

Town Manager Report
04/28/09

1. Agenda Item #10 RRoR – I placed this item on the agenda due to the fact that no previous Town Board has ever adopted a formal format or guidance document for conducting TB meetings. This has come up over the past weeks due to the fact that PTO #43 was placed back on the agenda item. According to RRoO, this should not have been allowed. However, since the previous Town Board never adopted RRoO or some other form of guidance document I or the Town Attorney was in no position to stop the item from being placed back on the agenda. Fortunately or unfortunately however you look at it, we learn from ours or others mistakes. That is why I am placing this item on the agenda. I strongly believe that the Town Board either adopts RRoO as their guidance document or find wording to create such a document. If the Town Board would like they could approve this as it stands or request that staff place same back on the agenda in the form of a resolution or tabled or reject this item.
2. Airport – Attended along with Mr. Balloqui and Mr. Gronda the 2009 Nevada Airport Association Annual Conference in Carson City. Mr. Balloqui was requested to be a presenter. Town staff along with Aries Consultant met with FAA officials on Wednesday morning to discuss future plans of the proposed Pahrump Valley Airport. We are requesting additional funds from the FAA grant to cover the rising costs from all the hoops that the BLM is making the Town jump through. It seems the closer we move toward actually turning dirt, the more hoops we encounter which increases the cost. The meeting with the FAA went very well. They advised us what they wanted for the additional request for funds and we told we will follow their direction. In addition, the Nye County Road Department is very close to finishing the right-a-way request for the road leading from Gamebird to the proposed airport site. Once they have finished the right-a-way, it will be forwarded to the BLM for their approval. THANK YOU Nye County Road Department.
3. Settlement Agreement Pertaining to PTO #43 – This should be signed and done by the time this report goes to publication. The above mentioned settlement was supposed to have been signed last week however it was not. TBM Parker and I were told on Monday, April 20, 2009 that it was not signed and that it was the Town's fault it was not signed. Upon checking this out, I spoke with the Town's POOL/PACT attorney who advised me that the above mentioned agreement would be to me by Tuesday April 21, 2009 morning for my signature. That he was just waiting for above mentioned agreement to be returned to him by one of the other attorneys involved in this case. However, upon sitting at Kinko's in Carson City waiting on line for twenty-seven minutes on Tuesday April 21, 2009 I was advised by the Town's POOL/PACT attorney that one of the other attorneys involved in this case was just now reviewing the above mentioned agreement and had requested more time. I was then told that I might receive the above mentioned agreement by tomorrow. I will inform the Town Board during the



Town Board meeting on the 28th if the above mentioned agreement has been signed and if not why. GOOD NEWS, the Settlement agreement was signed by Mr. Clean and myself at approximately 3:00 p.m. yesterday (04/22/09) in Las Vegas.

4. Communication Package – Goal & Objective #4; I will be scheduling a meeting with all involved to get this program off the ground. I have talked with several of those I have asked to be involved and they are excited about participating. Marie Wujek, Editor PVT has already stepped up and offered free space to place the Town Newsletter in the PVT. Thanks Marie!!!! I feel by doing a Town Newsletter the citizens will be better informed about what is taking place in their local government. It will also assist us in becoming transparent and getting information out to the citizens. I will require articles from department heads and Board members along with myself. These articles will pertain to issues involving the Town. Please provide any feedback to me on this idea.
5. CCA (Federal Detention Center) – CCA was given the Notice to Proceed by the Federal Government. CCA is looking at breaking ground around June/July 2009. This project should take approximately 18 months to complete. Once completed it will increase the Town's revenue by approximately \$115,000.00 annually.
6. RFQ Engineering – This item was approved on the April 14, 2009 agenda and has been sent out to the appropriate newspapers and websites by Mrs. Bostwick. The Town has fielded several questions from prospective candidates pertaining to the scope of work and type of projects.
7. POOL/PACT – POOL/PACT, the Town's risk management insurance company is holding their Annual meeting in Sparks on April 31 to May 1, 2009. I will be attending this meeting since I am the Town's voting representative. In addition, my name (Actually the Town of Pahrump) has been placed on the ballot to become a member of the Executive Committee. (See attached e-mail between Wayne Carlson and myself)
8. VEA (Valley Electric Association) – I will be attending the VEA Annual full membership meeting on behalf of the Town this Saturday, April 25, 2009 at Fish Lake Valley, Dyer, Nevada.
9. 2010 Census – Negotiations are currently on going between the Town and Fish & Wildlife and the BLM. Mr. Balloqui is diligently working on this project. Mr. Balloqui and I met via telephone with the new BLM Pahrump Field Office Manager, Mr. Patrick Putnam. During this phone conversation we discussed several options on costs that we need to obtain BLM approval.
10. Town of Pahrump TV Show – So far the Town of Pahrump TV show hosted by myself has gone well. The time and date has changed: Thursdays at 2:00 p.m. So far Mrs. Shupp, Mr. Dolan, Mrs. Parker and Mr. Darby have been on the show. I

am happy to report that they are survived the show. Mr. Maurizio is next. After all five (05) Board members have been interviewed I will either ask for County Commissioners to appear or have Board members back for a second time.

11. PAVED – Attached in their monthly newsletter for your reading enjoyment.

12. Correspondences:

- a. 2010 Census – Thank you letter.
- b. ACLU Letter and attachment Re: Constitutional Issues Raised By Substandard Conditions at the Nye County Detention Facility in Pahrump.
- c. United State Department of the Interior – Notification of Action on Public Lands Under Wilderness Review.
- d. Pahrump Valley Disposal – Dropped off several billings with positive notes.
- e. Mr. Harold Boggess – Letter pertaining to PTO #43.

13. See attached a copy of my April and May calendars.

William Kohbarger

From: Wayne Carlson [waynecarlson@poolpact.com]
Sent: Friday, March 27, 2009 1:16 PM
To: William Kohbarger
Subject: RE: Executive Committee elections
Attachments: image001.jpg

Bill,

Thanks for your interest. We will add your name for consideration.

Wayne Carlson
(775) 885-7475

From: William Kohbarger [mailto:bkohbarger@pahrumprnv.org]
Sent: Monday, March 23, 2009 3:11 PM
To: Wayne Carlson
Subject: RE: Executive Committee elections

Wayne,

Yes, I would love to have my name listed as a potential candidate. Plus it would be an honor to sit on the Executive Board. Thanks.

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

From: Wayne Carlson [mailto:waynecarlson@poolpact.com]
Sent: Monday, March 23, 2009 2:55 PM
To: bkohbarger@pahrumprnv.org
Subject: Executive Committee elections

Bill,

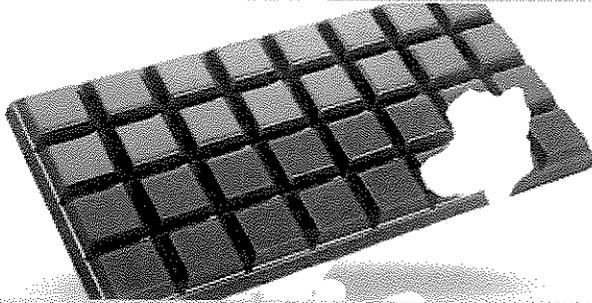
Since Mike Tourin of Sun Valley GID has retired and thus vacated his position on the PACT Executive Committee, the position will be open for election at the annual meeting on May 1, 2009. Mike introduced me to Martha Boyce, General Manager at Sun Valley GID, indicating she was interested. I checked our records and there are only two members that qualify for this slot on the PACT: Sun Valley GID and Town of Pahrump. Since this is an open election, do you wish to have your name also listed as a potential candidate for the position? Let me know.

Wayne Carlson

(775) 885-7475

William Kohbarger

From: Mary Balloqui [mary@paved.ccsend.com] on behalf of Mary Balloqui [paved4nevada@aol.com]
Sent: Friday, April 24, 2009 10:12 AM
To: bkohbarger@pahrupnv.org
Subject: Thank You from PAVED



NEWSLETTE

PAVED Monthly

Dear Bill,

We had an amazing evening at the Pahrump Economic Development General Meeting on Tuesday. There were 42 attendees and we had 4 guest speakers who informed us of interesting events going on in Pahrump and the Amargosa Valley.

Success

Our first speaker of the evening was Marvin Minnick who is the Chair of Public Lands Advisory Board. Through the use of a Powerpoint Presentation he spoke about the vision for Last Chance Park which will be on the Northwest end of the Valley. Please attend the community meeting at the Ruud Community Center on April 29th at 6pm.

Tom Saitta was there to tell us about his new restaurant, Tommasino's, which should be opening in 5-6 weeks, he already has plans for expansion within the first year of opening. Check out his website at www.tommasinosnv.com for more information and a mouth watering menu.

Our next speaker was Gary Miller, who has arranged to host the Nevada State Bench Press and Dead Lift Championships at the Pahrump Nugget Saturday August 8th. There will be over 200 visitors for this event staying at least 2 days. Gary plans to hold this event here annually which will bring in tourism dollars.

Our final speaker of the evening was Rich Regnell from the Amargosa Opera House. He has some incredible stories about Marta Becket and the Opera House and Hotel. He showed a video of Marta speaking about her life and career as an entertainer. She is one spectacular woman! Her show is performed Saturday nights from October thru May. Call for seating availability.

We thank all our speakers for a very informative and exciting evening.

In This Issue

[Amargosa Opera House](#)

[Last Chance Park](#)

Featured Speakers

Marvin Minnick - Last Chance Park

Rich Regnell - Amargosa Opera House

Tom Saitta - Tommasino's Italian Restaurant

Gary Miller - Nevada State Power Lifting Champion

See you all on Tuesday 19th May for the next exciting instalment!

About Us

As always, we thank you for your continued support and participation in the growth of Pahrump.

PAVED
2050 S. Hwy. 160
Pahrump, Nevada 89048
(775) 513-1443

Forward email

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PAVED | 2050 S. Hwy. 160 | Pahrump | NV | 89048

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2010 CENSUS: IT'S IN OUR HANDS

UNITED STATES DEPARTMENT OF COMMERCE
U.S. CENSUS BUREAU
Nevada Early Local Census Office
3821 West Charleston Blvd., Ste 110
Las Vegas, Nevada 89102
Voice: (702) 750-3412 Fax: (702)258-9953

April 6, 2009

On behalf of the United States Census Bureau offices in Nevada, we would like to thank you for donating your facilities for the training of our crew.

The data collected during the census is crucial to many planning decisions—such as neighborhood improvements, emergency preparedness, disaster recovery, public health services, education, transportation, senior services, and much more.

Population information collected through the census is used to allocate billions of dollars in annual federal funding for states and communities. With accurate records that reflect the constant growth of our community and the ever changing face of the people who live in Nevada, we can expect our public services and government to be appropriately funded and staffed to better serve the people. The census also determines how many seats each state will have in the U.S. House of Representatives.

We appreciate your support and thank you for taking part in this historic opportunity to serve your community and help build a better Nevada.

As the 2010 Census kicks into gear, it is our hope that we can continue to work together to ensure a consistent and complete count of our residents. Remember, "It's In Our Hands!"

Sincerely,

*Frank Weiss
Nevada Early Local Census Office*



March 30, 2009

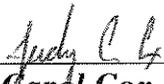
William Kohbarger
Pahrump Town Manager
400 N. Nevada Highway 160
Pahrump, NV 89060

Re: Letter From The ACLU of Nevada To The Nye County Board Of Commissioners

Dear Mr. Kohbarger:

Enclosed please find a copy of the letter dated March 30, 2009 from the ACLU of Nevada to the Nye County Board of Commissioners regarding the conditions at the Nye County Detention Facility in Pahrump, Nevada.

Sincerely,



Judy Carol Cox
Beverly Rogers Fellow
ACLU of Nevada
732 South 6th Street
Las Vegas, Nevada 89121
(702)366-1536 (phone)
(702)366-1331 (fax)
cox@aclunv.org

"The strength of the Constitution lies entirely in the determination of each citizen to defend it."

-- Albert Einstein

AMERICAN CIVIL
LIBERTIES UNION
OF NEVADA

Northern Office:
1325 Airmotive Way
SUITE 202
RENO, NV 89502
T/775-786-1033
F/775-786-0508

Southern Office:
732 South Sixth Street
SUITE 200A
LAS VEGAS, NV 89101
T/702-366-1536
F/702-366-1331

WWW.ACLUNV.ORG

FILE COPY

March 30, 2009

Nye County Board of Commissioners
Commissioners' Chambers
101 Radar Rd.
Tonopah, NV 89049

By U.S. Mail

Re: Constitutional Issues Raised By Substandard Conditions at the Nye County Detention Facility in Pahrump

Dear Board of Commissioners:

In October 2008, attorneys and staff from the American Civil Liberties Union of Nevada visited the Nye County Detention Facility in Pahrump, also known as the Pahrump jail, to investigate and document several conditions that could potentially form the basis of a legal challenge. The ACLU of Nevada is not the first entity to take notice of the substandard conditions at the jail. Nye County Commissioners have been on notice of the jail's substandard conditions since at least 2003, if not earlier. We reviewed two reports detailing the substandard conditions at the Pahrump jail: one prepared by the National Institute of Corrections (NIC), a division of the Bureau of Prisons, and another prepared by Kitchell CEM, one of the nation's leading program/construction managers for correctional facilities. Based on these reports and our recent investigation, many of the serious violations detailed in those reports continue to exist or have worsened and the ACLU of Nevada is deeply concerned.¹ The NIC report was issued on December 13, 2003, and the Kitchell Report was issued on November 1, 2005.

While the list of deficiencies is long, the main concerns for the ACLU of Nevada are that the Pahrump jail is overcrowded, understaffed, and the living conditions created by the deterioration of the current facility make it uninhabitable. These conditions violate the rights of inmates, the majority of whom are still awaiting trial (95% of inmates according to the 2003 NIC audit). The inmates are being subjected to many potentially unconstitutional prison conditions, such as overcrowding, lack of access to medical care, potential exposure to rust, mold, and lack of air circulation, and lack of access to legal materials with which to prepare for their upcoming trials. While it is true that many innocent people are arrested and charged with offenses, even those who are found guilty are still entitled to constitutional minimum standards of treatment and living conditions.

¹ The ACLU of Nevada has expertise assessing unconstitutional conditions at facilities in Nevada. In concert with the ACLU's National Prison Project, it has filed a lawsuit against the Nevada Department of Corrections to remedy similar problems at Ely State Prison ("ESP"). The ACLU filed suit because the grossly inadequate medical care at ESP is depriving the prisoners at of the minimal civilized measure of life's necessities as required by the Eight and Fourteenth Amendments to the U.S. Constitution.

As noted above, the problems with Pahrump jail facility are well documented. In December 2003, the National Institute of Corrections conducted an audit of the Pahrump jail ("NIC audit"). The NIC audit noted several troubling deficiencies at the facility, including overcrowding and substandard medical care, and warned that major renovations would be necessary to keep it from falling below minimum legal standards.

In December of 2004, Nye County Commissioners contracted with Kitchell CEM, a private company, to develop a Needs Assessment & Master Plan for a new Pahrump jail. This report, known as "the Kitchell report," was finalized in December 2005. The report found that expansion of the existing facility was impracticable and that the jail needed to be rebuilt.

Although it appeared that the County initially took appropriate measures to remedy the overcrowding situation by hiring Kitchell to create a Master Plan, the County has failed to follow through on the plans outlined in the Kitchell report or to take any other remedial steps to correct the conditions at the Pahrump jail.

The current issues at the facility are as follows:

1. The Jail Is Severely Understaffed.

As noted by the NIC audit, the jail is not adequately staffed. In 2003, the then current staffing levels at the Pahrump facility were insufficient to provide for a safe and secure detention center. During the midnight shift, there was only one officer on duty to supervise the entire inmate population. In the event of an emergency or other crisis situation, then-existing staffing patterns would not have allowed for the safe and orderly evacuation of prisoners to a secure area. It is not hard to imagine a female inmate being assaulted in such a situation.

The understaffing is a concern not only for the inmates, but it also creates a danger for those who do work at the jail.

2. The Current Pahrump Facility is Chronically Overcrowded Resulting in Substandard Living Conditions Which May Result in Constitutional Violations of Inmates' Eighth and Fourteenth Amendment Rights.

The Pahrump jail, which became operational in 1986, is made of a modular steel structure. It was designed to house a maximum 36 inmates (28 males and 8 females) for a short period of time while these inmates are awaiting trial. During 2008, the inmate population averaged 40 inmates per day at any given time. The current facility cannot meet the city's detention needs. It should come as no surprise that the jail has outlived its usefulness: the jail has been chronically at, or over, maximum capacity for a number of years, and due to the type of structure, is nearly impossible to expand.

The 2003 NIC audit noted that the Pahrump facility often had as many as 53 inmates in its 36-bed capacity facility - a 47 % over crowding rate. Since 2003, the male eight person cells have had up to 14 inmates at a time, and the female eight person cells have held up to 11 at one time. Furthermore, the one-man observation cell which is used to house unruly inmates, detoxing inmates, and suicidal inmates has held up to three inmates at a time.²

The 2003 NIC audit found that 95% of inmates in the Pahrump Jail are pre-trial offenders. The inmate population was broken down into the following categories:

Charged with violent offenses:	4%
Charged with non-violent offenses:	18%
Charged with traffic offenses:	72%

In other words, the vast majority of inmates in Pahrump jail are persons charged with non-violent crimes, and are being subjected to substandard living conditions that would not be even be suitable for convicted felons.

These facts raise not only serious concerns about the conditions at the Pahrump Jail, but also why so many low level offenders are being held in detention. Not only does public safety not require that such offenders be imprisoned, but

After the 2003 NIC audit, Nye County Board of Commissioners was on notice of the substandard conditions at the Pahrump jail. In 2004, the Nye County Board of Commissioners decided to enter a contract with the Kitchell CEM to conduct a more thorough assessment of the Pahrump jail and develop a master plan for a new jail facility. At the request of the Nye County Board, Kitchell prepared a Needs Assessment and Master Plan, addressing the County's detention facility needs in Pahrump. The study found that the Nye County detention facility in Pahrump was then currently overcrowded and unable to house the increase in bookings that had risen by 50% since 1995. The overcrowding problem was still evident in October 2008.

The 2005 Kitchell report highlights similar increases in the jail population. It found that between 1995 and 2004 the total number of adult arrests in the Nye County, Pahrump's jurisdiction increased by 50%, with a 96% increase in number of female arrestees. At its worst, the study found that 61 inmates have been held in the facility at a single time: that's a 69% over crowding rate.

The Kitchell consultant team, in concert with County representatives, developed a Master Plan to build an expandable jail facility in Pahrump. Part of the plan assumed that the existing Pahrump jail would be demolished eventually. The proposed new facility would

² This cell can only house male inmates because it is not separated by sight and sound from the cells for female inmates.

have housed the inmate population in single and double occupancy cells and dormitories, which would allow for the necessary separation of disorderly, violent, vulnerable and physically or mentally impaired inmates and male and female inmates, something the current jail facility is incapable of doing.

The ACLU of Nevada strongly urges the Nye County Board of Commissioners to remedy the overcrowded conditions at the Pahrump Jail. By allowing these conditions to continue, the County is at risk of violating the Constitution and faces serious legal liability exposure. Regardless of whether the County chooses to follow the recommendations of the Kitchell report or implement some other remedy, the County must begin the process of rectifying the overcrowded living conditions at the Pahrump jail.

3. The Current Pahrump Facility Does Not Provide For Adequate Medical Care or Emergency Medical Procedures For Inmates.

In the 2003 NIC audit, one of the most disturbing features of the current Pahrump facility was that there were no medical personnel on premises. Arriving inmates did not receive any kind of pre-intake medical or psychological screening by a doctor or nurse before being placed into the general population. At the time of the audit, there were no subsequent medical screenings performed during the inmates stay either.

There are still no medical personnel stationed at the jail to examine arriving inmates before they are placed in the general population. Although a physician now visits the jail once a month, inmates must still be transported to a local hospital for medical emergencies and other illnesses. Inmates' requests for medical assistance are reviewed by jail command staff who determine if they are sick enough to see a doctor even though the staff has no medical training nor are there written criteria for the evaluation of medical requests.

The 2003 NIC audit found that the provision of health services at the Pahrump facility was inadequate and recommended that the provision of medical services be improved so that it is in compliance with applicable detention and healthcare standards.

The 2003 NIC audit also found that "there are no policy and procedures for dealing with blood and air borne pathogens..." Furthermore, access to adequate treatment both as an individual and a public health concern. If diseases such as tuberculosis are not treated correctly, than it could become a problem for the safety of both staff and detainees. The NIC audit also noted that pervasive rust in the cells especially around plumbing fixtures and noted the presence of mold in one cell. Furthermore, the air circulation in the jail was virtually non-existent resulting in stagnate air in all the cells.

As of October 2008, there is still no policy or procedure for dealing with and isolating inmates with blood and airborne illnesses such as tuberculosis, hepatitis and AIDS and the jail recently experience another mold infestation in the kitchen walls.

Based on the inspection by the ACLU of Nevada, it appears that medical services at the Pahrump jail are still below legal standards. The Pahrump jail lacks many of the required elements of an adequate health care system, including a system of ready access to adequate medical care; readily available medical staff competent to examine prisoners and diagnose illnesses; a system of adequate, accurate, and up-to-date medical record-keeping; and trained on-site staff for responding to medical and psychological emergencies within the jail.

The new Detention Facility which was proposed by the Kitchell report, at the request of the county commissioners, would house primary medical and mental health facilities for the entire county detention system including provisions for daily sick call, medications and minor treatments.

4. Inadequate Separation and Protection of Female Prisoners from Male Prisoners and Lack of Work Opportunities for Female Inmates Also Raise Constitutional Issues.

Female inmates must be separated by sight and sound from male inmates. Neither of these requirements is being met at the Pahrump jail. The female cell, which can hold up to 8 women, has large windows which look into the hall way in plain view of one of the male cells. The 2003 NIC audit noted that the female cell is on the central corridor of the facility across from and adjacent to cells housing male inmates. Such a configuration does not provide sound separation from the male inmates. The cell door window is covered with foil and paper in an attempt to provide visual separation from male inmates; however, the food slot in the door to the women's cell remains open thus allowing male kitchen and laundry workers to peek in on the women. Furthermore, because only male inmates can work in the kitchen and laundry, males must interact with females to deliver their meals and pick up and drop off their laundry.

Furthermore, because there aren't enough deputies to supervise the inmates, female inmates are not allowed out of their cell to work in the kitchen or laundry room. Only male inmates can serve as inmate workers. Inmate workers earn a dollar a day for their labor and receive other privileges that regular inmates, including all female inmates, do not. Inmate workers are allowed to move through out the jail during the day, they are allowed to have more personal supplies, have personal shoes to wear and have a DVD player and DVDs. They also receive extra TV time, and are allowed to have one non-conjugal visit with family members once per month.

Finally, as noted above, the lack of staffing creates the very real danger that a female inmate could be assaulted.

5. Lack of Ready Access to Legal Materials May Result in Denial of Inmates' Constitutional Right to Due Process.

The vast majority of inmates at the Pahrump jail are still awaiting trial, yet there is no law library or access to legal materials that they can use to help them prepare for their defense. In other words, although a detainee is innocent until proven guilty, that inmate is being deprived of material that could help them prove their innocence. Even prisoners, already convicted of the most heinous crimes have access to law libraries.

If an inmate wishes to do legal research to prepare for trial, he must request to be sent to the detention facility in Tonopah. Transports to Tonopah usually run twice a week. While the Sheriff's office is working to set computer access to legal material it is not currently operational, and inmates must wait to go to Tonopah, ask their attorney, or ask family members to research legal issues.³

6. Structural Integrity and Security Hardware at the Pahrump Jail is Substandard and Could Lead to a Break Out.

It should be of concern to every resident of Pahrump is that the 2003 NIC audit found the existing perimeter security at the Pahrump facility to be inadequate to protect the facility from inmate escape attempts or break out attempts from the interior or exterior of the facility. Furthermore, the NIC noted that dangerous and deadly weapons and ordinance are stored in areas that are accessible to inmates or new arrestees.

The NIC audit noted a serious understaffing at the Pahrump facility in 2003. At the time of the NIC audit, there were maximum security prisoners held in the Pahrump facility and one staff member would not have been able to deal with a security or crisis situation involving a high security/escape risk prisoner.

There are still staffing deficiencies at the Pahrump jail. Jail staff consists of two Sergeants and eight jail deputies. During the evening shift there are two deputies for an average of 40 inmates. At night, there is usually only one deputy for an average of 40 inmates. It is not hard to imagine a scenario where the jail must be evacuated and due to the limited number of deputies, a female inmate gets assaulted.

³ Under Supreme Court precedent, prison officials must "assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law." *Bounds v. Smith* 430 US 817, 828 (1977).

March 30, 2009

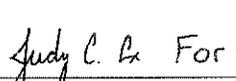
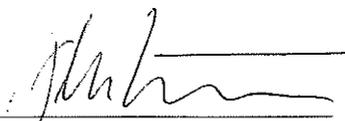
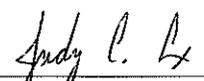
7. The County is Aware of These Issues and Has the Means and Opportunity to Remedy Them.

The DOJ audit and the Kitchell report have made it clear that something must be done about the Pahrump jail. The Kitchell report cost Nye County nearly \$99,000 and it is disheartening that the County would willingly spend this much money to develop a plan that it now seems unwilling to implement. Proposed construction on a new Pahrump facility was to begin in 2007. The proposed new facility could be expanded in the future if the need arose.

In conclusion, the ACLU of Nevada strongly urges the Nye County Board of Commissioners to remedy substandard conditions at the Pahrump jail, including overcrowding, lack of ready access to adequate medical care, as well as lack of access to legal materials, and the unequal treatment and protection of female inmates. Regardless of whether the County chooses to follow the recommendations of the Kitchell report or implement some other remedy, the County must begin the process of rectifying the unconstitutional conditions at the Pahrump jail.

The ACLU of Nevada is genuinely concerned about the conditions at the Pahrump jail; therefore, we are requesting that the Nye County Board of Commissioners or another Nye County representative contact our office to discuss the resolution of these problems. We look forward to your response, and would welcome the opportunity to discuss these matters with you.

Sincerely,

 _____ Margaret A. McLetchie Staff Attorney, ACLU of Nevada	 _____ Allen Lichtenstein General Counsel, ACLU of Nevada	 _____ Judy Carol Cox Legal Fellow, ACLU of Nevada
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cc: Gary Peck, Executive Director, ACLU of Nevada
ACLU National Prison Project
Nye County Sheriff's Office
Pahrump Town Board
Pahrump Town Manager
U.S. Department of Justice Division



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Southern Nevada District Office

4701 N. Torrey Pines Drive

Las Vegas, NV 89130

<http://www.blm.gov/nv/st/en/fo/lvfo.1.html>

MAR 23 2009

In Reply Refer to:
6300/6840 (NVS0052)

NOTIFICATION OF ACTION ON PUBLIC LANDS UNDER WILDERNESS REVIEW

To Whom It May Concern:

The Bureau of Land Management is required to inform all affected or interested publics about any proposed action, specific emergencies, or unauthorized activity occurring within BLM Wilderness and Wilderness Study Areas. Policy and management within Instant Study Areas is the same for Wilderness Study Areas. The following information is about a fencing project proposed by the BLM Las Vegas Field Office within the Sunrise Mountain Instant Study Area. This public notification period begins March 23, 2009 and ends on April 27, 2009. This expected decision date for the proposed action is May 4, 2009. The proposed action is expected to be implemented in late summer of 2009.

WILDERNESS STUDY AREA: Sunrise Mountains Instant Study Area (ISA)

The Rainbow Gardens Area of Critical Environmental Concern (ACEC) is an extremely important area for the Las Vegas bearpoppy (*Arctomecon californica*), a Nevada State listed species and BLM special status plant. The area is also home to many unique geological and biological resources. The 10,200-acre Sunrise Mountains Instant Study Area is located within the ACEC and is under wilderness review for its natural and primitive characteristics. The ISA is to be managed in a manner that maintains the area's suitability for preservation as wilderness and is subject to the BLM's Interim Management Policy for Lands Under Wilderness Review (H-8550-1). Located adjacent to Las Vegas, the Rainbow Gardens ACEC and Sunrise Mountains ISA have long suffered degradation from Off-Highway Vehicle (OHV) use, dumping, wire burning, and other illegal activities. Previously installed post and wire cable fencing in the ACEC has proven very effective at controlling illegal activity and cross-country OHV travel, and protecting valuable and sensitive resources.

BLM is proposing the construction of approximately 74 miles of post and cable fence along designated roads in the Rainbow Gardens ACEC (Figure 1). The proposed fencing will include six segments: (1) both sides of Lake Mead Blvd. from the BLM boundary on the west to the Lake Mead National Recreation Area boundary on the east (13.2 miles); (2) both sides of PabCo

Road from Lake Mead Blvd. east to private lands (6 miles); (3) both sides of Kodachrome Road (19.4 miles); (4) both sides of Rainbow Gardens Road (13.5 miles); (5) both sides of Lava Butte Road (16.0 miles); and (6) both sides of Middle Wash Road (6.0 miles). A portion of the proposed fence (along Lake Mead Blvd.) would be constructed along the boundary of the Sunrise Mountains ISA where it meets the edge of the right-of-way. The fence would help to delineate the boundary of the ISA, which is presently unclear, and would not be constructed within the ISA itself.

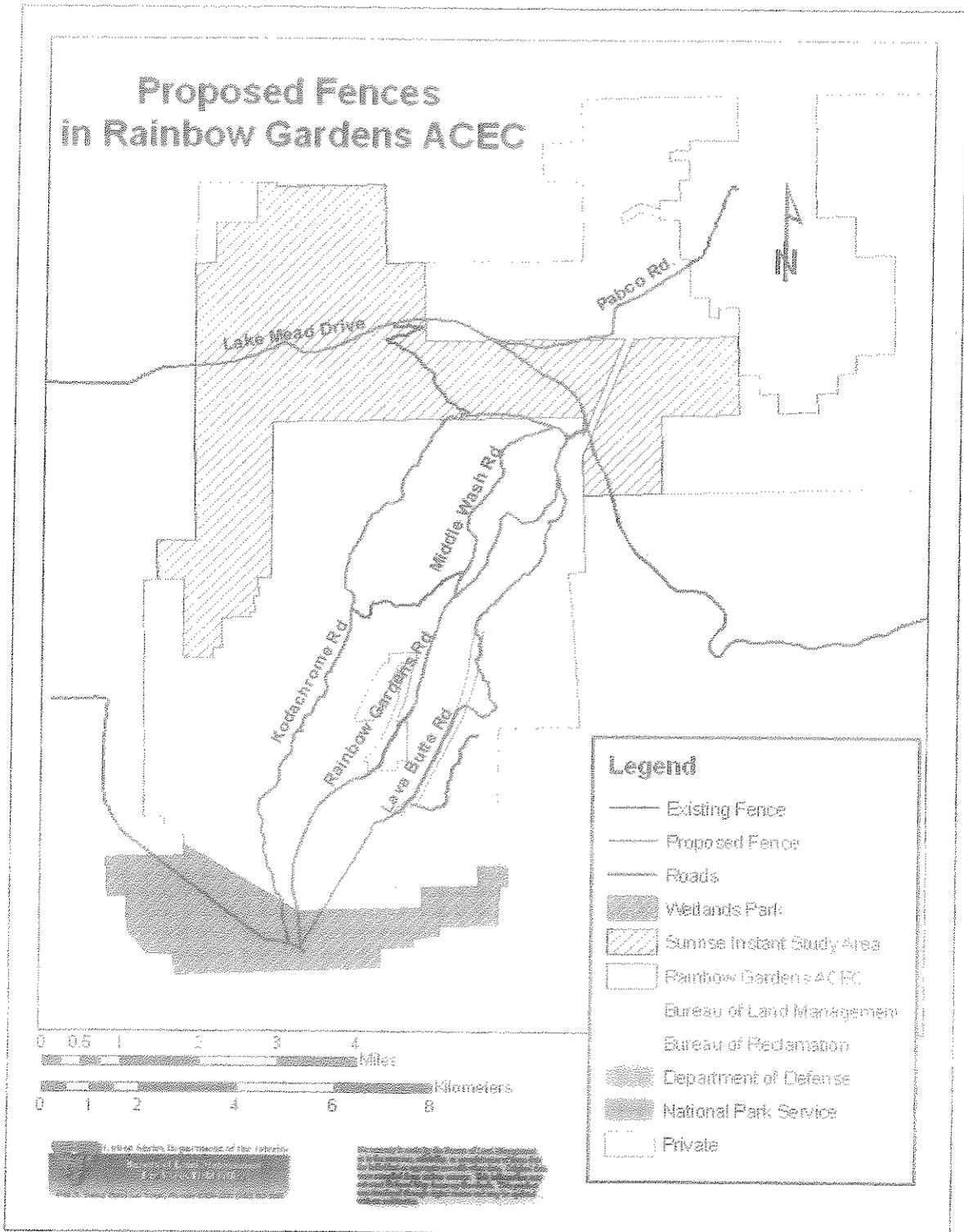
The proposed fencing will be constructed within disturbed areas on existing road shoulders and berms. All work areas, equipment storage, and lay down areas will be located within previously disturbed sites. No new disturbance will result from this project.

This notice is for disclosure purposes only. If you have any questions regarding this notice, please contact Lauren Brown, Natural Resource Specialist, Las Vegas Field Office at 702-515-5295. All comments concerning the proposed project should be sent to Mary Jo Rugwell, Southern Nevada District Manager, at the above letterhead address.



Mary Jo Rugwell
District Manager
Southern Nevada District Office

Figure 1.



Thank You for
lowering your
rate - Every little
thing ^(you) (we) do helps.

B

Please detach and return this portion with your payment
Make checks payable to Pahrump Valley Disposal



Pahrump Valley Disposal
P.O. Box 1268
Pahrump, NV 89041-1268

Account Number [REDACTED]
Payment Due Date March 31, 2009
Total Due \$24.48
Amount Enclosed \$ 24.48

RETURN SERVICE REQUESTED



14260

[REDACTED]
PAHRUMP NV 89061-8650



PAHRUMP VALLEY DISPOSAL
P.O. BOX 1268
PAHRUMP, NV 89041-1268



Pahrump Valley Disposal
 P.O. Box 1268
 Pahrump, NV 89041-1268

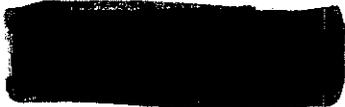
Make checks payable to Pahrump Valley Disposal

Account Number [REDACTED]
 Payment Due Date March 31, 2009
 Total Due \$20.34
 Amount Enclosed \$ 20.34

RETURN SERVICE REQUESTED



14279



PAHRUMP VALLEY DISPOSAL
 P.O. BOX 1268
 PAHRUMP, NV 89041-1268

*Thanks for your service
 and decrease in rates!*

Hector Ayala -

New Billing Address

New Phone Number

Comments

*GOOD INFO LETTER (1 MAR 2009) & ENCL??
 KEEPING US INFORMED. YOUR DRIVERS
 ARE ALSO GOOD - PASS it on to them plz.*

[Handwritten signature]



Make checks payable to Pahrump Valley Disposal



Pahrump Valley Disposal
P.O. Box 1268
Pahrump, NV 89041-1268

[REDACTED]	
Payment Due Date	March 31, 2009
Total Due	\$24.48
Amount Enclosed \$	24.48

RETURN SERVICE REQUESTED



PAHRUMP VALLEY DISPOSAL
P.O. BOX 1268
PAHRUMP, NV 89041-1268

We appreciated your letter advising us of the lowering rate change. All we can say is your company awesome. Thank you for being a company of your word.

The [REDACTED] 

Just a note...



Pahrump Valley Disposal
P.O. Box 1268
Pahrump, NV 89041-1268

Payment Due Date March 31, 2009

Total Due \$30.09

Amount Enclosed \$ 30.09

RETURN SERVICE REQUESTED



5/135



PAHRUMP VALLEY DISPOSAL
P.O. BOX 1268
PAHRUMP, NV 89041-1268

A personal note ...

*Pahrump NV.
3-11-09*

*Pahrump Valley Disposal
Management;*

To Whom It May Concern:

*I had a pleasant surprise
to open my mail today and
find your letter of "Rate Reduction".
Whether the decrease be a large
or a small one, you still had
to make the initial response
in favor to do it.*

*I commend you highly
for making the decision
that you did.*

*Sincerely,
Mrs. [Redacted]*



Make checks payable to Pahrump Valley Disposal



Pahrump Valley Disposal
P.O. Box 1268
Pahrump, NV 89041-1268

Payment Due Date March 31, 2009
Total Due \$24.48
Amount Enclosed \$ 24.48

RETURN SERVICE REQUESTED



5/160



PAHRUMP VALLEY DISPOSAL
P.O. BOX 1268
PAHRUMP, NV 89041-1268

New Billing Address

New Phone Number

X

Comments

I greatly appreciate ~~for~~ the reduction!!!!!!
Wish every business could or would follow
your great help

↑ EXAMPLE

Thanks for your always great Service.

ll.



Pahrump Valley Disposal
 P.O. Box 1268
 Pahrump, NV 89041-1268

Please detach and return this portion with your payment.
 Make checks payable to Pahrump Valley Disposal

Payment Due Date March 31, 2009
Total Due \$24.48
Amount Enclosed \$ 24.48

RETURN SERVICE REQUESTED



13245



PAHRUMP VALLEY DISPOSAL
 P.O. BOX 1268
 PAHRUMP, NV 89041-1268

New Billing Address

New Phone Number

Comments

Although my account is minimal, I applaud your company & management in lowering rates. I compliment the fine service of the gentlemen on my route and the great service from your office staff each time I have called. Everyone has always been considerate, helpful & polite. I have been a customer for 7 years; thanks to all

Mrs. [Redacted]



Pahrump Valley Disposal
P.O. Box 1268
Pahrump, NV 89041-1268

Payment Due Date March 31, 2009
Total Due \$39.80
Amount Enclosed \$ 39.80

RETURN SERVICE REQUESTED



914



PAHRUMP VALLEY DISPOSAL
P.O. BOX 1268
PAHRUMP, NV 89041-1268

New Billing Address

New Phone Number

Comments

Thank you for the reduction
God Bless you for your generosity

[Small, illegible handwritten notes]



Pahrump Valley Disposal
 P.O. Box 1268
 Pahrump, NV 89041-1268

Make checks payable to Pahrump Valley Disposal

[Redacted]	
Payment Due Date	March 31, 2009
Total Due	\$36.09
Amount Enclosed \$	36.09

RETURN SERVICE REQUESTED



PAHRUMP VALLEY DISPOSAL
 P.O. BOX 1268
 PAHRUMP, NV 89041-1268

New Billing Address

New Phone Number

Comments

*Thank you for the rate decrease - most
 Companies would not have done this -
 Thank you very much.*

The [Redacted Signature]



Pahrump Valley Disposal
 P.O. Box 1268
 Pahrump, NV 89041-1268

Please detach and return this portion with your payment.
 Make checks payable to Pahrump Valley Disposal

Payment Due Date March 31, 2009
Total Due \$30.09
Amount Enclosed \$ 30.09

RETURN SERVICE REQUESTED



10/47



PAHRUMP VALLEY DISPOSAL
 P.O. BOX 1268
 PAHRUMP, NV 89041-1268

New Billing Address

New Phone Number

Comments

THANKS FOR FUEL
 REDUCTION



Pahrump Valley Disposal
 P.O. Box 1268
 Pahrump, NV 89041-1268

Make checks payable to Pahrump Valley Disposal

Thank you for the reduction
Payment Due Date March 31, 2009
Total Due \$30.09
Amount Enclosed \$30.09

RETURN SERVICE REQUESTED



5192



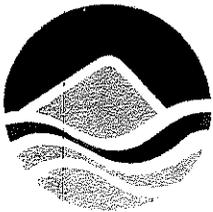
PAHRUMP VALLEY DISPOSAL
 P.O. BOX 1268
 PAHRUMP, NV 89041-1268

[REDACTED]

March 17th 2009

I want to thank for the service you give us .Your people are very well train to please us ,Start from your pick up to the dump and to your office people Thank you very much keep the good work and God bless you C farrugia

[REDACTED]



Pahrump Valley Disposal
P.O. Box 1268
Pahrump, NV 89041-1268

RETURN SERVICE REQUESTED



12/263



PAHRUMP VALLEY DISPOSAL
P.O. BOX 1268
PAHRUMP, NV 89041-1268

Please detach and return this portion with your payment
Make checks payable to Pahrump Valley Disposal

[REDACTED]

Payment Due Date	March 31, 2009
Total Due	\$24.48
Amount Enclosed \$	

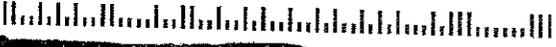
Hector Ayala



Pahrump Valley Disposal
P.O. Box 1268
Pahrump, NV 89041-1268

Ken Booe

RETURN SERVICE REQUESTED



6749



PAHRUMP VALLEY DISPOSAL
P.O. BOX 1268
PAHRUMP, NV 89041-1268

Payment Due Date March 31, 2009
Total Due \$30.48
Amount Enclosed \$ 30.48

New Billing Address



215 Sandpiper Village Way
Henderson NV 89012

Ken Booe

New Phone Number

Comments

Thank You for your courteous & timely service.

The [Redacted]

Handwritten initials or signature.

April 24, 2009

TO: THE TOWNSHIP OF PAHRUMP NEVADA "TOWN BOARD MEMBERS"

Town Board Members

Mike Darby
Frank Maurizio
Nicole Shupp
Bill Dolan
Vicky Parker

TO: THE CITY MANAGER..... William Kohbarger
TO: THE CITY ATTORNEY..... Rick Campbell

FROM: Harold Boggess..... Pahrump Valley Resident

RE: An Amendment(s) To Ordinance NO. 43

Ladies and Gentlemen of THE TOWN BOARD, TOWN MGR, and TOWN ATTORNEY:

I read the document "AN AMENDMENT TO ORDINANCE NO. 43" which continues as 43.000
DECLARATION OF TOWN POLICY:

It is declared to be the policy of this town to regulate the collection, trans-
portation, 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; (There is no proof positive offered nor substantiated showing the Franchisee is capable of this achievement).
- (2) Prevent water, air, and land pollution; This statement is false as no proof has been offered by the township of pahrump nor the franchisee that collecting solid waste prevents pollution of the air, water or land, when in reality it is buried in the ground and pollutes the very ground it's buried in.
- (3) Prevent the spread of diseases and the creation of nuisances; (The parties involved in the execution of this document have not shown they possess the qualifications through education accompanied by proper Diplomas showing medical qualifications in prevention of the spread of disease. Nuisances are not defined).
- (4) Prevent unlawful dumping and disposal of solid waste; (The Franchisee's Business is to collect solid waste from customers wishing to patronize them under an already agreed to contract, any other means of waste disposal is of no concern of the franchisee).
- (5) Enhance the "BEAUTY AND QUALITY OF THE ENVIRONMENT"; (By picking up refuse, am I led to believe by the Franchisee, Town MGR. and the Town Attorney that the town of Pahrump and the Nye County Dump will become more desirable and beautiful and provide a better quality of life?)
- (6) Conserve "NATURAL RESOURCES"; (I see no FORESTS, MINES, RIVERS, LAKES, COAL, OIL, MINERAL DEPOSITS, how does the franchisee intend to conserve what isn't there. Solid waste must be construed as natural resources).

Continuation of paragraph (6)

The "NATURAL RESOURCES" stated to be in the township of Pahrump have not been declared as to what they really are.

(7) Provide for such other activities as may be required to carry out the town's solid waste goals and objectives.

The objectives and goals noted through this document, Ordinance 43, are not in the best interest of the Pahrump Valley Residents, this is shown by intentionally withholding names of responsible parties, business names, corporations and/or companies. This document Ordinance 43 is in open violation of my Constitutional, and Civil rights as well as creating a monopoly.

The parties drafting document "ORDINANCE 43 have failed to state the NEVADA REVISED STATUTES they refer to as being consistent with.

I strongly suggest all paragraphs, titles, and sections in ORDINANCE 43 which tend to violate my Constitutional as well as my Civil Rights while creating a monopoly be stricken from all documents concerning this Ordinance which refer to collection, transportation, and disposal of solid and all other forms of waste.

Failure of the Town Board, the Town Mgr. and all involved government agencies to alleviate this situation and prevent these infractions will be met with a court action as well as others involved, the Franchisee.

Sincerely,

Harold Boggess

Harold Boggess
P.O. Box 2963
Pahrump, Nevada

89041

CC: Residents of Pahrump and business owners.

P.S. The Franchisee has not shown proof of prevention of disease nor how many and what types of diseases have been prevented by his operation to substantiate this claim of prevent the spread of disease.

May 2009

May 2009							June 2009						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
3	4	5	6	7	8	9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24	25	26	27	28	29	30
24	25	26	27	28	29	30	31						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Apr 26	27	28	29	30	May 1	2
					POOL/PACT-Sparks	
3	4	5	6	7	8	9
			10:00am FAA Teleconf 7:00pm Public Lands			
10	11	12	13	14	15	16
		9:00am Utility Meetin 7:00pm Town Board	9:00am Dept Head M 6:00pm Regional Plar			
17	18	19	20	21	22	23
				10:00am Union D&A, 7:00pm Public Budge		
24	25	26	27	28	29	30
	Holiday	7:00pm Town Board	9:00am Dept Head M			
31	Jun 1	2	3	4	5	6