

**TONOPAH TOWN BOARD
MEETING MINUTES
JANUARY 22, 2014**

Tonopah Town Board Chairman Horace Carlyle called the meeting to order January 22, 2014 at 7:01 p.m. Also present was Duane Downing, Ron Kipp and Janet Hatch. Chairman Carlyle led in the Pledge of Allegiance. There were seven others in attendance.

1. **Public Comment.**

No action taken by the Board.

2. **Review and approval of minutes, in context, from the regular meeting held on January 8, 2014.**

Ron Kipp stated corrections needed to be made. He said that Duane Downing addressed the staff, not himself. He also stated that the minutes identified that he said "now you have a motion and a 2nd" but that was Duane Downing also. Duane Downing motioned to approve the minutes, in context, from the regular meeting held on January 8, 2014 as presented. Ron Kipp seconded. No further discussion. Motion carried 3-0. Janet Hatch abstained as she had not yet read the minutes.

3. **Discussion, deliberation and possible action to disclose a possible Open Meeting Violation per Section 5. NRS 241.010 "all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly". Section 6. NRS 241.015 2. "Deliberate" means to collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitations, the collective discussion or exchange of facts preliminary to the ultimate decisions. Cure possible violation of Open Meeting Law per Nevada Open Meeting Law Manual, Eleventh Edition June 2012 Part 11 section 11.01-11.14. Cure could include voluntary disclosure of comments if made. Remind all Board Members that the above requirements must be met at all times.**

Chairman Carlyle stated that after reviewing the recording of the January 8, 2014 Board Meeting that he could perceive or discern no violations of any kind and no sidebars had taken place. Mr. Carlyle felt he had to put it on the agenda as soon as the alleged violation was reported to him. Mr. Kipp asked Chairman Carlyle what he thought had happened. Chairman Carlyle said he wasn't sure but that he wanted to make sure no violations had occurred. Duane Downing objected to it being put into an action item of a public document way before it should have been and stated it called into question the character of Board Members and the Board itself. Chairman Carlyle stated he had to make sure no Open Meeting Law violations had taken place. Mr. Downing stated it should have been resolved before putting into action.

Janet Hatch stated that she has had sidebars in the past that were not known violations, but that she will be more careful to speak more publicly in the future. She went on to say that she asked

question at the Open Meeting Law Workshop if having sidebars was a violation and she was told that it is perfectly legal but it was also recommended that they should be as open as they can.

Cindy Kaminski stated that the public could have asked questions of what people were saying due to the fact that it is an open meeting, and said she didn't see any improprieties during the previous meeting.

Chairman Carlyle said he stands accountable and if anyone wanted to file charges, so be it. He stated that he had to do his due diligence. Duane Downing stated that was way beyond the scope of what they were saying.

James Eason apologized for being late and stated he had discussed this previously with Mr. Carlyle and after further review surmised it was not needed. Mr. Eason also stated that he wanted to state that, before it was even discussed tonight, that there was no need to even have this item because there was no violation. It was his understanding that this was a matter over sidebars and he was of the opinion, per Wayne Carlson and Brian Kunzi that you can have sidebars. The County Commissioners do it all the time. The public can question a Board member about what a sidebar is if they want to and there is no violation. He also stated that as far as the audio, it was not picked up. Horace Carlyle stated there was no sidebar recorded. Mr. Eason noted he just wanted to be clear on that, for the record. No action was taken by the Board.

4. **Discussion, deliberation and possible action to authorize 5/8 of one percent of room tax grant to advertise and promote Tonopah in the Last Great American Gold Rush Brochure in the amount of \$2,000**

James Eason stated that Ted Faye of Gold Creek films has requested these funds to produce more brochures that would go in racks that tell the story of the Last Great American Gold Rush. Duane Downing asked what the balance is for the Room Tax and if using this money would create any problems. Both James Eason and Chris Mulkerns stated the funds are there and available for this use.

Duane Downing motioned to approve 5/8 of 1 percent Room Tax Grant to advertise and promote Tonopah in the Last Great American Gold Rush brochure in the amount of \$2,000.00. Janet Hatch seconded. Motion carried 4-0.

The Town Board recessed to the Library Board of Trustees at 7:22 p.m. and reconvened as the Town Board at 7:49 p.m.

5. **Discussion, deliberation and possible action to set date, time and place of Town of Tonopah/Tonopah Public Utilities FY 14/15 Budget Workshops**

After deliberation, Duane Downing motioned to set the date, time and place for FY 14/15 Budget Workshop at the Convention Center on March 3, 2014 at 8:30 a.m. and March 31, 2014 at 8:30 a.m.

Ron Kipp seconded. No further discussion. Motion carried 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 stated that they did a one year review on Phase 1 for the pipeline and everything looks good. Also the water project on Phase 2 is progressing. And the Old Firehouse roof is currently being stripped.

Chairman Carlyle asked about the reuse water sale. Mr. Eason said that is being worked on and they do not have a customer at this time but is talking to potential customers, and the rate is very favorable.

Ron Kipp told Chairman Carlyle that he appreciates everything he does for the Town. Duane Downing stated to Chairman Carlyle that when the Agenda item failed at the last meeting, he took it personally. Chairman Carlyle agreed. Duane Downing also told Chairman Carlyle that he too appreciates his time and effort put forth for the Town.

8. **Closure of meeting, pursuant to NRS 288.220 for the 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 NRS288.220 for purposes of conferring with Town's Management Representative regarding labor negotiation issues, and other personnel issues.**

No action taken by the Board.

10. **Discussion, deliberation, and possible decision of labor negotiations, issues and other personnel matters presented in the closed meeting.**

No action taken by the Board.

11. **Correspondence**

Tonopah Historic Mining Park Annual letter
Pahrump Town Board Agenda, January 14, 2014
Round Mountain Town Board Agenda, January 14, 2014
NV Energy Economic Development 4th Quarter 2013 Rural Nevada Report
Nye County Water District Governing Board Agenda, January 27, 2014
Pahrump Town Board Agenda, January 28, 2014

12. Public Comment

None

13. Approval of vouchers for payment

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

14. Adjourn

The meeting adjourned at 8:09 p.m.

Minutes transcribed by:



Arlene Neiderman, Deputy Town Clerk

Approved:



Horace Carlyle, Chairman

Duane Downing, Vice Chairman



Ron Kipp, Clerk

Javier Gonzalez, Member



Janet Hatch, Member