

**PAHRUMP TOWN BOARD MEETING
NYE COUNTY ADMINISTRATIVE COMPLEX
2100 E WALT WILLIAMS DRIVE
TUESDAY – 7:00 P.M.**

MARCH 08, 2011

MINUTES

PRESENT:

Town Board:

Mike Darby
Vicky Parker
Carolene Endersby
Harley Kulkin
Tom Waters

Staff:

Bill Kohbarger, Town Manager
Seaton J. Curran, Attorney
Matt Luis, Building & Grounds Manager
Al Balloqui, Community Business Economic Development
Michael Sullivan, Finance Director
Scott Lewis, Fire Chief

1. Call to Order, Moment of Silence, and Pledge of Allegiance.

Mike Darby called the meeting to order. Dr. Tom Waters lead in a moment of silence and the Pledge of Allegiance.

2. Discussion and Possible Decision regarding Moving the Order of or Deleting an Agenda Item(s).

Vicky Parker motioned to delete the February 8th minutes from the consent agenda. Harley Kulkin seconded.

Motion passed, 5-0.

Carolene Endersby moved to pull item 16c from the consent agenda to the regular agenda as item 5a, and to hear items 11 and 12 before 9 and 10. Mr. Kulkin seconded.

Motion carried, 5-0.

3. Announcements

Announcements were heard.

4. 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).

Public comment was heard.

5. Advisory Board Reports from Advisory Board Chairpersons and/or Town Board Liaisons on the Status of Advisory Boards.

Mr. Kulkin announced the need for additional advisory board members, stating that no decisions were made at the last Public Lands meeting due to a lack of quorum. Mr. Kohbarger stated that he just received the following Advisory Boards applications: two (2) for Public Lands, two (2) for Incorporation and one (1) for the Youth Advisory Board.

George Sausman announced Earth Day and Town Clean Up Day.

Mrs. Endersby recognized Dr. Waters for his volunteer work and awarded exiting Advisory Board volunteers with Certificates of Appreciation.

5a. Approval to accept Ms. Megan Hamrick to the Pahrump Youth Advisory Board.
(Formerly Consent Agenda item 16c)

Mrs. Endersby expressed appreciation to Meagan Hamrick for applying to sit on the Youth Advisory Board and for recruiting others to apply.

Mrs. Endersby made a motion to accept Megan Hamrick as a charter member of the Youth Advisory Board. Mr. Kulkin seconded.

Motion carried, 5-0.

6. Town of Pahrump Economic Development Report.

Dr. Waters asked for a complete briefing on item one prior to the Town Board meeting on March 22nd.

Mr. Kulkin asked that Mr. Kohbarger set up a meeting for the Town Board with Mr. Kashani.

Mrs. Endersby commended staff's diligence for working to improve business licensing numbers.

Mr. Darby asked about the History Channel item, to which Mr. Kohbarger said he would notify him of the date via email.

Public comment was heard.

7. Presentation by Ms. Loretta Lindell, Pahrump Arts Council on the Keeper of Wheeler Well Project.

Prior to the presentation, Mr. Kohbarger mentioned that each board member received a copy of the book *Keeper of the Wheeler Well*.

Ms. Lindell gave a presentation on the project. Dr. Waters applauded the Pahrump Arts Council on their accomplishments and expressed his ongoing support.

8. Discussion on Inviting the Public to Submit e-mail addresses to the Town Board and Town Staff to Create an Agenda/Backup Distribution List.

Mrs. Parker stated that she put this item on the agenda because of the time and expense involved in printing backup prior to every meeting. She offered that anyone interested could receive their backup at the same time as the Town Board via email.

9. Discussion and Possible Decision to Amend Paragraph 14 of the Job Description of the Town Manager to Add the Following Sentences: To save the Town money, the Town Manager's authority to determine appropriate staffing levels includes the authority to leave Town Board-funded positions permanently vacant and to set policies determining staffing levels in circumstances where Town employees are temporarily absent from their assigned shifts. By determining how many positions to fund in the Town's budget, the Town Board is not deeming that a certain staffing level is appropriate. Unless there is express Town Board action or a legal requirement to the contrary, it is within the Town Manager's discretion to determine the appropriate staffing level for all Town functions.

Mrs. Parker stated that the Town Manager adjusted downward the minimum staffing levels to cut back on overtime. She said the union grieved the decision and the Town lost, in part because the Town Manager did not have express authority to determine staffing levels after they had been approved in the budget. She said this amendment would provide that authority since he was in the best position to decide staffing levels, subject to legal requirements and Town Board oversight.

Dr. Waters stated that Mr. Kohbarger saved the Town around \$170,000 by leaving one slot open.

Mr. Kulkin motioned to approve. Mrs. Parker seconded.

Public comment was heard.

Dr. Waters said that setting policy is the sole authority of the Town Board, so the job description should read that the Town Manager will 'implement' the Board's policy rather than 'set' policy.

Mr. Kulkin withdrew his motion. Mrs. Parker withdrew her second.

Mr. Kulkin moved to change the words "set" to "implement" in the fourth line down, and add a sentence at the end, saying that the Town Manager will inform the Board of all personnel decisions. Mrs. Parker seconded.

Public comment was heard.

Chairman Darby restated the motion as, "Move to amend paragraph 14 of the Town Manager's job description to add the following sentences: To save the Town money, the Town Manager has the authority to determine all staffing levels, including authority to leave current Town Board funded positions vacant and to implement policies determining staffing levels in circumstances where Town employees are temporarily absent from assigned shifts. By determining how many positions to fund in the Town budget, the Town Board is not

deeming that a certain staffing level is appropriate. Notwithstanding Town Board action or legal requirement, it is within the Town Manager's discretion to determine appropriate staffing levels for all Town functions. The Town Manager will inform Town Board members of personnel decisions."

Motion carried 3-2, with Mr. Darby and Mrs. Endersby voting nay.

10. Discussion and Possible Decision on Approval of the new Town Attorney/Legal Services/Retainer Agreement which relates to Attending Town Board meetings, Reviewing Proposed Town Board agenda items and providing legal advice to the Town Board on matters relating to proposed Town Board agenda items.

Seaton Curran clarified that under this agreement, services would be provided at a flat fee regardless of hours.

After much deliberation concerning the rates, Mr. Kulkin made a motion to disapprove the proposed contract. Mrs. Endersby seconded.

Public Comment was heard.

Mr. Kohbarger clarified that when the Town advertised for legal representation as required by NRS, only two firms applied, neither of which were local. He also clarified that Armstrong-Teasdale does not represent Corrections Corporation of America (CCA), but receives copies of correspondence involving a lawsuit against the Town.

Motion carried 4-1, with Mrs. Parker voting nay.

11. Discussion and Possible Decision on Approval of the Town of Pahrump - Other Legal Services Agreement with Armstrong Teasdale, LLP that relates to advise the Town in Connection with certain matters, including but not limited to labor, and employment disputes, contract negotiations, water rights acquisitions, and intellectual property advice.

Mr. Kulkin stated that his goal is to retain quality representation but to negotiate a more affordable contract for the community. He added that none of the local firms specialized in municipal law.

Dr. Waters motioned to table this item indefinitely, and to have staff meet with the attorneys to negotiate lower attorney costs. Mrs. Parker seconded.

Mr. Kohbarger asked for Dr. Waters to amend his motion to include a Town Board member in the discussion.

Dr. Waters so amended. Mrs. Parker amended her second.

Motion carried, 5-0.

12. Discussion and Possible Decision to Amend Town Board Policy 2009 Section 7.1 to Require Town Board Members/Town Manager to Submit Proposed Agenda Items to the Town Attorney for Review No Later than 10 Working Days Prior to the Meeting.

Dr. Waters said he would like the attorney to review all items prior to their being placed on the agenda to ensure professionalism and legality, adding that the attorney agreed to review items at no additional charge. He stated this could be added to 7.1 or 7.2 of the Town Board policy.

Mr. Kulkin expressed concern about the cost. Dr. Waters said he would amend the agenda item to say *at no additional cost*.

Mr. Darby inquired if the base rate of hours is already exceeded generally, incurring additional costs. Mr. Kohbarger said yes, that Board matters usually exceed 30 hours a month.

Mr. Kulkin motioned to table this item until after items which were originally 9, 10, and 12 were heard. Mrs. Parker seconded.

Motion carried, 5-0.

Mr. Kulkin made a motion to amend Town Board policy 7.1, to require all agenda items be submitted ten (10) days prior to being placed on the Town Board agenda.

Dr. Waters added that he wanted the items to go through the attorney if there was no additional cost.

Mr. Kulkin amended his motion to have the Town Manager track attorney hours so as not to exceed 30 hours per month.

Chairman Darby re-stated the motion as follows: The motion is to amend the Town Board policy 2009, section 7.1 to require Town Board members/Town Manager to submit the proposed agenda items to the Town attorney no later than ten (10) working days prior to the meeting, if at no additional cost. Mrs. Parker seconded.

Motion carried, 5-0.

13. Discussion and Possible Decision to Create a Town of Pahrump Advisory Board for not more than six (06) months, with monthly updates to the Town Board, for the purpose of gathering information on relocating the northern boundary the Nye County.

Bill Garlough gave a presentation and asked the Board to select an advisory board to research the economic impact of reducing the county size and moving the County seat to Pahrump.

After much deliberation from the Board, Mr. Garlough was directed to bring the matter to the Incorporation Advisory Board for consideration.

Mrs. Parker made a motion to table the item until the next Town Board Meeting, so that Mr. Garlough could meet with the Incorporation Advisory Board and report back to the Town Board on whether the Incorporation Board wants them as a subcommittee or a separate committee. Mr. Kulkin seconded.

Public comment was heard.

Motion carried, 5-0.

14. Discussion and Possible Decision to Fund the Nuclear Waste and Environmental Advisory Board's Annual Earth-Day Festival in an amount not to Exceed \$2,000.00.

George Sausman stated that the Nuclear Waste and Environmental Advisory Board needed funding for advertisement for the April 23rd Annual Earth Day Festival. He stated that the event had support and donations from many sources, so the Advisory Board was lowering their request to \$1,300.00.

Mrs. Parker motioned to approve to fund the Nuclear Waste and Environmental Advisory Board in the amount not to exceed \$1,300.00 from the economic development room tax fund. Dr. Waters seconded.

Public comment was heard.

Motion carried, 5-0.

15. Discussion on a Plan of Action for the Town of Pahrump Business License Ordinance and Resolution.

Mr. Kohbarger stated that staff was in the process of rewriting the ordinance and creating a new Resolution which would include fees. He said that it would be presented to the business community for input before presenting to the Town Board. Mr. Kulkin stated that the goal was to make the fees more equitable, based on company size.

Mrs. Endersby said she wanted to make sure there was an opportunity for Town Board input.

16. Discussion and Possible Decision Consent agenda items:

- a. Action – Approval of Town Vouchers.*
- b. Action – Approval of Town Board Minutes for January 25, 2011 and February 08, 2011.*
- c. Action – Approval to accept Ms. Megan Hamrick to the Pahrump Youth Advisory Board. (Item b, February 8 was removed from the agenda. Item c was moved to item 5a)*

Mrs. Parker motioned to approve. Dr. Waters seconded.

Motion carried, 5-0.

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

- a. Town of Pahrump Budget Workshops – March 29th, 30th, & 31st, 2011 6:00 p.m. @ the Town Annex*

18. Town Board Member's Comments

Dr. Waters announced that anyone interested in the community garden could contact K-Nye.

Dr. Waters also said they were waiting on the attorney for the revised Town Manager contract, and that if the Board decided to advertise the position he supported the Chairman and Vice Chair making the hiring decision.

Mrs. Endersby said that Brian Kunzi would do a presentation at the next Town Board meeting, and that she would like to develop a Town of Pahrump Community Event Center Task Force. She added that the League of Women Voters would facilitate an upcoming joint conversation between the Board of County Commissioners and the Town Board.

Mr. Kulkin shared information on Senate Bill 155, giving authority to unincorporated towns of a certain size to manage Planning and Zoning. He said that he, Mrs. Parker, and Mr. Kohbarger saved money by going to the State Building in Las Vegas, but that Clark County and Commissioners Eastley and Schinhofen went to Carson City for the hearing. Mr. Kulkin stated that the Commissioners' positions were that the Town couldn't afford to operate Planning and Zoning.

Mrs. Parker said she heard Senator McGinnis would meet with Clark County to resolve issues over townships and the bill.

Each of the Board members offered their phone numbers should members of the public not be able to e-mail.

19. Town Manager's Report.

Mr. Kohbarger gave a progress report. There were no questions from the Board.

20. Adjournment

Meeting was adjourned at 11:51 PM