

Pursuant to NRS a joint meeting of the Nye County Board of Commissioners, Nye County Board of Highway Commissioners, Nye County Licensing and Liquor Board, the Nye County Board of Health, the Governing Body of the Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Gabbs, and Manhattan, and the Board of Trustees for the Pahrump Pool District, was held at 10:00 a.m. in the Commissioners' Chambers, 101 Radar Road, Tonopah, Nevada 89049.

Frank Carbone, Chair  
Leo Blundo, Vice Chair  
Donna Cox, Commissioner  
Debra Strickland, Commissioner  
Bruce Jabbour, Commissioner  
Sandra L. Merlino, Ex-Officio Clerk of the Board  
Chris Arabia, District Attorney  
Sharon Wehrly, Sheriff  
Tim Sutton, County Manager

Also Present: Lorina Dellinger, Assistant County Manager; Kelly Sidman, Deputy Clerk; Samantha Tackett, Administrative Manager; Marla Zlotek, Chief Deputy District Attorney; Michelle Nelson, Deputy District Attorney

Not Present: Debra Strickland, Commissioner; Chris Arabia, District Attorney; Sharon Wehrly, Sheriff

Commissioner Carbone was present via phone.

Commissioner Cox was not present at this time.

Commissioner Blundo assumed the Chair of the Board of County Commissioners.

### **1. Pledge of Allegiance**

The Pledge was recited.

### **2. GENERAL PUBLIC COMMENT (up to three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (first).**

Michael David Garcia talked about how it had been 936 days since his family, name and reputation had been attacked. The reason he kept coming to this Board was because the Commissioners took an oath to account for money being spent in this manner. He talked about child abuse and neglect, and elder abuse occurring in the courts through probate rape. Mr. Garcia said he was looking for accountability of the misappropriation of the tax money.

**3. Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**

Commissioner Blundo thanked everyone for the birthday wishes.

Commissioner Cox was present via telephone.

**4. Approval of the Agenda for July 6, 2022 (Non-action item)**

Tim Sutton said items 5-11 could be removed from the agenda.

**5. For Possible Action – Emergency Items**

This item was removed from the agenda.

**SITTING AS THE BOARD OF COUNTY COMMISSIONERS**

**BOARD OF COMMISSIONERS**

**6. For Possible Action – Closure of meeting, pursuant to NRS 241.015(3)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.**

This item was removed from the agenda.

**7. Closed meeting, pursuant to NRS 241.015(3)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.**

This item was removed from the agenda.

**8. For Possible Action – Discussion and deliberation on conference with legal counsel regarding potential or current litigation presented in closed meeting.**

This item was removed from the agenda.

**9. For Possible Action – Closure of meeting, pursuant to NRS 288.220 for purposes of conferring with the County's management representatives regarding labor negotiations, issues and other personnel matters.**

This item was removed from the agenda.

**10. Closed meeting, pursuant to NRS 288.220 for purposes of conferring with the County's management representatives regarding labor negotiations, issues and other personnel matters.**

This item was removed from the agenda.

**11. For Possible Action – Discussion and deliberation on labor negotiations, issues and other personnel matters presented in closed meeting.**

This item was removed from the agenda.

**CLERK**

**12. For Possible Action – Pursuant to NRS 293.403 and NAC 293.365 Canvass of the returns for the Recount of the Primary Election Results for Governor.**

Sam Merlino advised the recount was held on June 30, 2022. She had a board consisting of three individuals from three different parties. There were also three observers on behalf of Joey Gilbert present, who were able to closely see the whole process. The recount resulted in additional votes, which was purely human error, but it did not change the results of anything in any contest. Joey Gilbert gained one vote and Joe Lombardo gained seven.

Commissioner Carbone made a motion to accept the canvass of the returns; seconded by Commissioner Jabbour.

Commissioner Blundo said he had gotten some communication that Mr. Gilbert was being salty about the situation. Mr. Gilbert had the opportunity and was within his rights to challenge and have a recount. Commissioner Blundo wanted to confirm the recount was paid for.

Mrs. Merlino said she put in for a \$600.00 fee because she thought it would take two days, but it took one so it would be less. She would give that accounting to the Secretary of State's Office

Commissioner Jabbour disagreed with the human error statement. It was very impressive there were only eight votes in the discrepancy due to the error out of the thousands of votes cast. He thanked Mrs. Merlino and her staff.

Commissioner Blundo asked her to explain the human error.

Mrs. Merlino explained on election night her Pahrump staff read all the USBs from Pahrump, Beatty, and Amargosa. Tonopah staff read the Round Mountain and Tonopah USBs, and did all the mail ballots. On election night she sent her staff ahead to start the tally process while she stayed with the Buildings and Grounds crew at the community center because she could not leave the equipment alone. Her staff started the tally process, and usually Mrs. Merlino watched and verified things had been done. She said she was not there when they tallied and although they said they processed that Beatty USB it was not processed. She did not know if it was pulled out before it was finished or just missed, and the Tonopah staff missed that the USB had not been scanned.

**12. For Possible Action – Pursuant to NRS 293.403 and NAC 293.365 Canvass of the returns for the Recount of the Primary Election Results for Governor.**

The motion to accept the canvass of the returns passed with 4 yeas.

**DISTRICT ATTORNEY**

**13. For Possible Action – Discussion and deliberation to rescind action taken by the Board on May 17, 2022 agenda item 30 to relocate the Fifth Judicial District Court, as directed in the Writ Of Mandamus entered on June 29, 2022, by the Nevada Supreme Court in Case No. 84825.**

Commissioner Jabbour made a motion to rescind the action taken by the Board on May 17, 2022, agenda item 30, to relocate the Fifth Judicial District Court as directed in the Writ of Mandamus entered on June 29, 2022, by the Nevada Supreme Court in Case No. 84825, even though the address was incorrect as filed on the Writ of Mandamus; seconded by Commissioner Carbone; 4 yeas.

**14. GENERAL PUBLIC COMMENT (up to three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item.**

There was none.

**15. Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**

There were none.

**16. ADJOURN**

Commissioner Blundo adjourned the meeting.

APPROVED this 4th day

ATTEST:

Of October, 2022.

  
Chair

  
Nye County Clerk / Deputy