

**TONOPAH TOWN BOARD
MEETING MINUTES
MAY 27, 2015
TONOPAH CONVENTION CENTER
301 Brougner Avenue, Tonopah, NV 89049**

Tonopah Town Board Chairman Horace Carlyle called the meeting to order May 27, 2015 at 7:19 p.m. Also present were Tom Seley, Janet Hatch and Doug Farinholt. Duane Downing was absent. Ten others were in attendance. Chairman Carlyle led in the Pledge of Allegiance.

The Town Board recessed to the Library Board of Trustees at 7:22 p.m. and reconvened as the Town Board at 7:30 p.m.

1. Public Comment

Tonopah resident Ed Tomany read a letter from him to the Tonopah Town Board into the record (see correspondence).

Adele Hoppe of the Nevada Magazine presented a plaque to the Town of Tonopah as Tonopah was voted best town in Nevada and was featured in the current May/June issue of the magazine. She added that the magazine also had a customized cover made in celebration of the Town. Janet Geary, publisher of the Nevada Magazine, noted that she had brought free copies of the magazine and presented the book "Historical Nevada" that also features Tonopah.

2. Review and approval of minutes, in context, from the regular meeting held May 13, 2015.

Deputy Town Clerk Kat Galli stated that the minutes were not fully transcribed yet. The item was tabled.

3. Discussion, deliberation and possible action to request Commissioner Wichman to sponsor an agenda item requesting the Nye County Board of County Commissioners to amend Tonopah Town Ordinance 22.02.10, Formation of Town, amending the Town boundaries described therein to include the boundaries of the Tonopah Library District pursuant to NRS 269.623.

Town Manager James Eason noted that this item was placed on the agenda so that Tonopah can expand its boundaries. He explained that if the Town does not expand the boundaries, Tonopah takes a loss on their tax collections. Mr. Eason stressed that the Town already provides services into those areas. He added that this is contingent upon what the Nye County Board of County Commissioners (BOCC) will decide the following Friday.

Chairman Horace Carlyle stated that this sounded wonderful but could have consequences. He added that people do not realize that the Town is defined by its Taxing District. Mr. Carlyle noted that he was concerned that Tonopah can provide the required legal functions if the Taxing District is expanded. James Eason stated that the people in the Taxing District can become Board members. Mr. Carlyle said that he had no problem with that. Mr. Eason explained that the District would include Smokey Valley and that the people living there cannot be members at this point. Mr. Carlyle expressed concerns about the unknowns and about the Board making decisions without adequate information. He stated that he was reluctant to support this but will anyway.

Tom Seley asked whether Tonopah was currently providing fire protection etc. to those areas which James Eason affirmed. Mr. Seley inquired whether Mr. Eason could explain what areas would be included in the Taxing District. James Eason noted that the District would pick up

“Lower Smokey [Valley], then it goes out to Stone Cabin Valley, right along the front of the Test Site, so you have the dry farms, Fish Lake Valley, which is Little Fish Lake Valley, and then right into Warm Springs.” Mr. Seley noted that Highway 6 would be the eastern border. Horace Carlyle asked how this would affect the Library’s source of revenue. Mr. Eason clarified that it would stay the same and that the expansion would bring people to the taxing cap. He added that taxes can only go up 3% from the existing payment. Tom Seley posed the question whether the Tonopah Taxing District would be the same as that of the Library District which Mr. Eason affirmed. Mr. Seley stated that he would appreciate having the same boundaries so that it would be less confusing to members of the public.

Doug Farinholt stated that he would like to see a visual representation of the Taxing District. He added that he does not think the public was duly informed to make comments. Mr. Farinholt stressed that he was not comfortable with doing anything with this. Horace Carlyle stated that he can respect Mr. Farinholt’s comments, but pointed out that due to deadlines etc. he would prefer to vote on it.

Tom Seley asked what the timeline was for the Taxing District’s expansion. James Eason explained that it would take place within the next month, before the 2015/16 Budget. He pointed out that the Commissioners can decline the expansion. He clarified that the BOCC has to have a public hearing but does not have to move forward with it. Mr. Eason noted that the initial numbers for the Hospital District were run last year and did not include the expansion of the Taxing District. He added that the Nye County Treasurer only included one portion of the Ad Valorem Tax which is made up of property tax, personal tax and centrally assessed tax. The County had only run the numbers for property tax. Horace Carlyle stated that Nye County can dictate what they are going to do and that the Town Board can participate in a moderate way. He pointed out that creating a Hospital District will be on the BOCC agenda Friday morning. He stated that he thinks the Town Board needs to move forward and put the responsibility with the BOCC. Tom Seley agreed and stated that even if Commissioner Wichman does sponsor the item, other Commissioners might not support it. He added that the decision of the BOCC is beyond the Town’s purview. Horace Carlyle stressed that James Eason was trying to minimize the financial impact on Tonopah and other unincorporated towns in the District and help with a better sustainability of the medical facility in the area. James Eason pointed out that the Town Board has the right to refuse giving up their share of the taxes. Horace Carlyle noted that the Board was in a time constraint and that he supported the efforts of James Eason.

Janet Hatch stated that she supported the motion. She added that she would also like more information but that it seems the pros outweigh the cons and that it was necessary to move forward for the sake of Tonopah. Tom Seley asked whether Monitor Valley would be included in the Taxing District. James Eason explained that it would not be.

Tom Seley motioned to request Commissioner Wichman to sponsor an agenda item requesting the Nye County Board of County Commissioners to amend Tonopah Town Ordinance 22.02.10, Formation of Town, amending the Town boundaries described therein to include the boundaries of the Tonopah Library District pursuant to NRS 269.623. Janet Hatch seconded. Doug Farinholt noted “be careful what you wish for, you may get it”. Motion carried 3-0. 1 abstention.

James Eason stated that he believes Mr. Farinholt cannot abstain from the vote because he does not have a conflict of interest. Chairman Carlyle said that he did not think it was an open meeting law violation. He asked Mr. Farinholt if he was willing to revisit the motion which Mr. Farinholt affirmed.

Tom Seley motioned to request Commissioner Wichman to sponsor an agenda item requesting the Nye County Board of County Commissioners to amend Tonopah Town Ordinance 22.02.10, Formation of Town, amending the Town boundaries described therein to include the boundaries of the Tonopah Library District pursuant to NRS 269.623. Janet Hatch seconded. No further discussion. Motion carried 3-1.

4. Discussion, deliberation and possible action to instruct Town staff to send letter to Nye County District Attorney, to request the District Attorney's office to solicit an opinion from the Nevada Attorney General regarding the power and duties associated with non-exempt and exempt status for unincorporated towns under NRS 269.

Chairman Horace Carlyle noted that this topic was an ongoing discussion. He questioned what the concept of exempt and non-exempt was and added that depending on the day certain sections are being applied. He noted that if you read the resolution establishing the unincorporated towns Round Mountain, Tonopah, Amargosa and Pahrump, it states that they are exempted from the unincorporated town law. He asked what that meant and "what is your authority to exist if you've been established under the unincorporated town law, and you're guided and governed by that law, to pick whether it's the long version or short version, but now you're exempt from it". He stressed that depending on whether someone wanted to charge for their services, they will say the Town goes under one status or the other. He pointed out that former District Attorney (DA) Brian Kunzi stated that Tonopah was established per the authority of the long section. James Eason disagreed and stated that Tonopah was established by the short section.

Tom Seley asked whether getting the definition of exempt and non-exempt will give Tonopah the answers necessary which Horace Carlyle affirmed. Mr. Carlyle stated that Brian Kunzi had said that Tonopah was an exempted unincorporated town. James Eason stated that the intent was to ask the DA's office because they can ask the Attorney General's office so Tonopah can have clarification. Mr. Carlyle noted that the current DA spoke at the last BOCC meeting stating that she had requested an opinion from the Attorney General's office wanting to know exactly what she did not have to do. He pointed out that his statements were based on hearsay and his interpretation. He added that the Board needed to ask to work efficiently because the DA already notified Tonopah that she will not represent the Town.

Tom Seley motioned to instruct Town staff to send letter to Nye County District Attorney, to request the District Attorney's office to solicit an opinion from the Nevada Attorney General regarding the power and duties associated with non-exempt and exempt status for unincorporated towns under NRS 269, and to include a list of the functions to be performed by the District Attorney's office which are statutorily required and non-statutorily required per our Town Manager's letter to Nye County District Attorney. Janet Hatch seconded. Janet Hatch stated that she was not sure the Board will be satisfied with the response, but at least there will be clarification. Motion carried 4-0.

5. Discussion, deliberation and possible action to determine calculation of ERU/Privilege connection fees associated with North Tonopah Development located at 1160 N. Highway 95, Tonopah.

James Eason explained that this item was a request by Michael Lach of North Tonopah Development (NTD). He noted that after reviewing the numbers matched up to the 64 ERU's. He added that the only change to what was passed last time was that the Board would honor the existing 15 RV spaces which would bring the ERU count to 64. Horace Carlyle inquired whether

that would leave a balance of 1.5 ERU's which Mr. Eason affirmed. Mr. Carlyle pointed out that this issue goes back to what was discussed in September of 2014. He noted that there was a court decision pertaining to Nye County and the Lambertucci property/estate. He added that connect fees were purchased based on the decision by Tonopah Public Utilities (TPU). He pointed out that in order to be as balanced as the Board can be, it would be prudent to accept the original interpretation of the court settlement and the agreement with TPU as .3 ERU's per RV space. He stressed that the proposed motion recognizes this. Mr. Carlyle stated that this will hopefully settle all legacy issues or disputes and minimize any potential litigation. He noted that in the future, anything will be under the existing Town Ordinance and the Board will have a public engineer check all plans. He stated that this will hopefully support economic development and added that the Board has an obligation to maintain the infrastructure to supply his needs. Tom Seley agreed and stated that if NTD has no issue, it would be best to move forward as the Town needs to have a level playing field for development for people investing in Tonopah.

Janet Hatch motioned to assess 1.5 ERU/Privilege connection fees to each modular/duplex building, per Tonopah Town Ordinance 22.28.210(c): Table of Equivalent Residential Units-Mobile Homes or Recreational Vehicles: over 22 feet, under 40 feet at .75 per unit. Tonopah Public Utilities will also assess 15 of the current 25 RV spaces at .3 ERU/Privilege connection fees per the Application for Water/Sewage Service Agreement dated 9/7/1983, and the remaining RV spaces at .75 ERU/Privilege connection fees. This assessment equates to a total of 64.00 ERU/Privilege connection fees in use on the northeast side of US Highway 6/95. North Tonopah Development currently owns 62.5 ERU/Privilege connection fees on the northeast side of US Highway 6/95. Per Tonopah Town Ordinance 22.28.210 (B) (2), it is hereby approved to set aside the balance of 1.5 ERU/Privilege connection fees in the amount of \$2,400 until such time as there is a modification or change in use by North Tonopah Development, said fees will be due and payable prior to approval by Tonopah Public Utilities of any modifications or change in use, pursuant to Tonopah Town Ordinance 22.28, Water and Sewer Regulations. Doug Farinholt seconded. No further discussion. 4-0.

6. Tonopah Development Corporation Report

No action taken by the Board.

7. Town Board Member's/Department Manager's/Nye County Commissioner's Comments

James Eason noted that Jim Butler Days had been very successful.

James Eason stated that Pool Manager Christy Perry was currently training lifeguards and that the pool will open the following week. He added that the lifeguards will start their job orientation. He urged everybody in attendance to purchase pool passes. Mr. Eason explained that the pool currently has 12 lifeguards and will probably have less at the end of the summer because they go to college etc.

James Eason pointed out that the Town Maintenance employees were preparing the rodeo grounds for the rodeo July 18, 2015. He added that he came before the school board the previous Wednesday to inform them that the Town would take back their bleachers for the event. He noted that he met with Athletic Director Steve Stringer the day before.

James Eason explained that the pool will be replastered in September or October.

James Eason pointed out that there will be a special meeting for the 2015/16 Budget on Friday. He stressed that there will be a meeting with engineers Paul Winkelman and John Collins the following day regarding changing the Town Ordinance.

James Eason noted that there will be a meeting the following day with Auditor Daniel McArthur regarding questions about the Hospital District, the numbers the County Treasurer is providing, the impact on the Town's budget, and what the Town is going to do with the Town's audit as it has still not been submitted to the Department of Taxation because of issues with the 2007 Sales and Use Tax. He explained that the Town received a letter from the Department of Taxation which states that the Town should have the money, but with the stipulation that the money should reside in the County's books. He clarified that per the Governmental Accounting Standards Board (GASB) the money needs to stay on the Town's books. Mr. Eason pointed out that the Board is who will decide how the money is spent, for fire and police. The Sheriff will have to come before the Town Board and lay out her plans on how she wants to spend the money. Tom Seley asked whether it was in conformance to fund existing positions with this money as it was his understanding that this was not how the money should be spent. Mr. Eason explained that the Town Board would have to review the plans and make sure that they are not in violation of the Tax Act. He pointed out that the question was whether the start date for positions was 2007 when it was approved or 2012/2013 when it was adopted by the Board of County Commissioners (BOCC). Mr. Eason noted that this question had been answered and that it is the 2012/2013 Budget from which everything has to be looked at whether it is positions or equipment. Tom Seley asked whether the Town needs to request the presence of the Sheriff at one of the Board meetings. James Eason pointed out that the Sheriff has to request to come before the Town Board to ask how to spend the money. If she refuses to do so, the money will stay in the Town's account and roll over every year. Mr. Eason stressed that this was the same for Round Mountain and Amargosa. The question was the status of Pahrump and whether they are exempt or not.

Tonopah resident Ed Tomany asked whether the money for the Tonopah Volunteer Fire Department could be taken away from the Nye County Emergency Services Department. James Eason explained that Emergency Services Director Vance Payne would have to present the plans before the Town Board and that the Board would decide if they would want to participate in that. Mr. Eason noted that there will be four or possibly five entities reporting to the Legislative Counsel Bureau (LCB) for fire and police. He explained that General Moly took ownership of a shovel that was supposed to go to Eureka. As this was included in the Tonopah Library District, the sales tax went to Nye County. If the Sales and Use Tax Act was in place at that time, Tonopah would have received a half cent on that sales tax.

James Eason noted that the Tonopah Roping Club started using the rodeo grounds. He had walked the grounds with them the previous week.

James Eason pointed out the program from the Salvation Army to have free lunches at Barsanti Park for those children who usually eat at school. He added that the program will run Tuesdays through Fridays at 12:30 pm. He noted that they are looking for volunteers to help prepare and serve food.

Horace Carlyle stated that Mr. Tomany was "spot on" with his remarks as the County had plans for \$2.9 million County wide to use on their budget reconciliation. He noted that the County had been talking about cutting emergency services by about half a million dollars. Doug Farinholt

stated that he thought it was \$950,000. Mr. Carlyle stated that Mr. Eason had done a great job and was a gifted negotiator.

Horace Carlyle referred to the article "Where the River Runs Dry" included in the correspondence. He pointed out that Lake Mead dropped below the critical level a month ago the first time since the 1930's. He added that he has concerns about a mining company that wants to mine in Tonopah and needs a substantial amount of water.

Janet Hatch referred to the correspondence and noted that there was some information from Congressman Hardy regarding Veterans Services and looking into expediting the clinic in Pahrump to help Veterans. She added that she wanted to thank the beautification project for their planters and work in the Town of Tonopah.

Doug Farinholt stated that he would like to address the free lunch program again. He noted that he used to be involved in a summer camp program. He stressed that out of the 150- 160 children attending, at least 30 or 40 were there because of free lunches. He stressed that if the Board members know anybody who would be willing to help, to pass the information along. Mr. Farinholt stated that he would make a personal donation to the program and would like some kind of support from the Town Board and will put it on the next agenda.

Tom Seley noted that he agrees with Chairman Carlyle on how James Eason is trying to solve matters regarding the Sales and Use Tax. He stated that he was of the opinion that the Board should have memorandums of agreement with the Sheriff's Department and Emergency Services. Horace Carlyle stated that he thinks that once everything is reconciled, the Board can work with the County Manager or the BOCC. Tom Seley suggested working closely with Round Mountain and other communities who "are in the same boat".

James Eason suggested sending a letter of support to the Salvation Army and asked the Board to let staff know what to do regarding this matter. He explained that Timaree Kosciak of the Senior Nutrition Program had requested a letter of support from the Board to apply for grants. Horace Carlyle stated that he would like Ms. Kosciak to come before the Town Board to answer questions. Mr. Eason pointed out that the Board can decide what they want to do at the final budget meeting the following Friday. He explained that the Board had approved funding of up to \$60,000 for the senior program. Janet Hatch stressed that the income of the Senior Project Council and the attendance were increasing. She added that the Project made \$520 at the Jim Butler Days craft fair. She noted that the Project is working at increasing their income to be self-sufficient. Mr. Eason stated that the Board's donation is to Tonopah and that the funding is separated out. Ms. Hatch noted that she had requested clearer accounting so it is less confusing.

8. Closure of meeting, pursuant to NRS 288.220 for purposes of conferring with Town's Management Representative regarding labor negotiation issues, and other personnel issues. No action taken by the Board.
9. Closed meeting. Pursuant to NRS 288.220 for purposes of conferring with Town's Management Representative regarding labor negotiation issues, and other personnel issues. No action taken by the Board.
10. Deliberation, discussion and possible decision on labor negotiations, issues and other personnel matters presented in the closed meeting. No action taken by the Board.

11. Correspondence

Nye County BOCC Meeting Summary, May 5, 2015
NyE Communities Coalition/Salvation Army: Free Summer Lunch Program, May 2015
Nye County Animal Advisory Committee Meeting Agenda, May 21, 2015
Round Mountain Town Board Meeting Agenda, May 21, 2015
Nye County Water District Governing Board Budget Workshop Teleconference Agenda, May 21, 2015
Nye County Water District Governing Board Meeting Agenda, May 26, 2015
Beatty Town Advisory Board Meeting Agenda, May 26, 2015
Press Release "Coast-to-Coast for Kids", May 11, 2015
Nye County Water District Governing Board Teleconference Agenda, May 28, 2015
Project Completion Report "Nevada State Mining Championships", May 26, 2015
Nye County BOCC Meeting Agenda, May 29, 2015
US Nuclear Waste Technical Review Board, May 20, 2015
Round Mountain Town Board Meeting Agenda, May 26, 2015
Beatty Town Advisory Board Meeting Agenda, June 1, 2015
Letter from Congressman Crescent Hardy to US Department of veterans Affairs, May 8, 2015
Article "Where the River Runs Dry", The New Yorker, May 25, 2015
Room Tax Report for the Month of April 2015, Collected May 2015
Letter from Ed Tomany to the Tonopah Town Board, May 26, 2015

James Eason reminded the members and attendees that the "Always Lost" War Memorial was set up at the Convention Center.

12. Approval of vouchers for payment

The Board reviewed and signed the vouchers. Tom Seley motioned to approve the vouchers as presented for payment. Doug Farinholt seconded. No further discussion. Motion carried 4-0.

13. Public Comment

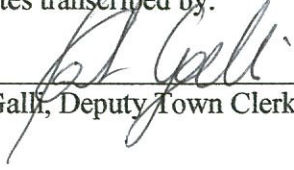
Jess Rosner of the NyE Communities Coalition referred to the lunch program discussed earlier. He noted that the Coalition in cooperation with the Salvation Army needed funding to feed 50 children every day. He pointed out that the program was starting the following week. Mr. Rosner stated that volunteers are needed and to contact Shambra Jones of the Salvation Army for more information. He invited everyone to attend the meeting the following day between 10 and noon to go over the details. Doug Farinholt asked what the organizers were in need of. Mr. Rosner stated that Ms. Jones would be able to answer the question and added that he knows that they need volunteers. Mr. Farinholt suggested having the free lunch program advertised on the reader board in Town.

Ed Tomany would like to thank the Nevada Division of Forestry for their work at the cemeteries. He added that he would also like to thank The Town of Tonopah for their help with the construction at the Tonopah Historic Mining Park.

14. Adjourn


The meeting adjourned at 8:52 p.m.

Minutes transcribed by:

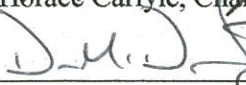


Kat Galli, Deputy Town Clerk

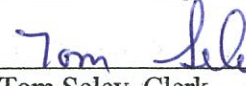
Approved:



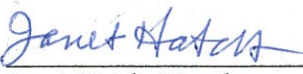
Horace Carlyle, Chairman



Duane Downing, Vice-Chairman



Tom Seley, Clerk



Janet Hatch, Member

Doug Farinholt, Member

TONOPAH LIBRARY BOARD OF TRUSTEES
MEETING MINUTES
MAY 27, 2015
TONOPAH CONVENTION CENTER
301 Brougner Avenue, Tonopah, NV 89049

The Tonopah Library Board of Trustees meeting was called to order May 27, 2015 at 7:22 p.m. by Tom Seley. Also present were board members Janet Hatch, Horace Carlyle, and Doug Farinholt. Duane Downing was absent. Ten others were in attendance.

1. Public Comment

None.

2. Review and approval of minutes. in context. from the regular meeting held May 13. 2015.

Deputy Town Clerk Kat Galli stated that the minutes were not completely transcribed yet. The item was tabled.

3. Library Board Member's/Department Manager's Comments

Chairman Tom Seley noted that the wood flooring underneath the carpet in the Historical Library was looking like it was good shape. He commended Acting Librarian Dianne Ryals for her work. Horace Carlyle stated that he spoke to James Eason about additional storage needed to clear out the historical building to work in it. Vice-Chairman Janet Hatch pointed out that Mr. Ryals had been giving computer classes every Saturday with five people regularly attending. She stressed that he had been giving his personal time to help and that he was very knowledgeable.

4. Correspondence

None.

5. Approval of vouchers for payment

The Board reviewed and signed the vouchers. Horace Carlyle motioned to approve the vouchers as presented for payment. Janet Hatch seconded. No further discussion. Motion carried 4-0.

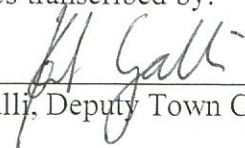
6. Public Comment

None.

7. Adjourn

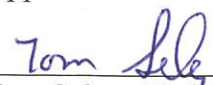
Meeting adjourned at 7:30 p.m.

Minutes transcribed by:



Kat Galli, Deputy Town Clerk

Approved:



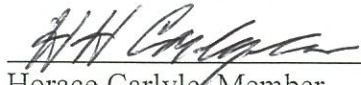
Tom Seley, Chairman



Janet Hatch, Vice-Chairman



Duane Downing, Clerk



Horace Carlyle, Member

Doug Farinholt, Member