TO
PAHRUMP TOWN ORDINANCE NO. 35**

AN ACT AMENDING PAHRUMP TOWN ORDINANCE NO. 35 TO PROVIDE A REDUCTION OF THE ANNUAL BUSINESS LICENSE FEE FROM \$50.00 TO \$40.00 AND REPEALING ALL PROVISIONS INCONSISTENT HERETO; AMENDING SECTION 35.200 (A) LICENSE FEES; PROVIDING FOR SEVERABILITY; REPEAL; EFFECTIVE DATE; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Town Board of the Town of Pahrump has determined that the revenues from the business license fees are sufficient to meet the needs of the Town of Pahrump, and

WHEREAS, the Town Board of the Town of Pahrump has determined that it is in the best interests of the business community of the unincorporated Town of Pahrump to lower the business license fee.

NOW, THEREFORE, THE TOWN BOARD OF THE UNINCORPORATED TOWN OF PAHRUMP, NYE COUNTY, NEVADA, DOES ORDAIN FOLLOWS:

That Pahrump Town Ordinance No. 35, enacted on February 22, 1994 and amended on April 25, 1995, be and hereby is amended as follows:

Section 35.200(A) is hereby amended by changing "annual fee of \$50.00" to "annual fee of \$40.00".

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

REPEAL. All ordinances, parts of ordinances, or chapters, sections, subsections or paragraphs or resolutions previously adopted by the Pahrump Town Board which are in conflict herewith are hereby repealed.

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.

BILL 98-01

AMENDMENT OF PAHRUMP TOWN ORDINANCE NO. 35

Proposed on the 14th day of April, 1998.

Proposed by Board Member All Town Board Members

Passed on the 12th day of May, 1998.

VOTE:

AYES:

Forbes G. Hallis
Steve Rasmussen
Charles G. Gosh
Christopher M. Silbae

NAYS:

ABSENT:

ROBERT LITTLE

ATTEST:

Charles Gosh
Town Clerk

BILL NO. 04-

THIRD AMENDMENT TO PAHRUMP TOWN ORDINANCE NO. 35

AN ACT AMENDING PAHRUMP TOWN ORDINANCE NO. 35 TO REPEAL A PORTION OF THE APRIL 25, 1995 AMENDMENT WHICH MADE DISCLOSURE OF SOCIAL SECURITY NUMBERS PERMISSIVE; TO REPEAL THE MAY 12, 1998 AMENDMENT CHANGING THE BUSINESS LICENSE FEE FROM \$50.00 TO \$40.00; TO ADD A FEE FOR REPLACEMENT OF A BUSINESS LICENSE AND A FEE FOR REISSUANCE OF A LICENSE DUE TO CHANGE OF ADDRESS; AND TO AMEND 35.220(A) TO REQUIRE A \$5.00 FEE FOR NONPROFIT PERMITS; PROVIDING FOR REPEAL; SEVERABILITY; EFFECTIVE DATE; AND OTHER MATTERS PROPERLY RELATING THERETO

WHEREAS, the Town Board of the unincorporated Town of Pahrump has reviewed the business license fee and has determined that the revenue from the fee is insufficient to meet the needs to the Town of Pahrump, and

WHEREAS, the Town Board of the unincorporated Town of Pahrump has determined that it is in the best interests of the business community of the unincorporated Town of Pahrump to raise the business license fee.

WHEREAS, the Town Board of the unincorporated Town of Pahrump has determined that the requirements of Nevada law have changed since the adoption of the April 25, 1995 amendment to Pahrump Town Ordinance No. 35. Specifically, NRS 269.173 mandates that an application of the issuance of a license, permit or certificate or practice a profession or occupation pursuant to NRS 269.170 must include the social security number of the applicant.

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

REPEAL OF PORTION OF APRIL 25, 1995 AMENDMENT. The Amendment to Pahrump Town Ordinance which added Section 35.090(D) stating that:

Nothing in this Ordinance shall require an individual to disclose a Social Security Number except as a voluntary act on the part of the Applicant. This exception does not apply to any person obtaining a license as a child care provider or as a child care related service. In these sole instances the providing of a Social Security Number by the Applicant shall be mandatory.

REPEAL OF MAY 12, 1998 AMENDMENT. The Amendment to Pahrump Town Ordinance No. 35 passed on May 12, 1998 which reduced the business license fee from \$50.00 to \$40.00 be and is hereby repealed in its entirety. The original business license fee of \$50.00 contained in Pahrump Town Ordinance section 35.200 passed on the 22nd day of February, 1994 is hereby reinstated.

#17

35.200(B) shall be *added* stating:

A fee of \$5.00 shall be paid for the replacement of a business license, for any reason.

35.200(C) shall be *added* stating:

A fee of \$5.00 shall be paid for the reissue of a business license due to change of physical or mailing address at a time other than renewal.

35.200(A) shall be *amended* reading:

Nonprofit permits may be issued to any person or organization without profit primarily to further eleemosynary, public, charitable, educational, library, fraternal or religious purpose for a fee of \$5.00.

REPEAL. All ordinances, parts of ordinances, or chapters, sections, or paragraphs or resolutions previously adopted by the Pahrump Town Board which are in conflict herewith are hereby repealed.

SEVERABILITY. Every section of this Ordinance and Amendment, and every part of every section hereof is hereby declared to be independent of every other section and part of section. The holding of any section or part of section void does not affect the validity of any other section or part.

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.

THIRD AMENDED BUSINESS LICENSE ORDINANCE

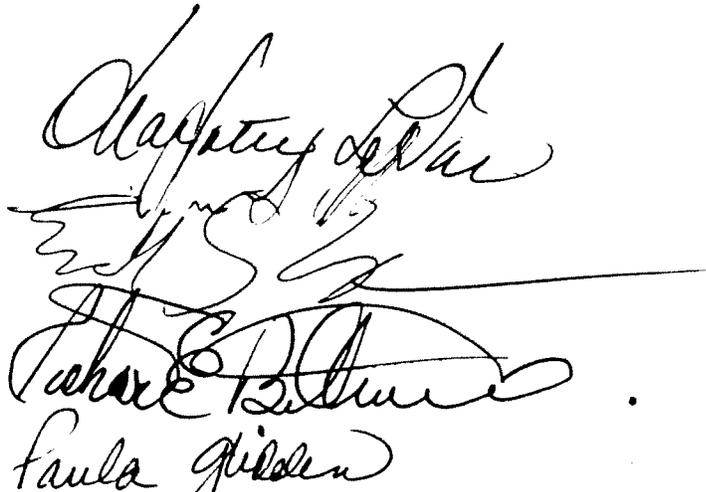
Proposed on the ____ day of _____,

Proposed by Board Member

Passed on the 8th day of June, 2004

VOTE:

AYES:


The block contains several handwritten signatures in cursive. The most legible signature at the bottom is "Paula Gilden". Above it, there are several other signatures, including one that appears to be "Charles B. ...".

NAYS:

A handwritten signature in cursive script, appearing to read "Clayton Laker". The signature is written in black ink and is positioned below the "NAYS:" label.

ATTEST:

TOWN CLERK

FOURTH AMENDMENT TO PAHRUMP TOWN ORDINANCE NO. 35

A FOURTH ACT AMENDING PAHRUMP TOWN ORDINANCE NO. 35 TO ADD ADDITIONAL ENFORCEMENT PROVISIONS; REPEALING ALL PROVISIONS INCONSISTENT HERETO; PROVIDING FOR SEVERABILITY; REPEAL; EFFECTIVE DATE; AND OTHER MATTERS PROPERLY RELATING THERETO

WHEREAS, the Town Board of the unincorporated Town of Pahrump has reviewed the business license enforcement provisions and has determined that additional sections are necessary for adequate enforcement.

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

AMENDING SECTION 35.210(E) AND ADDING SECTIONS 35.230(C) and (D):

(E)(1) Should said payment be more than ten (10) days late, but less than thirty (30) days late, a penalty fee of twenty-five (\$25.00) shall be added to the renewal fee.

(E)(2) Should said payment be thirty-one (31) to sixty (60) days or less late, a penalty fee of fifty (\$50.00) shall be added to the renewal fee.

The Amendment to Pahrump Town Ordinance which added Section 35.230 (C) and (D) stating:

35.260(c) Delinquency, Reinstatement, and Special fees.

(1) For the purpose of this section only, "due date" is defined as the day on which license renewal fees are due, and is the last day of the current licensing period on all licenses covered in this Ordinance. All licenses for which the fees have not been received within sixty-one (61) days after the due date shall be deemed revoked and the business must cease operation until the business obtains a valid business license either by reinstatement or approval of a new application.

(2) Any license for which the fees have not been received within sixty-one (61) days of the due date may be reinstated within the current license cycle and with the payment of:(a) all delinquent license fees; and (b) an additional reinstatement penalty of fifty dollars (\$50.00). In addition, all other applicable requirements must be satisfied. If the payment is not received within the license cycle, a new license application is required and all delinquent license fees, including penalties, must be brought current. A business shall not operate until a new license is issued or the delinquent license is reinstated.

(3) In all cases where a business license that is required by this Ordinance has not been obtained before a business is commenced, a penalty of one hundred dollars (\$100.00) shall be imposed and must be received before a business license is issued. Also, licensing fees for all prior licensing cycles for which the business operated without the benefit of licensure must be received before a business license is issued.

(4) Any person making payment for license fees or penalties with a check that is returned to the department due to non-sufficient funds or an account closed status shall pay an augmentation fee of twenty-five dollars along with the outstanding fees and/or penalties.

35.230(D) Tax collection by civil action.

Any license tax imposed by this Ordinance shall be deemed a debt due the Town payable by any person who commences, carries on, engages in, or conducts any business, for which a license is required. Such person shall be liable in a civil action to the Town in any court of competent jurisdiction for the recovery of the amount of license tax, penalties and interest imposed by this Ordinance, and for the costs of suit and reasonable attorney's fees.

SEVERABILITY. Every section of this Ordinance and Amendment, and every part of every section hereof is hereby declared to be independent of every other section and part of section. The holding of any section or part of section void does not affect the validity of any other section or part.

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.

FOURTH AMENDED BUSINESS LICENSE ORDINANCE

Proposed on the 13th day of JULY, 2004

Proposed by Board Member

Passed on the 24th day of August, 2004

VOTE: 4-0-1 ED BISHOP ABSTAINED

[Signature]

AYES:

[Signature]
[Signature]
[Signature]
[Signature]

NAYS:

ATTEST:

TOWN CLERK:

Pahrump Town Ordinance No. 52

FIFTH AMENDMENT TO PAHRUMP TOWN ORDINANCE NO. 35

A FIFTH ACT AMENDING PAHRUMP TOWN ORDINANCE NO. 35; TO CHANGE
THE ANNUAL BUSINESS LICENSE
RENEWAL DATE TO THE ANNIVERSARY OF THE START DATE OF THE
INDIVIDUAL BUSINESS

WHEREAS, the Town Board of the unincorporated Town of Pahrump has reviewed the provisions of the business license date/s of expiration and has determined changes in the section are necessary to facilitate effective use of man hours and issuance of licenses in a timely manner.

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

AMENDING SECTION 35.190

35. 190 **LICENSE TERM:** All licenses issued pursuant to the provisions of this Ordinance shall be subject to payment of the required licensing fees and shall be renewed each year, by the anniversary of the start date of each individual license issued.

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

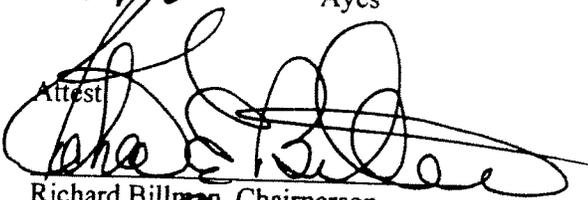
Proposed on the 11th day of April, 2006

Proposed by Town Board Member _____

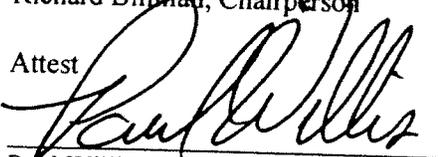
Adopted on the 9th day of May, 2006

Vote 4/0 Ayes Nays

Attest


Richard Billman, Chairperson

Attest


Paul Willis, Town Clerk

FIFTH AMENDMENT TO PAHRUMP TOWN ORDINANCE NO. 35

A FIFTH ACT AMENDING PAHRUMP TOWN ORDINANCE NO. 35; TO CHANGE THE ANNUAL BUSINESS LICENSE RENEWAL DATE TO THE ANNIVERSARY OF THE START DATE OF THE INDIVIDUAL BUSINESS; TO REPEAL ALL PROVISIONS INCONSISTENT HERETO; PROVIDING FOR SEVERABILITY; REPEAL EFFECTIVE DATE; AND OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, the Town Board of the unincorporated Town of Pahrump has reviewed the provisions of the business license date/s of expiration and has determined changes in the section are necessary to facilitate effective use of man hours and issuance of licenses in a timely manner.

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

AMENDING SECTION 35.190

35.190 **LICENSE TERM:** All licenses issued pursuant to the provisions of this Ordinance shall be subject to payment of the required licensing fees and shall be renewed each year, by the anniversary of the start date of each individual license issued.

*See: PTO 52 = FIFTH AMENDMENT
SIGNATURES*

MEMO

To: Bernie Fleeman, Ordinance Enforcement Director
Dave Richards, Town Manager

From: Missy Arms

Date: August 23, 2006

Re: SIXTH AMENDMENT TO PAHRUMP TOWN ORDINANCE NO. 35

It has come to my attention that some of the provisions in PTO 35 need to be corrected. I am putting the proposed changes in this memo:

SIXTH AMENDMENT TO PAHRUMP TOWN ORDINANCE NO. 35

A SIXTH ACT AMENDING PAHRUMP TOWN ORDINANCE NO. 35 TO CHANGE THE CHANGE OF LOCATION PROVISIONS AND THE LICENSE RENEWAL DATES TO PROVIDE FOR THE ANNUAL DUE DATE.

WHEREAS, the Town Board of the unincorporated Town of Pahrump has reviewed the provisions of PTO 35 and determined that changes are necessary to provide for clarification and to change the ordinance to agree with PTO 52 changing the renewal dates of business licenses.

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

AMENDING SECTION 35.140 to read as follows:

35.140 CHANGE OF LOCATION: The location of any licensed resident business or occupation, or of any permitted act, may be changed, including a resident home business; provided that ten (10) days written notice of the contemplated change is given to the License Officer by submission of a revised application, together with any required documents and fees. Failure to comply with this Section will result in the assessment of a penalty fee.

AMENDING SECTION 35.210 (B) to read as follows:

35.210 (B) Annual license fees shall be paid by the anniversary date of the date the license was initially issued. Failure to make such payment and continuation of doing business shall be grounds for revocation of license in addition to the penalties as provided in subsection 35.220 (E) below.

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

FIFTH AMENDMENT TO PAHRUMP TOWN ORDINANCE NO. 35

A FIFTH ACT AMENDING PAHRUMP TOWN ORDINANCE NO. 35; TO CHANGE THE ANNUAL BUSINESS LICENSE RENEWAL DATE TO THE ANNIVERSARY OF THE START DATE OF THE INDIVIDUAL BUSINESS; TO REPEAL ALL PROVISIONS INCONSISTENT HERETO; PROVIDING FOR SEVERABILITY; REPEAL EFFECTIVE DATE; AND OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, the Town Board of the unincorporated Town of Pahrump has reviewed the provisions of the business license date/s of expiration and has determined changes in the section are necessary to facilitate effective use of man hours and issuance of licenses in a timely manner.

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

AMENDING SECTION 35.190

35.190 **LICENSE TERM:** All licenses issued pursuant to the provisions of this Ordinance shall be subject to payment of the required licensing fees and shall be renewed each year, by the anniversary of the start date of each individual license issued.

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
4/7/2010

DATE OF DESIRED BOARD MEETING
4/13/2010

CIRCLE ONE: Discussion, Action, Decision or [REDACTED]

ITEM REQUESTED FOR CONSIDERATION:

Discussion and Decision on Approving Resolution #2010-06, A Resolution approving a Mutual Aid Agreement between the Nevada Fire Chiefs Association, the State of Nevada and Town of Pahrump t voluntarily aid and assist various member departments and agencies in the event of Fire Disaster on a local, countywide, regional, statewide and Interstate basis and other matters properly relating thereto.

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

BRIEF SUMMARY OF ITEM:

See attached Resolution #2010-06 along with a memorandum from Chief Lewis with attachments.

BACKUP ATTACHED: YES NO

SPONSORED BY: Town Manager/Fire Chief

NAME OF PRESENTER(S) OF ITEM: Town Manager/Fire Chief

William A. Kohbarger
Print Name

William A. Kohbarger 01/07/10
Signature

Town Office
Mailing Address

(775) 727-5107 ext. 305
Telephone Number

#14

Pahrump Valley Fire-Rescue Services

Administrative Offices

300 North Highway 160

Pahrump, Nevada 89060

(775) 727-5658 fax: (775) 751-4010

Scott F. Lewis, Fire Chief

MEMORANDUM

Date: April 6, 2010
To: William Kohbarger
From: Scott F. Lewis
Fire Chief
Subject: State of Nevada, Mutual Aid

On January 13, 2010, I accepted an invitation to attend a State of Nevada Fire Chief's Mutual Aid Informational Meeting which was held in Clark County.

A large segment of the agenda addressed Nevada Mutual Aid and the Nevada Master Mutual Aid Agreement. During the presentation, Coordinator Kelli Baratti, stated that she was uncertain if a page had been lost over the years, but several departments were unaccounted for in the State agreement. She asked that we each go back research our records and if necessary take the existing Mutual Aid Agreement to our respective boards and have it re-signed.

Upon my return, I checked our Mutual Aid archives. I found that we have a copy of the 1994 agreement that Kelli offered for our review. My review also revealed no signature from the Town of Pahrump. Since the agreement was executed approximately 8 years prior to my arrival, I have no accounting as to the signature page. Despite the lack of a signature, over the past two decades, the agreement has been exercised many times between the State of Nevada and the Town of Pahrump.

I respectfully submit a copy of the Mutual Aid Agreement for immediate consideration and signature by the Town Board. I have also attached additional back-up regarding the Nevada Fire Chief's Meeting Agenda and the participants.

If you require further information, please let me know.

Thank you.

Scott Lewis

From: Stacey Giomi [SGiomi@ci.carson-city.nv.us]
Sent: Thursday, January 07, 2010 4:26 PM
To: knicholson@bcnv.org; dhughes@ci.mesquite.nv.us; douglas.stevens@cityofhenderson.com; Al Gillespie; SVS@co.clark.nv.us; Nevada Fire Chiefs Association; mblankensop@forestry.nv.gov; ggammon@lasvegasnevada.gov; slewis@pahrumnv.org
Cc: Gary Neilson; 'Kathy Spellman'; Jay Wittwer; 'Ken Morgan'; jcw646@cox.net; jwright@dps.state.nv.us; 'Kelli Baratti'; Mike Myers; Ross Rivera; mbrown@nltfpd.net
Subject: Re: January 13th Meeting Reminder
Attachments: So NV mutual aid agenda.doc

Attached is the agenda for our meeting next week. Hope to see you there. Thank you.

>>> "Nevada Fire Chiefs Association" <ken.riddle@cox.net> 1/7/2010 15:10

>>> >>>

NFCA 2004 LOGO Dear Southern Nevada Fire Chiefs.

The Nevada Fire Chiefs Association, along with IAFC and the State Division of Emergency Management are working on an initiative to improve fire based, all-risk statewide mutual aid. The initiative has been several years in the making on a regional basis, but we are now trying to move forward with true statewide participation. I just wanted to remind you of the upcoming meeting we have scheduled for Wednesday, January 13th from 1:30 pm to 4:00 pm. The meeting will be held at Clark County Fire Station 18 located at 575 E. Flamingo.

I am working on an agenda and will send that to you next week. I look forward to your participation and the opportunity for us to discuss this important issues.

I hope you all have a safe new year!

Stacey Giomi

AGENDA

Nevada Fire Chiefs Mutual Aid Informational Meeting Wednesday, January 13, 2010 - 1330 to 1600 Clark County Fire Station 18 - 575 E. Flamingo Rd

Invited participants: Kelli Baratti – State Operations and Resource Manager, Nevada Division of Emergency Management; Mark Blankensop – Fire Management Officer, Nevada Division of Forestry; Chief Mike Brown – North Lake Tahoe Fire Protection District; Chief Greg Gammon – Las Vegas Fire/Rescue; Chief Al Gillespie – North Las Vegas Fire Department; Chief Stacey Giomi – Carson City Fire Department; Chief Derek Hughes – Mesquite Fire Department; Kurt Latipow – Washoe County Fire Services Coordinator; Chief Scott Lewis – Pahrump Fire Department; Chief Kevin Nicholson – Boulder City Fire Department; Chief Ken Riddle – Executive Director, Nevada Fire Chief Association; Chief Steve Smith – Clark County Fire Department; Chief Doug Stevens – Henderson Fire Department; Chief Jim Wright – Nevada State Fire Marshal

1. International Association of Fire Chief's mutual aid initiative. (Chief Brown)
2. Nevada Mutual Aid – Current State (Ms. Baratti)
 - a. Nevada Master Mutual Aid Agreement
 - b. Region 1 mutual aid process
 - c. R.O.S.S., NV Ross, and Division of Emergency Management resource management initiative
3. Southern Nevada mutual aid/automatic aid processes and procedures (Chief Gillespie)
4. Nevada Emergency Management Assistance Compact – NEMAC (Chief Giomi)
5. Concept for future operations
 - a. State of Nevada – Division of Emergency Management offer of assistance (Chief Brown & Chief Giomi)
 - b. Proposed statewide mutual aid agreement (Chief Brown)
 - c. Legislative changes (Chief Brown and Chief Giomi)
6. Table top exercise (Chief Brown)
7. Questions – group discussion – commitment to participate

Scott Lewis

From: Scott Lewis [slewis@pahrumnv.org]
Sent: Wednesday, February 03, 2010 2:20 PM
To: 'Kelli Baratti'
Subject: RE: Nevada SITREP 2/3

Greetings Kelli,

Have you had the time to forward a copy of the proposed State Mutual Aid document for Town of Pahrump Signatures?

Thanks,

Scott

From: Kelli Baratti [mailto:kbaratti@dps.state.nv.us]
Sent: Wednesday, February 03, 2010 1:54 PM
Subject: Nevada SITREP 2/3

Kelli Baratti
State Operations and Resource Manager

Nevada Division of Emergency Management/Homeland Security
2478 Fairview Drive
Carson City, Nevada 89701
775/720-2401 (Cell)
775-687-0310 (Office)
775-687-0323 (FAX)
kbaratti@dps.state.nv.us

****CONFIDENTIALITY NOTICE****

This email is intended only for the person(s) indicated. The email may contain information that is privileged, confidential, law enforcement, or otherwise exempt from disclosure under applicable law. If you are not the addressee, or it appears from the context or otherwise that you have received this email in error, please advise me immediately by reply email, keep the contents confidential, and immediately delete the message and any attachments from your system.

STATE OF NEVADA
FIRE MUTUAL AID AGREEMENT

This agreement made and entered into by and between the NEVADA FIRE CHIEFS ASSOCIATION, its various member departments and agencies, and the various political subdivisions, municipal corporations, and other public agencies of the State of Nevada;

WITNESSETH

WHEREAS, it is necessary that all of the resources and facilities of the NEVADA FIRE CHIEFS ASSOCIATION, its various member departments and agencies, and all the political subdivisions, municipal corporations, and other public agencies be made available to prevent and combat the effect of fire disasters; and

WHEREAS, it is desirable that each of the parties hereto should voluntarily aid and assist each other in the event that a fire disaster should occur, by the interchange of services and facilities; and

WHEREAS, it is necessary and desirable that a cooperative agreement be executed for the interchange of such mutual aid on a local, county-wide, regional, statewide, and interstate basis;

1. Each party shall develop a plan providing for the effective mobilization of all its resources and facilities, both public and private, to cope with any type of fire disaster.
2. Each party agrees to furnish resources and facilities and to render services to each and every other party to this agreement to prevent and combat any type of fire disaster in accordance with duly adopted mutual aid operational plans, whether heretofore or hereafter adopted, detailing the method and manner by which such resources, facilities, and services are to be made available and furnished, which operational plans may include provisions for training and testing to make such mutual aid effective; provided, however, that no party shall be required to deplete unreasonably its own resources, facilities, and services in furnishing such mutual aid.

3. It is expressly understood that this agreement and the operational plans adopted pursuant thereto shall not supplant existing agreements between some of the parties hereto providing for the exchange or furnishing of certain types of facilities and services on a reimbursable, exchange, or other basis, but that the mutual aid extended under this agreement and that such mutual aid is intended to be available in the event of a fire disaster of such magnitude that it is, or is likely to be, beyond the control of a single party and requires the combined forces of several or all of the parties to this agreement to combat.

4. It is expressly understood that any mutual aid extended under this agreement and the operational plans adopted pursuant thereto, is furnished in accordance with the Interstate Mutual Aid Compact, NRS 415, Interlocal Cooperation Act, NRS Chapter 277 *et seq.* and other applicable provisions of law, and except as otherwise provided by law that the responsible local official or his representative in whose jurisdiction the fire incident requiring mutual aid has occurred shall remain in charge at such incident including the direction of such personnel and equipment provided him through the operation of such mutual aid plans.

5. This agreement shall become effective as to each party when approved or executed by the party, and shall remain operative and effective as between each and every party that has heretofore or hereafter approved or executed this agreement, until participation in this agreement is terminated by the party. The termination by one or more of the parties of its participation in this agreement shall not affect the operation of this agreement as between the other parties thereto.

6. Approval or execution of this agreement shall be as follows:
 - a. The Governor shall execute a copy of this agreement on behalf of the State of Nevada and the various departments and agencies thereof. Upon execution by the Governor a signed copy shall forthwith be filed with the Clerk of the Secretary of State's Office and the State Board of Examiners.

b. Counties, cities, and other political subdivisions and public agencies having a legislative or governing body shall by resolution approve and agree to abide by this agreement, which may be designated as "NEVADA FIRE MUTUAL AID AGREEMENT." Upon adoption of such a resolution, a certified copy thereof shall forthwith be filed with the Secretary of State's Office, the State Board of Examiners and County Recorder for each participating County.

C. The executive head of those political subdivisions and public agencies having no legislative or governing body shall execute a copy of this agreement and forthwith file a signed copy with the Secretary of State's Office and county recorder.

7. Termination of participation in this agreement may be effected by any party as follows:

a. The Governor upon behalf of the State and its various departments and agencies, and the executive head of those political subdivisions and public agencies having no legislative or governing body, shall file a written notice of termination of participation in this agreement with the Secretary of State's Office and this agreement is terminated as to such party 20 days after the filing of such notice.

b. Counties, cities, and other political subdivisions and public agencies having a legislative or governing body shall by resolution give notice of termination of participation in this agreement and file a certified copy of such resolution with the Secretary of State's Office and the County Recorder, and this agreement is terminated as to such party 20 days after the filing of such resolution.

8. All privileges and immunities from liability, exemptions from law, ordinances, rules, all pension, relief disability, workmen's compensation and other benefits which apply to the activity of its agencies, instrumentalities, officers, agents, employees and contractors (whether compensated or uncompensated) when performing their respective functions within the territorial limits of their

respective political subdivisions, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this Agreement.

9. *The State of Nevada : Fire Mutual Aid Plan, 2nd Ed., March 1989*, is incorporated herein by reference and made a part hereof as if fully printed in this Agreement.

IN WITNESS THEREOF this agreement has been executed and approved and is effective and operative as to each of the parties as herein provided. On behalf of the State of Nevada, and in accordance with and pursuant to NRS 415 et seq. the foregoing Interlocal Contract, dated is hereby enacted and implemented as of the below date.

Bob Miller Dated this 1st day of March, 94
BOB MILLER
Governor, State of Nevada

Filed with the Secretary of State
[Signature] 3/1/94
Attest Date

Filed with the Board of Examiners
[Signature] 3/1/94
Clerk Date

(EXECUTIVE SEAL)



Approved as to form:
FRANKIE SUE DEL PAPA, Attorney General
by *Lisa Clayton*, Deputy Attorney General
Signed by Date 12/30/93

Randall J. Sparks Sparks Fire Dept.
Fire Chief Jurisdiction, Date

Stephen D. Murray N. Las Vegas 3/1/94
Fire Chief Jurisdiction, Date

Oliver Herbert Henderson F.D. 3/1/94
Fire Chief Jurisdiction, Date

Edell Webb Las Vegas 3-1-94
Fire Chief Jurisdiction, Date

Dean J. Mallory Boulder City 3-1-94
Fire Chief Jurisdiction, Date

Chas. S. Hunter Clark County 3-1-94
Fire Chief Jurisdiction, Date

Shelley Carson City 3-1-94
Fire Chief Jurisdiction, Date

J. W. Turner State 3/1/94
Fire Chief Jurisdiction, Date

Brunston Tucker Meadows Fire Dist 3/1/94
Fire Chief Jurisdiction, Date

Paul D. Bell State Fire Marshal 3/1/94
Fire Chief Jurisdiction, Date

and Murphy THE MOUNTAINS FIRE 3/1/94
Fire Chief Jurisdiction, Date

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
4/5/2010

DATE OF DESIRED BOARD MEETING
4/13/2010

CIRCLE ONE: Discussion, Action, Decision or [REDACTED]

ITEM REQUESTED FOR CONSIDERATION:

Discussion and Decision on Choosing a New Town Logo, which adopts the winning Branding Contest slogan "Sunning Days & Western Ways" and All Matters Related Thereto.

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

BRIEF SUMMARY OF ITEM:

See attached copies of several logos.

BACKUP ATTACHED: YES NO

SPONSORED BY: Town Manager

NAME OF PRESENTER(S) OF ITEM: Town Manager

William A. Kohbarger
Print Name

William A. Kohbarger 04/05/10
Signature

Town Office
Mailing Address

(775) 727-5107 ext. 305
Telephone Number

**MEMO
TOWN OF PAHRUMP
AGENDA ITEM UPDATE
MEETING DATE: April 13, 2010**

TO: Town Board

FROM: William A. Kohbarger, Town Manager

DATE: Thursday, November 05, 2009

RE: **Discussion and possible decision** on Choosing a new Town Logo, which adopts the winning Branding Contest slogan “Western Ways & Sunny Days” ad All Matters Related Thereto. (Action)

1.) Background

Realizing the unique opportunity that the Town is doing in re-designing the website along with the PTCC conducting a Branding Contest, the staff decided to attempt to re-design the Town’s outdated logo.

The staff contacted Great Basin College and utilized one of their staff members (Ms. Alex Compton, Graphic Design) along with utilizing the services of the Town’s new website designer, Mr. Brian Shoemake to help create a new logo. After conversing with Town staff Ms. Compton and Mr. Shoemake created several different logos.

The logos are attached with identifying letters (A,B,C etc..) so that the Town Board can choose which they like by identifying the letter designated to the logo.

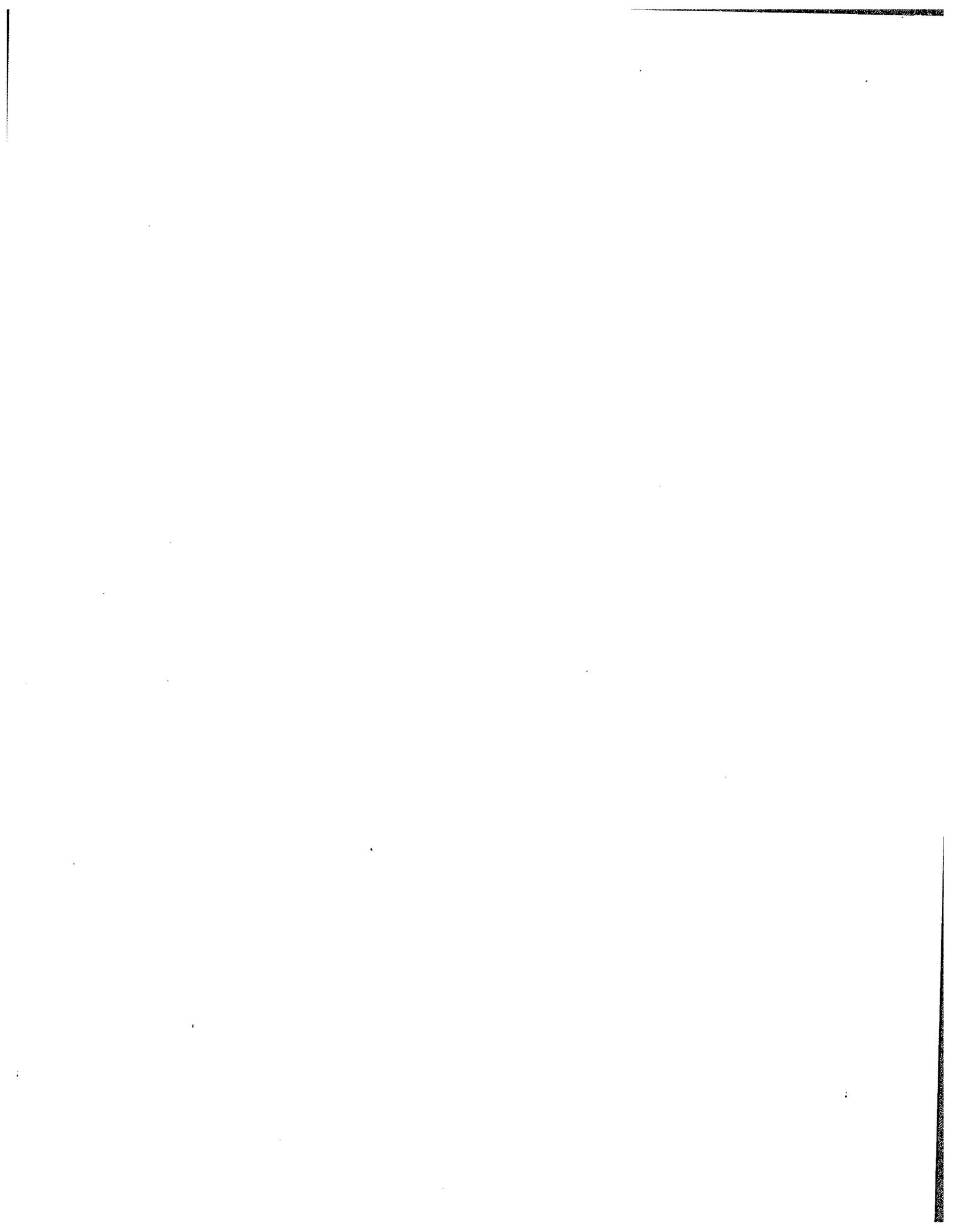
2.) Fiscal Impact

The fiscal impact will be minimal. It will consist of replacing the old logo with the new logo. NOTE: We will continue to use all items (letterheads, envelopes, etc..) with the old logo until those items are gone. All emblems on Town owned vehicles are stickers and can be changed out.

3.) Town Manager Recommendation and Board Action Requested

Town Manager’s recommendation, after conferring with staff (see attached e-mails) is for the Town Board to approve Logo “A” and direct staff to replace the old logo with the new logo.

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



William Kohbarger

From: Arlette Ledbetter [aledbetter@pahrumnv.org]
Sent: Monday, April 05, 2010 10:18 AM
To: Bill Kohbarger
Subject: Positive feedback on the logo...

I have received all positive comments from employees regarding the revised "flowers" logo. I haven't forwarded the individual emails but they are all positive...except Carla! She said she was partial to the dry scaly ground...just kidding!

Arlette Ledbetter

Town of Pahrump
775-727-5107 Ext. 310
775-727-0345 Fax

*****PRIVATE AND CONFIDENTIAL*****

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William Kohbarger

From: Arlette Ledbetter [aledbetter@pahrupnv.org]
Sent: Tuesday, March 30, 2010 3:35 PM
To: Bill Kohbarger
Subject: FW: New Logo Image....

Two thumbs up!

Thanks,

Terry

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

From: Arlette Ledbetter [mailto:aledbetter@pahrupnv.org]
Sent: Tuesday, March 30, 2010 2:54 PM
To: 'Al Balloqui'; Bill Kohbarger; Carla; Cookie; Dee; Matt Luis ; Melissa ; Michael Sullivan ; Missy ; Scott Lewis; Terry; Toni
Subject: New Logo Image....

Hi All,

Bill would like your opinion and input about the attached logo.

Thanks,

The message is ready to be sent with the following file or link attachments:

logo3-950.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

William Kohbarger

From: Arlette Ledbetter [aledbetter@pahrupnv.org]
Sent: Tuesday, March 30, 2010 3:37 PM
To: Bill Kohbarger
Subject: FW: New Logo Image....

I like it. Is it replacing the Town seal on letterhead and such?

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

From: Arlette Ledbetter [mailto:aledbetter@pahrupnv.org]
Sent: Tuesday, March 30, 2010 2:54 PM
To: 'Al Balloqui'; Bill Kohbarger; Carla; Cookie; Dee; Matt Luis ; Melissa ; Michael Sullivan ; Missy ; Scott Lewis; Terry; Toni
Subject: New Logo Image....

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William Kohbarger

From: Arlette Ledbetter [aledbetter@pahrupnv.org]
Sent: Tuesday, March 30, 2010 4:03 PM
To: Bill Kohbarger
Subject: FW: New Logo Image....

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

From: Antonia Glines [mailto:aglines@pahrupnv.org]
Sent: Tuesday, March 30, 2010 4:01 PM
To: 'Arlette Ledbetter'
Subject: RE: New Logo Image....

Very colorful!

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

From: Arlette Ledbetter [mailto:aledbetter@pahrupnv.org]
Sent: Tuesday, March 30, 2010 2:54 PM
To: 'Al Balloqui'; Bill Kohbarger; Carla; Cookie; Dee; Matt Luis ; Melissa ; Michael Sullivan ; Missy ; Scott Lewis; Terry; Toni
Subject: New Logo Image....

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William Kohbarger

From: Ariette Ledbetter [aledbetter@pahrupnv.org]
Sent: Tuesday, March 30, 2010 3:30 PM
To: Bill Kohbarger
Subject: FW: New Logo Image....

I like it!! I screamed Yahoo!!!

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

From: Arlette Ledbetter [mailto:aledbetter@pahrupnv.org]
Sent: Tuesday, March 30, 2010 2:54 PM
To: 'Al Balloqui'; Bill Kohbarger; Carla; Cookie; Dee; Matt Luis ; Melissa ; Michael Sullivan ; Missy ; Scott Lewis; Terry; Toni
Subject: New Logo Image....

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William Kohbarger

From: Arlette Ledbetter [aledbetter@pahrumnv.org]
Sent: Tuesday, March 30, 2010 3:05 PM
To: Bill Kohbarger
Subject: FW: New Logo Image....

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

From: Missy Arms [mailto:marms@pahrumnv.org]
Sent: Tuesday, March 30, 2010 3:02 PM
To: 'Arlette Ledbetter'
Subject: RE: New Logo Image....

I really like it. There is just one small thing and that is the dirt below Nevada looks scaly, but I guess that is how some of the land looks.

Thanks,
Missy Arms
Business License Technician
Town of Pahrump
400 N Highway 160
Pahrump, NV 89060
(775 727-5107 Ext 312
(775 727-0345
(marms@pahrumnv.org

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

From: Arlette Ledbetter [mailto:aledbetter@pahrumnv.org]
Sent: Tuesday, March 30, 2010 2:54 PM
To: 'Al Balloqui'; Bill Kohbarger; Carla; Cookie; Dee; Matt Luis ; Melissa ; Michael Sullivan ; Missy ; Scott Lewis; Terry; Toni
Subject: New Logo Image....

Hi All,

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William Kohbarger

From: Arlette Ledbetter [aledbetter@pahrupnv.org]
Sent: Tuesday, March 30, 2010 3:04 PM
To: Bill Kohbarger
Subject: FW: New Logo Image....

In my opinion.....I LOVE IT!!!

Cookie

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

From: Arlette Ledbetter [mailto:aledbetter@pahrupnv.org]
Sent: Tuesday, March 30, 2010 2:54 PM
To: 'Al Balloqui'; Bill Kohbarger; Carla; Cookie; Dee; Matt Luis ; Melissa ; Michael Sullivan ; Missy ; Scott Lewis; Terry; Toni
Subject: New Logo Image....

Hi All,

Bill would like your opinion and input about the attached logo.

Thanks,

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PAHRUMP TOWN BOARD MEETING
BOB RUUD COMMUNITY CENTER
150 NORTH HIGHWAY 160
TUESDAY – 7:00 P.M.
MARCH 23, 2010

MINUTES

PRESENT:

Town Board:

Nicole Shupp
Bill Dolan
Mike Darby
Frank Maurizio

Staff:

Bill Kohbarger
Michael Sullivan
Rick Campbell, Attorney

ABSENT:

Town Board:

Vicky Parker

1. Call to Order and Pledge of Allegiance.

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)

Bill Dolan motioned to remove Items 15, 16, and 17. Mike Darby seconded the motion.

Vote passed 4 – 0.

3. Announcements (Non-Action)

Frank Maurizio read announcements as prepared.

Mr. Maurizio announced Earth Day to take place on April 17.

Nicole Shupp noted that the Nevada Commission on Ethics will hold a workshop on March 25 from 3 – 5 p.m.

Bill Garlough announced the Town Clean Up to be held May 8th at the Calvada Duck Pond.

Tom Waters announced the VITA Tax Assistance program.

Gina Goode announced Earth Hour to be held on March 27.

Sandra Darby announced that she is starting a Constitution Study Group.

Sara Adler announced a USDA Rural Development program to help home owners.

Art Jones announced that the VA clinic is closed and Desert View Hospital is seeing the VA patients.

Butch Harper presented a letter to the Board from Department of Veterans Affairs.

Pahrump Town Board Meeting
March 23, 2010

4. Advisory Board Reports, from Advisory Board Chairpersons and/or Town Board Liaisons on the status of Advisory Boards. (Non-Action)
Don Rust of the Incorporation Advisory Board announced that three community information sessions were held regarding the Incorporation feasibility study. The next two are scheduled for April 6th at Nevada Treasures RV Resort and April 20th at the Pahrump Nugget. Mr. Rust hoped for a better turnout at these hearings.
Tom Waters of the Veterans Memorial Advisory Board announced their special meeting for March 29. Dr. Waters asked for new members to apply for membership on this Advisory Board.
5. Town Manager Report. (Non-Action)
There were no questions regarding the Town Manager Report.
6. Town Board Member's Comments. (Non-Action)
None
7. Presentation by Jack Wood regarding 2010 Census. (Non-Action)
Mr. Jack Wood gave a power point presentation concerning the history and the reason for the Census and what it means to the community.
8. Presentation by Harvey Caplan from Pahrump Radio. (Non-Action)
Andy Alberti, for Harvey Caplan, gave a verbal presentation regarding internet radio. Mr. Alberti noted that the pilot program would cost \$300 per month.

Mike Darby commented.
Bill Dolan explained that 365Radio.com does that same thing for less than \$50 per month.
9. Discussion and possible decision to approve Resolution 2010-04, 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. (Action)
Bill Dolan motioned to approve Resolution 2010-04, 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. Mike Darby seconded the motion.

Comment was made Bob Irving.

Vote passed 4 – 0.
10. Discussion and possible decision to approve final reading of PTO #39, An Amendment to Ordinance #39 of the Unincorporated town of Pahrump to revise and restate the management and maintenance of the Town's cemetery, and providing for other matters properly relating thereto. (Action)
Nicole Shupp explained that this item is to approve the wording and that the fees have been approved through a resolution.

Pahrump Town Board Meeting
March 23, 2010

Mike Darby had concerns regarding the veteran's fees and would like wording that says the fees would not exceed fees paid from the Veterans Administration. Mr. Darby feels that without the wording it is possible for two charges, one from the VA and one for the Cemetery. Bill Kohbarger explained the request should go into the resolution regarding the fees.

Frank Maurizio said he requested a word change for the Jewish rites for burial. The wording changed, but a fee was added. Bill Kohbarger and Bill Dolan explained that the extra fee would apply to everyone and is not discriminating. The fees would cover extra personnel and overtime fees. Bill Dolan noted that this is customary with cemeteries around the country.

Bill Dolan motioned to approve final reading of PTO #39, An Amendment to Ordinance #39 of the Unincorporated Town of Pahrump to revise and restate the management and maintenance of the Town's cemetery, and providing for other matters properly relating thereto. Mike Darby seconded the motion.

Bruce Calley and Anthony Greco commented.

Mr. Dolan asked if he needed to amend his motion to add the fee schedule when PTO #39 is published. Mr. Kohbarger said it could be done as a direction from the Board.

Motion lost. Vote 2 – 2. Mike Darby and Frank Maurizio voted nay.

11. Discussion and possible decision concerning request from Nuclear Waste and Environmental Advisory Board for funds for Earth Day, April 17, 2010; \$750.00 for advertising and \$100.00 for prizes. (Action)

John Pawlak presented information as provided in the backup for Earth Day on April 17. Bill Kohbarger read a letter of support for this item from Vicky Parker who was absent from the meeting and suggested the funds come from Economic Development as it has in the past.

Bill Dolan asked about combining Earth Day and the Town Clean Up. John Pawlak explained that it was separate previously, joined together for the past few years and then separated again this year hoping for a better participation. Bill Dolan asked what other sponsors are putting forward for this event. Mr. Pawlak provided information that included participation from Pahrump Valley Disposal, Southern Nye County Conservation District, UNLV, the Nye County Repository, Great Basin College and other local participation.

Mike Darby noted that the budget is considerably less than last year and commended Mr. Pawlak for being thrifty.

Mike Darby motioned to grant the Nuclear Waste and Environmental Advisory Board the funds for Earth Day in the amount of \$750 for advertising and \$100 for prizes. Frank Maurizio seconded the motion.

Pahrump Town Board Meeting
March 23, 2010

Vote passed 4 – 0.

12. Discussion and possible decision Consent agenda items: (Action)

- a. Action – approval of Town vouchers.
- b. Action – approval of Town Board meeting minutes of March 9, 2010.
- c. Action – approval of \$750 to Pahrump Valley Chamber of Commerce (PVCC) for the Baker to Las Vegas run.
- d. Action – approval of \$1,250 to PVCC for Nevada Commission on Tourism grant match for advertising in the RV Journal.
- e. Action – approval of \$5,000 for Threadz 2010 event marketing.

Frank Maurizio motioned to approve consent agenda items a through e.

Harley Kulkin called Point Of Order. Mr. Kulkin requested that Items 12c, 12d, and 12e be removed.

Bill Dolan called Point Of Order pointing out that this should have been done under Item #2.

Attorney Rick Campbell asked for clarification of Mr. Kulkin's request. Mr. Kulkin asked that Items 12c-e be discussed as separate items.

Rick Campbell agreed that changes should have been requested under Item #2 and would be the pleasure of Board to separate them and not remove them.

Bill Dolan seconded the original motion.

Harley Kulkin commented about the removal of c-e as there are others that would like to speak on these items. He said in the future he will make his requests under Item #2 but sees no reason not to hear these as individual items.

Bruce Calley commented about grants and monies being given away are to be heard separately. Bill Kohbarger noted that we are talking about the motion a – e, but would answer his questions after.

Comments were heard from Carl Moore, Harley Kulkin, Donna Cox, Gordy Jones, Dave Stevens, Andy Alberti, Lynn Jones, Don Cox, Julie Hargis, Bruce Calley, Harold Grimmaud and Bob Irving.

Motion lost. Vote 2 – 2. Frank Maurizio and Mike Darby voted nay.

13. Future Meetings/Workshops: Date, Time and Location. (Action)

Incorporation Feasibility Public Hearings were restated.

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

Pahrump Town Board Meeting
March 23, 2010

Dave Stevens commented about closed session being for Incorporation. Mr. Stevens commended the Town Manager for his comments at the Utilities, Inc. meeting. Butch Harper presented Ms. Westphal with a cartoon photo of a Cubs bear and Dr. Tom Waters with a signed poster and photo.

Bill Garlough commented regarding the funds for the Boys and Girls Club.

Harley Kulkin commented about having a good life in Pahrump.

Don Cox commented about recognizing Town pioneers Pat Mankins, Bill Mankins, and Diana Stiles.

Carolene Endersby commented about a campaign to raise funds for the Boys and Girls Club.

Donna Cox commented on the same items as Mr. Calley, as well as BLM.

15. Discussion and decision regarding closed session for the Town Attorney to advise the Town Board regarding pending litigation pursuant to NRS 241.015(2)(b)(2). (Action)
Removed under Item #2

16. Closed session.
Removed under Item #2

17. Discussion and decision regarding issues addressed in closed session. (Action)
Removed under Item #2

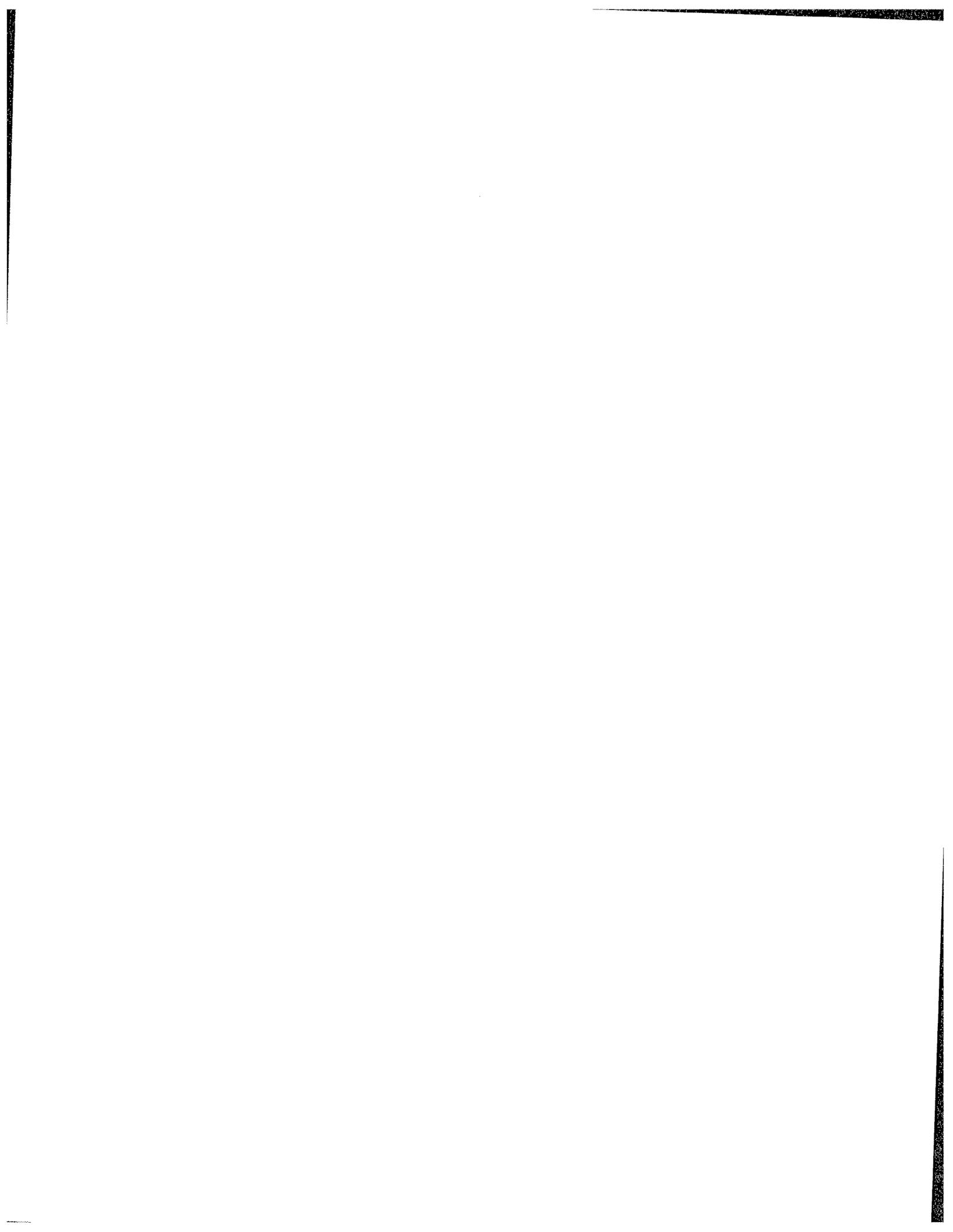
18. Adjournment.

Meeting adjourned at approximately 8:37 p.m.

Respectfully submitted,

Vicky Parker, Town Clerk
Pahrump Town Board

/cw



SPECIAL PAHRUMP TOWN BOARD MEETING
PAHRUMP TOWN OFFICE
400 NORTH HIGHWAY 160
MONDAY – 7:00 P.M.
MARCH 29, 2010

MINUTES

PRESENT:

Town Board:

Vicky Parker
Frank Maurizio
Nicole Shupp (via phone conference)
Bill Dolan (via phone conference)
Mike Darby (via phone conference)

Staff:

Bill Kohbarger
Michael Sullivan

1. Call to order and pledge of allegiance.
Vicky Parker apologized for having this meeting on Passover.
Vicky Parker called the meeting to order and led in the pledge.
2. Discussion and possible decision Consent agenda items: (Action)
 - a. Action – approval of Town vouchers.
 - b. Action – approval of Town Board meeting minutes of March 9, 2010.
Vicky Parker motioned to approve consent agenda item a. Bill Dolan seconded the motion.
Vicky Parker amended her motion to approve consent agenda items a and b. Bill Dolan seconded the motion.

Vote passed 5 – 0.
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). (Non-Action)
None
4. Adjournment
Meeting adjourned at approximately 7:06 p.m.

Respectfully submitted,

Vicky Parker, Clerk
Pahrump Town Board