



## AMARGOSA VALLEY TOWN BOARD MEETING

### AGENDA

### Amargosa Community Center

1640 E. Farm Road

Thursday

04/25/2019

7:00 P.M.

**Jimmy Thomas, Chairman**  
**Mike Cottingim, Vice Chairman**  
**Pat Minshall, Town Clerk**  
**Trevor Dolby, Member**  
**Carmen Brown, Member**

**NOTE:** Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. The items may be combined. The items may be removed. The discussion of an item may be delayed. **NOTICE:** It is anticipated that the items of business before the Town Board April 25, 2019 will be fully completed on that date. However, should item(s) not be completed, it is possible item(s) could be carried over and be heard before the Town Board beginning at 8:30 a.m. on the next day.

**Public Comment** during the Town Board Meeting on **April 25, 2019** will be for all matters, both on and off the agenda, and be limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during individual action items. The Town Board reserves the right to reduce the time or limit the total time allowed for public comment. The Town Board may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the Town Board, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Town Board meeting.

Pursuant to NRS 241.020, the Agenda for the Town Board Meeting has been posted at the following locations. Amargosa Community Center 1640 E. Farm Road, Amargosa Valley NV, Amargosa Library 1660 E. Farm Road, Amargosa Valley, NV 89020, Amargosa Clinic, 1690 E. Farm Road, Amargosa Valley, NV 89020, American First National Bank, 1600 S. Highway 373, Amargosa Valley, NV 89020, U.S. Post Office 750 E. Sage Avenue, Amargosa Valley, NV 89020, Amargosa Senior Center, 880 E. Desert Seniors Lane, Amargosa Valley, NV 89020. Support documentation for the items on the agenda, provided to the Town Board is available to members of the public at the Amargosa Valley Town Office 1640 E. Farm Road, Amargosa Valley, and NV 89020, [Amargosavalleynv.com](http://Amargosavalleynv.com)

# AMARGOSA VALLEY TOWN BOARD AGENDA

**ITEM # SUBJECT**

**April 25, 2019**

NOTE: All times are approximate except for bid openings, public hearings, and any other items agenzized at a specific time. Action may be taken on all items except where otherwise indicated. Items not scheduled for a specific time may be considered at any time and in any order. Items may be pulled or removed from the agenda at any time.

**Special Note:** Any member of the public who is disabled and requires accommodation or assistance at this meeting is requested to notify the Amargosa Valley Town Office in writing or call (775) 372-5459 prior to the meeting. You can also watch us live streaming thru youtube on our own Amargosa Valley Town Office Channel

## AMARGOSA VALLEY TOWN BOARD

1. Pledge of Allegiance
2. Approval of the Agenda for **April 25, 2019**
3. **Public Comment:** (Three-minute time limit per person.) Action will not be taken on matters considered during this period until specifically included on an agenda as an action item.
4. **For Possible Action** – Review and Possible approve minutes of Amargosa Valley Town Board meeting **March 23, 2019**.
5. **Fire Department Report**
  - A. Discussion on Fire Department Report.
6. **Town Office Report**
  - A. **For Possible Action** – Discussion and Deliberation on approving the Vouchers for payment.
  - B. **Discussion** - Expenditure Report
7. **Committee Reports**
  - A. **Economic Development** – Discussion on Economic and Tourism Committee Report.
  - B. **Human Resource** – Discussion on Human Resource Committee Report.
  - C. **Events Committee** – Discussion on Events Committee report.
  - D. **Cemetery Committee** – Discussion on Cemetery Committee report.
  - E. **Planning Committee** – Discussion on Planning Committee report.
  - F. **Senior Center Report**

**8. For Possible Action - Board Member's Comments** (This item limited to announcements or Topics/issues proposed for future workshops/agendas).

**9. General Business**

- A.** Closure of meeting, pursuant to NRS 288.220 for purposes of discussion regarding labor negotiations, issues and other personnel matters.
- B.** Closed meeting pursuant to NRS 288.220 for purposes of conferring with town's management representatives regarding labor negotiations issues and other personnel matters.
- C. For Possible Action** – Discussion and Deliberation of administrative action pursuant to NRS 241.034.
- D. For Possible Action** – Discussion and Deliberation – **ACTION IS: (MOTION IS:)** to Presentation by Civil Wise seeking Town Board approval for proposed sub-division of 5.89 acres located at Alien Travel Center (*Jimmy Thomas*)
- E. For Possible Action** - Discussion and Deliberation – **ACTION IS: (MOTION IS:)** Establish Policy/Procedures for applying for grants. (*Rich Flanagan*)
- F. For Possible Action** - Discussion and deliberation – **ACTION IS: (MOTION IS:)** Presentation by First Solar to update community on activities at Solar Site, construction routes, signage, # of locals hired, local Co's used. (*Jimmy Thomas*)
- G. For Possible Action** - Discussion and deliberation – **ACTION IS: (MOTION IS:)** Presentation from Acres Cannabis to Cura Leaf, details concerning Licensing, intent of buyer to honor license with AV, Possible revocation or suspension of AV license and or referral to Nye BoCC for further action. (*Jimmy Thomas*).
- H. For Possible Action** - Discussion and deliberation – **ACTION IS: (MOTION IS:)** 1) Adopt, Amend and Adopt or reject Amargosa Bill 2019-03, A bill proposing to Amend Amargosa Valley Code, Chapter 5:32 – entitled Marijuana and Medical Marijuana Licensing, and providing for the severability, constitutionality and effective date thereof: and other matters relating thereto, and 2) set an effective date. (*Jimmy Thomas*)

## AMARGOSA VALLEY TOWN BOARD AGENDA

ITEM # SUBJECT

April 25, 2019

- I. For Possible Action - Discussion and deliberation – ACTION IS: (MOTION IS:) Hire Attorney Arlette Newvine as Town Attorney- set up funding account and fund the account at Public Hearing on 05/20/2019 (*Jimmy Thomas*)**
- J. For Possible Action, Discussion and Deliberation – ACTION IS: (MOTION IS:) Purchase an utility trailer from VEA Auction of excess vehicles and trailers, for use by Fire Department (*Jimmy Thomas*)**
- K. For Possible Action - Discussion and deliberation – ACTION IS: (MOTION IS:) 1) Adopt, Amend & Adopt or reject Amargosa Valley Fee schedule as submitted – adopt Chapter 12 Amargosa Valley code and 2) set effect date (*Jimmy Thomas*)**
- L. For Possible Action - Discussion and deliberation – ACTION IS: (MOTION IS:) Resolution to apportion any funds received from Marijuana establishments, Nye County from Marijuana, or State of Nevada from Marijuana to individual funds within town of Amargosa Valley rather than putting all in Gen. Fund. Suggested division is : 25 % to Capital Projects, 10% to Senior Center, 10% to special fund community emergencies, 25 % to AVFD ( to be used as directed by AVTB). (*Jimmy Thomas*)**
- M. For Possible Action - Discussion and deliberation – ACTION IS: (MOTION IS:) Purchase John Deere riding mower from Northwest Academy for use in the park, as backup for our unreliable mower. Make \$800 available for purchase (John Deere E1 series mowers retail for \$1895.00 (*Jimmy Thomas*)**
- N. For Possible Action - Discussion and deliberation – ACTION IS: (MOTION IS:) Provide a pay raise to Fire Department Administrator/Light Duty Maintenance (Bruce Jensen) position to \$20.00 per hours. (*Bruce Jensen*)**
- O. For Possible Action – Discussion and deliberation – ACTION IS: (MOTION IS:) Approve, Amend, or Reject the Fund for “Amargosa Fund for Volunteer Fire Department from “26258” (General Fund – Volunteer Fire Department Committee) to “26101 (General Fund Volunteer Fire Department). (*Jimmy Thomas*)**
- P. For Possible Action – Discussion and deliberation – ACTION IS: (MOTION IS:) Approve establishment of Amargosa Volunteer Ambulance Service.**

**AMARGOSA VALLEY TOWN BOARD AGENDA**

**ITEM # SUBJECT**

**April 25, 2019**

Establish a budget under General Funds “26101 – 30 – 26 – 27 \*\*\*\*. Change upcoming budget submission from fund 26258. (*Jimmy Thomas*)

**10. Community Questions and Concerns**

**11. PUBLIC COMMENT** (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.

**For Possible Action–Adjournment**

**AFFIDAVIT OF POSTING**

STATE OF NEVADA

COUNTY OF NYE

The undersigned deposed and says: That he or she is over the age of 21 years; that he or she posted at the places below mentioned, the Agenda for “Amargosa Town Board Meeting. In addition, it is on the town website @ “Amargosavalley.nv.com”, support documentation for the items on the agenda, provided to the Town Board is available to members of the public at the Amargosa Valley Town Office, 1640 E. Farm Road, Amargosa Valley, NV 89020. The agenda was posted for the **April 25, 2019** meeting no later than 9:00 am PDT on April 19, 2019.

---

Debbera L. Mendyk,  
Deputy Town Clerk

**POSTED:**

Amargosa Community Center 1640 E. Farm Road, Amargosa Valley, NV  
Amargosa Library 1660 E. Farm Road, Amargosa Valley, NV89020  
Amargosa Clinic, 1690 E. Farm Road, Amargosa Valley, NV89020  
American First National Bank, 1600 S. Highway 373, Amargosa Valley, NV89020  
U.S. Post Office 750 E. Sage Avenue, Amargosa Valley, NV89020  
Amargosa Senior Center, 880 E. Desert Seniors Lane, Amargosa Valley, NV 89020

**Amargosa Valley Town Board**

**AGENDA ITEM REQUEST FORM**

**PETITIONER: Jimmy Thomas**

**AGENDA ITEM MOTION DESIRED: Possible action, discussion and deliberation; Presentation by Civil Wise seeking Town Board approval for proposed sub-division of 5.89 acres located at Alien Travel Center**

**FISCAL IMPACT: Increase in property taxes**

**BACKGROUND: Unknown- Item was 1<sup>st</sup> taken to BoCC for approval – Nye Planning approved & recommended approval by BoCC- BoCC referred it back to us for approval**

**Submitted by: Jimmy Thomas**

**Date Submitted: April 14, 2019**

**Date of Meeting: April 25, 2019**

**Amargosa Valley Town Board**

**AGENDA ITEM REQUEST FORM**

**PETITIONER: Rich Flanagan**

**AGENDA ITEM MOTION DESIRED: Possible action, discussion and deliberation;  
Action is: (Motion is) Establish Policy/Procedures for applying for grants. for**

**FISCAL IMPACT: Unclear currently**

**BACKGROUND: When applying for Fire/Ambulance grants, some grant application asks about Local Town Board approval. Does AVTB approve all grant requests, or does the Fire Chief just apply? Suggest AFD bring to the board any grant that has batching funds, and those that do not, can be applied for without board approval.**

**Submitted by: Rich Flanagan**

**Date Submitted: April 14, 2019**

**Date of Meeting: April 25, 2019**

Amargosa Valley Town Board

**AGENDA ITEM REQUEST FORM**

**PETITIONER: Jimmy Thomas**

**AGENDA ITEM MOTION DESIRED: Possible action, discussion and deliberation; Presentation by First Solar to update community on activities at Solar Site, construction routes, signage, # of locals hired, local Co's used.**

**FISCAL IMPACT: Zero**

**BACKGROUND: Update Only**

**Submitted by: Jimmy Thomas**

**Date Submitted: April 14, 2019**

**Date of Meeting: April 25, 2019**



**Amargosa Valley Town Board**

**AGENDA ITEM REQUEST FORM**

**PETITIONER: Jimmy Thomas**

**AGENDA ITEM MOTION DESIRED: Possible action, discussion and deliberation; Presentation from Acres Cannabis to Cura Leaf, details concerning Licensing, intent of buyer to honor license with AV, Possible revocation or suspension of AV license and or referral to Nye BoCC for further action.**

**FISCAL IMPACT: Could be large**

**BACKGROUND: While Acres has for the most part been a welcome addition to the valley, Rumors of a sale are rampant, we need to insure xtrf of license is without hindrances.**

**Submitted by: Jimmy Thomas**

**Date Submitted: April 14, 2019**

**Date of Meeting: April 25, 2019**

**Amargosa Valley Town Board**

**AGENDA ITEM REQUEST FORM**

**PETITIONER: Jimmy Thomas**

**AGENDA ITEM MOTION DESIRED: Possible action, discussion and deliberation; 1) Adopt, Amend and Adopt or reject Amargosa Bill 2019-03, A bill proposing to Amend Amargosa Valley Code, Chapter 5:32 – entitled Marijuana and Medical Marijuana Licensing, and providing for the severability, constitutionality and effective date thereof: and other matters relating thereto, and 2) set an effective date.**

**FISCAL IMPACT:**

**BACKGROUND: Original MJ ORD. covers only medical Marijuana – this addresses Marijuana & Medical MJ**

**Submitted by: Jimmy Thomas**

**Date Submitted: April 14, 2019**

**Date of Meeting: April 25, 2019**

BILL NO. 2019-03

AMARGOSA TOWN BOARD ORDINANCE NO. 3

SUMMARY: An Ordinance adopting the Amargosa Town Code Chapter 5.32, pertaining to Licensing of Marijuana and Medical Marijuana Establishments; and providing for the severability, constitutionality and effective date thereof; and other matters as properly related thereto.

TITLE: AN ORDINANCE ENACTING AND CODIFICATION OF AMARGOSA CODE CHAPTER 5.32 PERTAINING TO LICENSING OF MARIJUANA AND MEDICAL MARIJUANA AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EDDECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, pursuant to NRS 269.167 the Town Board of the Town of Amargosa Valley desires to provide for the revision and codification, including such restatements and substantive changes as are necessary for clarity and consistency, of all general ordinances of the unincorporated town of Amargosa and provide for the indexing and publication of such ordinances in the form of a town code.

NOW, THEREFORE, the Town Board of the unincorporated Town of Amargosa Valley, Nye County, Nevada, does hereby ordain as follows:

**Chapter 5.32  
MARIJUANA AND MEDICAL MARIJUANA ESTABLISHMENTS**

**5.32.000: MARIJUANA AND MEDICAL MARIJUANA LICENSING:**

**5.32.005: DEFINITIONS:**

**5.32.010: APPLICATION:**

**5.32.020: DENIAL CONDITIONS:**

**5.32.030: BOARD DETERMINATION PROCEDURE:**

**5.32.040: BOARD DETERMINATION; DENIAL:**

**5.32.050: MEDICAL MARIJUANA LICENSE FEES:**

**5.32.055: MARIJUANA LICENSE FEES (RECREATIONAL MARIJUANA ESTABLISHMENTS):**

**5.32.060: FEES; DISBURSEMENT:**

**5.32.070: PUBLIC DISPLAY REQUIRED:**

**5.32.080: RENEWAL PROCEDURE:**

**5.32.090: PROHIBITED ACTS:**

**5.32.100: PENALTY FOR VIOLATION:**

**5.32.110: TRANSFERABILITY:**

**5.32.000: MARIJUANA AND MEDICAL MARIJUANA LICENSING:**

- A. Any license required by this chapter is a separate and distinct license from all other Town licenses, and is in addition to any other license required for conducting or carrying on any other business in connection with or separate from the activities licensed by this chapter.
- B. It is unlawful within the boundaries of Town of Amargosa for a marijuana establishment or medical marijuana establishment to acquire, possess, cultivate, manufacture, process, package, deliver, transfer, transport, supply, dispense or sell marijuana for any purpose without first making application and securing a marijuana license or medical marijuana license to do so.

**5.32.005: DEFINITIONS:**

For the purposes of this chapter, the following words shall have the meanings set out in this section, unless the context otherwise clearly indicates:

**AGENT:** A person authorized by the applicant or licensee to act and speak for him or her.

**BOARD:** The Amargosa Town Board.

**CULTIVATION FACILITY:** Has the meaning ascribed to it in Nevada Revised Statutes 453A.056.

**DUAL LICENSEE:** Means a person or group of persons who possess a current, valid registration certificate issued by the State of Nevada Division of Public and Behavioral Health to operate a medical marijuana establishment pursuant to chapter 453A of Nevada Revised Statutes and a license issued by the Department of Taxation to operate a marijuana establishment under chapter 453D of Nevada Revised Statutes.

**EDIBLE MARIJUANA PRODUCTS:** Has the meaning ascribed to it in Nevada Revised Statutes 453A.101.

**FACILITY FOR THE PRODUCTION OF EDIBLE MARIJUANA PRODUCTS OR MARIJUANA INFUSED PRODUCTS:** Has the meaning ascribed to it in Nevada Revised Statutes 453A.105.

**INDEPENDENT TESTING LABORATORY:** Has the meaning ascribed to it in Nevada Revised Statutes 453A.107.

**MARIJUANA:** Has the meaning ascribed to it by Nevada Revised Statutes 453.096.

**MARIJUANA CULTIVATION FACILITY:** Means an entity licensed to cultivate, process, and package marijuana, to have marijuana tested by a marijuana testing facility, and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

**MARIJUANA DISTRIBUTOR:** Means an entity licensed to transport marijuana from a marijuana establishment to another marijuana establishment.

**MARIJUANA ESTABLISHMENT:** Means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or a retail marijuana store. This term may also be referred to and known as a "recreational marijuana establishment".

**MARIJUANA INFUSED PRODUCTS:** Has the meaning ascribed to it by Nevada Revised Statutes 453A.112.

**MARIJUANA PRODUCT MANUFACTURING FACILITY:** Means an entity licensed to purchase marijuana, manufacture, process, and package marijuana and marijuana products, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

**MARIJUANA PRODUCTS:** Means products comprised of marijuana or concentrated marijuana and other ingredients that are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

**MARIJUANA TESTING FACILITY:** Means an entity licensed to test marijuana and marijuana products, including for potency and contaminants.

**MEDICAL MARIJUANA COOPERATIVE:** An association of persons who voluntarily cooperate to cultivate or distribute medical marijuana to its members, including any nonprofit community organization or collective owned and managed by the people who use its services to facilitate or coordinate transactions between members.

**MEDICAL MARIJUANA DISPENSARY:** Has the meaning ascribed to it by Nevada Revised Statutes 453A.115.

**MEDICAL MARIJUANA ESTABLISHMENT:** Has the meaning ascribed to it by Nevada Revised Statutes 453A.116.

**MEDICAL USE OF MARIJUANA:** Has the meaning ascribed to it in Nevada Revised Statutes 453A.120.

**PHYSICIAN:** Has the meaning ascribed to it in Nevada Revised Statutes 0.040.

**RECREATIONAL MARIJUANA ESTABLISHMENT:** See definition of "marijuana establishment".

**RETAIL MARIJUANA STORE:** Means an entity licensed to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers.

**5.32.010: APPLICATION:**

A. Application for a license provided by this chapter shall be made to the Amargosa Town Board in writing, on the forms provided by the Amargosa Planning Committee..

B. Each application shall:

1. Be filed with the Planning Committee;
2. Be accompanied by the present annual license fee;
3. Include the name and address of the applicant, and of any other person having an interest in the business to be licensed. If the applicant is a partnership, the application shall include the names and addresses of all partners and any other person(s) having a financial interest in the business. If the applicant is a corporation, the application shall include the names and addresses of all officers, directors and stockholders having more than three percent (3%) of the issued stock, the designated agent or resident manager, and the principal place of business of the corporation. If it is a corporation whose stock is sold to the general public, the stockholders need not be listed;
4. Include the name, address and telephone number of all individual(s) who will actively manage the business for which the license is sought. At least one such manager must be on site when business is being conducted;
5. Specify the location of the premises for which the license is sought, and the name of the owner(s), agents, lessee or assignee of the premises where the business is to be operated;
6. Specify which type of marijuana or medical marijuana establishment license is being requested. The Board may issue licenses for the following types of establishments:
  - a. MARIJUANA ESTABLISHMENTS (recreational marijuana establishments):
    - (1) Marijuana cultivation facility;
    - (2) Marijuana testing facility;
    - (3) Marijuana product manufacturing facility;
    - (4) Marijuana distributor; or
    - (5) Retail marijuana store.
  - b. MEDICAL MARIJUANA ESTABLISHMENTS:
    - (1) Medical marijuana cultivation facility;
    - (2) Medical marijuana production facility for edible marijuana products or marijuana infused products;
    - (3) Medical marijuana dispensary; or
    - (4) Medical marijuana independent testing laboratory.
7. Include a copy of the special use permit granted by the Amargosa Town Board for the marijuana or medical marijuana establishment as applicable;
8. Include a copy of the medical marijuana establishment registration certificate, or provisional certificate issued by the State of Nevada Division of Public and Behavioral Health, or license issued by the Department of Taxation;
9. Be signed by all persons who shall conduct or have an interest in the business activities for which a marijuana or medical marijuana license is required. In the case of corporations, clubs or organizations with members, the application shall be verified by the president or secretary or the person who shall actively manage or conduct the business or activity for which a marijuana or medical marijuana license is required;
10. Include an attestation regarding excluded felony offenses, signed by each owner, officer and board member of the proposed marijuana or medical marijuana establishment affirming that each person has not been convicted of any excluded felony offenses as defined in Nevada Revised Statutes 453A.104, and affirming that each person

understands that any falsification, omission or concealment of a material fact may be cause for disqualification from consideration for the proposed marijuana or medical marijuana establishment;

11. Be sworn to as to the truthfulness of the information contained therein.

- C. There shall be a maximum processing time of thirty (30) working days for any application for a marijuana or medical marijuana license from the date of a complete application submittal.
- D. In the case of a corporate licensee, any and all changes in the officers, directors or stockholders, or stockholders owning in the aggregate more than three percent (3%) of the stock of such corporation, shall be reported to the Planning Department within thirty (30) days of the appointment or election of such officers and directors, or acquisition by such stockholder(s), as the case may be, and such officers, directors and stockholder(s) shall be required to qualify for a license as required in this chapter. A list of all shareholders shall be submitted to Amargosa Town Board on an annual basis.
- E. In the case of a partnership licensee, the partnership contract must be submitted with the application. Any change in the partners or other persons with a financial interest in the business shall be reported to the Planning Committee within fourteen (14) working days of the change, and if the change involves the addition of a person not previously investigated, that person shall be required to qualify for a license as required by this chapter.
- F. A financial compilation shall be submitted annually to Amargosa Town Board along with a list of any persons receiving more than three percent (3%) of the disbursements from the entity.
- G. An approved marijuana or medical marijuana license shall expire and become void one calendar year following the date of issuance of the license by the Amargosa Town Board unless revoked or renewed in accordance with the provisions described in this chapter.
- H. One-Time Exemption For Marijuana (Recreational) Establishment License Applicants: In order to support the State of Nevada's Fast-Start Marijuana Establishment Program, any applicant who submits an application and applicable fees to the Amargosa Planning Committee for an initial Amargosa Town marijuana (recreational) license between May 25, 2017 and May 31, 2017 shall be deemed approved by the Amargosa Town Board for the license. In order to qualify for the exemption, applicants must have an operational medical marijuana establishment in good standing with the State of Nevada and Nye County, and the application for the marijuana (recreational) license must be for the same physical location as the medical marijuana establishment. After May 31, 2017, all applications for Amargosa marijuana (recreational) licenses shall be processed in the manner and subject to the provisions of this chapter. (Ord. 519, 2017)

#### **5.32.020: DENIAL CONDITIONS:**

- A. In conformity with the policies of this chapter, the following persons are declared not to be qualified to hold a marijuana or medical marijuana establishment license under the provisions of this chapter:
  - 1. A person who does not possess, or who does not have a reputation for possessing a good moral character;
  - 2. A person under the age of twenty one (21) years;
  - 3. A person who has ever been convicted of a felony involving a crime of a sexual nature involving children or a heinous crime; has made any intentional false statement or omission in the registration form or any crime involving unlawful possession, use or sale of a controlled substance, sexual abuse or assault, violence, or who has been convicted within the past ten (10) years of any other felony, unless the Board finds, upon examination of the circumstances of the crime and the applicant's criminal history, that the applicant does not present, and is not likely to present in the future, a threat to Amargosa safety, morals and welfare, and will likely operate a lawful marijuana or medical marijuana establishment in compliance with the letter and intent of all Amargosa ordinances;
  - 4. A person who the Board determines is not a suitable person to receive or hold a license, after due consideration for the protection of the public health, safety, morals, good order and general welfare of the inhabitants of the County, outside an incorporated city; has ever been convicted of a felony involving a crime of a sexual nature involving children or a heinous crime; has made any intentional false statement or omission in the registration form;
  - 5. A person whose license issued under this chapter has been revoked for cause;
  - 6. A person who, at the time of application for renewal of any license issued under this chapter, would not be eligible for such license upon a first application;
  - 7. A copartnership, unless all of the members of such copartnership, and any other person having a financial interest in the business, are qualified to obtain a license;
  - 8. A publicly held corporation, if the designated agent or resident manager would not be eligible to receive a license under this chapter; and a nonpublicly held corporation, if any of its officers would not be eligible to receive a license under this chapter, for any reason other than citizenship and residence or its designated resident manager would not be eligible to receive a license under this chapter;

9. A corporation, unless it is incorporated in the State, or unless it is a foreign corporation which is qualified under the State laws to transact business in the State;
10. A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of an individual licensee;
11. A person who does not beneficially own the premises for which a license is sought, or who does not have a lease thereof for the full period for which the license is to be used; the manager or his/her agent must be on site when business is being conducted;
12. A person who, in the previous year, has failed to comply with any applicable local ordinance, including, but not limited to, a town or city's business license ordinance; or
13. A person who has not obtained a special use permit, if required, for the operation of a marijuana or medical marijuana establishment or has had a special use permit or State license revoked.

**5.32.030: BOARD DETERMINATION PROCEDURE:**

- A. After submittal of the application, the Planning Chairman shall cause the application to be placed upon the agenda for consideration by the Board.
- B. The applicant or applicants or their agent(s) shall appear before the Board at the appointed time.
- C. The Board may act upon the application or defer action until the next meeting of the Board.

**5.32.040: BOARD DETERMINATION; DENIAL:**

- A. In conformity with the policy of this chapter, the following persons are declared not to be qualified to hold a license under the provisions of this chapter:
  1. A person who is under the age of twenty one (21) years;
  2. A person who has been convicted within the past ten (10) years of:
    - a. A felony crime involving the sale of or furnishing or possession of with intent to sell or to furnish any narcotic, hallucinogenic or dangerous drug, or conspiracy to so sell, furnish or possess;
    - b. A felony or gross misdemeanor crime involving the use of any deadly or dangerous weapon;
    - c. A felony or gross misdemeanor crime involving theft, embezzlement or misappropriation of funds, or possession of stolen property;
    - d. A felony crime involving perjury, bribery or fraud;
    - e. A felony crime involving assault, battery, sexual assault, stalking or harassment, or other physical violence;
  3. A person who is presently on probation for any of the crimes listed in subsection A2 of this section; or
  4. A person who, at the time of application for renewal of a marijuana or medical marijuana establishment agent card would not be eligible for the license upon a first application.
  5. For any other good and sufficient reason.
- B. An applicant otherwise barred by the provisions of subsection A of this section may be found suitable, if on review of the denial of a license, the Board finds upon examination of the circumstances of the crime or the revocation, as the case may be, and upon examination of the applicant's criminal history, that the applicant does not present, and is not likely to present in the future, a threat to public safety, morals and welfare, and will likely abide by all applicable regulations.
- C. The Amargosa Town Board will consider the recommendations and input from the particular town planning committee, Sheriff, water district governing board, or other applicable advisory board or committee.

**5.32.050: MEDICAL MARIJUANA LICENSE FEES:**

- A. The license fees required to be paid to obtain or renew a medical marijuana establishment license shall be as follows:

1. Fifteen thousand dollars (\$15,000.00) for initial issuance and a seven thousand five hundred dollar (\$7,500.00) annual renewal fee for a medical marijuana dispensary establishment with five thousand dollars (\$5,000.00) nonrefundable for the initial application and two thousand five hundred dollars (\$2,500.00) nonrefundable each year thereafter.
  2. Five thousand dollars (\$5,000.00) for initial issuance and a two thousand five hundred dollar (\$2,500.00) annual renewal fee for a medical marijuana cultivation establishment with two thousand dollars (\$2,000.00) nonrefundable for the initial application and one thousand dollars (\$1,000.00) nonrefundable each year thereafter.
  3. Five thousand dollars (\$5,000.00) for initial issuance and a two thousand five hundred dollar (\$2,500.00) annual renewal fee for a medical marijuana production facility with two thousand dollars (\$2,000.00) nonrefundable for the initial application and one thousand dollars (\$1,000.00) nonrefundable each year thereafter.
  4. Two thousand five hundred dollars (\$2,500.00) for initial issuance and a one thousand two hundred fifty dollar (\$1,250.00) annual renewal fee for a medical marijuana independent testing laboratory with one thousand two hundred fifty dollars (\$1,250.00) nonrefundable for the initial application and seven hundred fifty dollars (\$750.00) nonrefundable each year thereafter.
- B. The license fees specified in subsection A of this section shall be payable in advance for at least one year. Failure to pay the medical marijuana license fee within ten (10) working days of the due date shall result in the mandatory assessment of a late fee of twenty five percent (25%) of the annual fee within thirty (30) days of the due date, or shall be grounds for revocation of the license.
- C. In addition to the fees specified in subsection A of this section, every medical marijuana establishment, as a condition of the granting of a medical marijuana establishment license or renewal, shall pay no later than ten (10) working days following the first day of each month, a monthly business license fee to Amargosa Town Board, equivalent to two percent (2%) of the total value of all medical marijuana or medical marijuana products that were produced, manufactured, sold or distributed by the medical marijuana establishment for the previous month.

**5.32.055: MARIJUANA LICENSE FEES (RECREATIONAL MARIJUANA ESTABLISHMENTS):**

- A. The license fees required to be paid to obtain or renew a marijuana establishment license (recreational marijuana) shall be as follows:
1. Fifteen thousand dollars (\$15,000.00) for initial issuance and a seven thousand five hundred dollar (\$7,500.00) annual renewal fee for a retail marijuana store, with five thousand dollars (\$5,000.00) nonrefundable for the initial application and two thousand five hundred dollars (\$2,500.00) nonrefundable each year thereafter.
  2. Five thousand dollars (\$5,000.00) for initial issuance and a two thousand five hundred dollar (\$2,500.00) annual renewal fee for a marijuana cultivation facility, with two thousand dollars (\$2,000.00) nonrefundable for the initial application and one thousand dollars (\$1,000.00) nonrefundable each year thereafter.
  3. Five thousand dollars (\$5,000.00) for initial issuance and a two thousand five hundred dollar (\$2,500.00) annual renewal fee for a marijuana product manufacturing facility, with two thousand dollars (\$2,000.00) nonrefundable for the initial application and one thousand dollars (\$1,000.00) nonrefundable each year thereafter.
  4. Two thousand five hundred dollars (\$2,500.00) for initial issuance and a one thousand two hundred fifty dollar (\$1,250.00) annual renewal fee for a marijuana testing laboratory, with one thousand two hundred fifty dollars (\$1,250.00) nonrefundable for the initial application and seven hundred fifty dollars (\$750.00) nonrefundable each year thereafter.
  5. Two thousand five hundred dollars (\$2,500.00) for initial issuance and a one thousand two hundred fifty dollar (\$1,250.00) annual renewal fee for a marijuana distributor, with one thousand two hundred fifty dollars (\$1,250.00) nonrefundable for the initial application and seven hundred fifty dollars (\$750.00) nonrefundable each year thereafter. This fee is waived if the applicant for the marijuana distributor license possesses a valid Amargosa license for a marijuana or medical marijuana establishment or a Amargosa wholesale delivery liquor license.
- B. The license fees specified in subsection A of this section shall be payable in advance for at least one year. Failure to pay the marijuana license fee within ten (10) working days of the due date shall result in the mandatory assessment of a late fee of twenty five percent (25%) of the annual fee within thirty (30) days of the due date, or shall be grounds for revocation of the license.
- C. In addition to the fees specified in subsection A of this section, every marijuana establishment, as a condition of the granting of a marijuana establishment license or renewal, shall pay no later than ten (10) working days following the first day of each month, a monthly business license fee to Amargosa Town Board, equivalent to two percent (2%) of the



total value of all marijuana or marijuana products that were produced, manufactured, sold or distributed by the marijuana establishment for the previous month.

**5.32.060: FEES; DISBURSEMENT:**

The two percent (2%) monthly business license fees collected by virtue of this chapter shall be delivered by the licensee or authorized agent to the County Treasurer, and shall be kept by the Treasurer in the General Fund for the sole use and benefit of the Town of Amargosa, and shall be paid out by order of and under the direction of the Amargosa Town Board in the same manner as other General Fund disbursements are made. The County Treasurer shall transmit a copy of the payment receipt along with a copy of each return form for each payment to the Amargosa Deputy Clerk and Nye County Sheriff's Office on a monthly basis.

**5.32.070: PUBLIC DISPLAY REQUIRED:**

During all of the period of time for which a license has been issued authorizing the operation of a marijuana or medical marijuana establishment, the license shall be posted and at all times displayed in a conspicuous place in the facility where such business is carried on so that all persons visiting such place may readily see and read the same.

**5.32.080: RENEWAL PROCEDURE:**

A. Application for renewal of licenses shall be made by petition to the Amargosa Planning Committee by filing the same with the Amargosa Deputy Clerk, together with all fees. Applications for renewal shall be made at least ten (10) working days before the annual license expiration date. Amargosa staff shall work with applicants to pro-rate annual license fees in order to achieve a common annual renewal date for all licenses of July 1st of each year.

B. A financial compilation shall be provided with all renewal applications.

C. Notwithstanding any other provisions of this chapter, the procedures set forth in this chapter for the initial application and issuance of marijuana or medical marijuana licenses shall not apply to the renewal of licenses previously issued to the same applicant. With respect to such renewal of licenses, the Planning Committee shall cause the reissuance or cancellation of such license renewals in the manner following:

1. Upon receipt of a completed request for renewal of a license along with the applicable renewal fees, the Planning Chairman his designee shall schedule the renewal request for the next available Board meeting, and present his recommendations for or against the renewal of each such license. No existing license required under this chapter shall lapse or be revoked when presentation to the Board of the request for renewal is delayed solely due to administrative reasons.
2. Any licensee whose license renewal has been disapproved by the Board shall be notified of such in writing, in the manner provided in this chapter. The licensee may avail himself of the procedures set forth in this chapter.
3. Renewal of licenses under this chapter must be for a minimum of one calendar year.
4. Notwithstanding any other provision of this chapter, no existing license required under this chapter shall lapse or be revoked when renewal is delayed solely due to the notice and agenda requirements of Nevada's Open Meetings Law, or due to administrative delay.

**5.32.090: PROHIBITED ACTS:**

It is unlawful for any licensed operation, licensee or employee, agent and/or contractor of any licensee to:

- A. Acquire, possess, deliver, transfer, transport, supply, sell, or dispense any marijuana to any person, unless in compliance with all requirements of this chapter and State law.
- B. Acquire, possess, deliver, transfer, transport, supply, sell, or dispense any marijuana to or from any person or source located outside the State of Nevada.
- C. Do any act that violates any licensing requirement established pursuant to chapter 453A or 453D of the Nevada Revised Statutes.
- D. Fail to comply with all requirements of the conditions of the Amargosa special use permit

**5.32.100: PENALTY FOR VIOLATION:**

A. Persons found guilty of violating any of the provisions of this chapter are guilty of a misdemeanor and subject to a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment. Nothing herein contained shall be construed as limiting any prosecution for acts related to a violation of the Uniform Controlled Substances Act as set forth in chapter 453 of the Nevada Revised Statutes.

B. In addition to any criminal punishment as may be imposed, any violation of this chapter may result in the revocation of any license issued pursuant to this chapter and result in the forfeiture of any and all property as described in Nevada Revised Statutes 453.301. The civil penalties provided for hereunder are intended to be cumulative and in addition to any criminal fines or punishments imposed.

**5.32.110: TRANSFERABILITY:**

Licenses shall not be in any manner transferable or assignable, nor shall any person other than as named in the license be authorized to conduct the business, unless such transfer is approved by the State of Nevada and Amargosa Town Board.

**SEVERABILITY.** If any provision of this ordinance or amendments thereto, or the application to any person, thing, or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance shall continue in full force and effect.

**EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the \_\_\_\_ day of \_\_\_\_\_, 2019

Proposed on the \_\_\_\_ day of \_\_\_\_\_, 2019

Adopted on the \_\_\_\_ day of \_\_\_\_\_, 2019

Vote: Ayes: Board Members:

Nays: Board Member:

Absent: Board Member:

BY: \_\_\_\_\_

Chairman of the Board

ATTEST: \_\_\_\_\_

Clerk of the Board

## **5.32.010(B)(7): REQUIREMENT TO OBTAIN A SPECIAL USE PERMIT:**

Any marijuana establishment shall require the approval and be conducted in compliance with the terms and conditions, of a special use permit.

### **A. Administration and Enforcement:**

1. **Designation of Planning Authority:** For purposes of the administration of special use permits as provided for in this chapter the board shall be designated as the planning authority for all areas in the Town of Amargosa Valley (AVTB).
2. **Penalties:** Any person violating any provision of this chapter is guilty of a misdemeanor and is subject to a fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) and/or imprisonment in the county jail for a period not to exceed six (6) months. Any act that is prohibited, or the result from the failure to perform required acts, shall constitute a violation of this chapter. Any person is guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed or continued.
3. **Abatement Proceedings:** In addition to any penalties that may be imposed, any use of property, or the establishment of any building, structure or use contrary to the provisions of this chapter or in violation of any condition attached to the granting of a special use permit, the AVTB may commence proceedings for the abatement in accordance with this code or state law or may pursue other remedies as provided by law.
4. **Revocation Of Special Use Permit:** Failure to abide by and faithfully comply with the provisions of this chapter with respect to use, development standards, or maintenance requirements, with any other requirement of this code, with any applicable requirement of the Nevada Revised Statutes or Nevada administrative code, or with any and all conditions attached to the granting of any land use application hereunder is unlawful and a public nuisance, and shall constitute grounds for the revocation of the same, or any permit or license issued in conjunction with the application.
  - a. Upon discovery of such a violation, the town may commence proceedings for the revocation thereof in accordance with applicable provisions of this code or may pursue other remedies as provided by law. If the board determines that there is sufficient cause to revoke the application or permit, a public hearing shall be scheduled before the board, at which time the property owner or other interested party may show cause as to why the permit should or should not be revoked. If the board revokes the permit, it shall specify for the record the reasons for its action.
  - b. The revocation of a business license, or the revocation of permits, which are no longer appealable, to conduct a use or the failure to obtain or maintain a valid certificate of registration issued by the state of Nevada shall cause any special use permit to become invalid without the hearing specified in subsection A(4)(a) of this section.
5. **Term Of Special Use Permit:** Any special use permit issued herein shall remain in effect provided the marijuana establishment is in compliance with all conditions of the special use permit and the establishment continues to maintain a valid Amargosa Valley marijuana license. Failure to maintain a valid marijuana license for the premises shall cause any special use permit issued herein to become void and invalid.

6. **Non-transferability Of Special Use Permit:** Any special use permit approved by the board shall be specific to the marijuana establishment business owner as specified on the permit. Any change in ownership in the marijuana establishment shall require the submission of an application by the new owner(s) prior to the transfer of ownership. The board shall consider if the change in ownership materially affects the suitability of the operations considered upon issuance of the special use permit to the previous business owner. The issuance of a special use permit to a new business owner shall be valid until the expiration of the term of the special use permit issued to the previous business owner, which shall be required to be renewed as set forth herein.

7. **Cumulative Remedies:** All remedies provided herein shall be cumulative and not exclusive.

**B. Application Process:**

1. **Form:** Applications for a special use permit shall be submitted to the Amargosa Valley Planning Committee on a form or format as specified by the AVTB. In addition to any other information as may be required by the AVTB, each applicant must submit the following:

- a. If the application is submitted by an agent for the property owner, the application must include a signed affidavit from the owner that the owner knows that the proposed use of the property is for a marijuana establishment;
- b. A site plan showing the location of any existing or proposed buildings or structures, vehicular access, parking areas, landscaping, and demonstrating how the proposed facility meets all security requirements;
- c. A statement that the proposed site is not within one thousand feet (1,000') of a public or private school, and is not within three hundred feet (300') of any other community facility;
- d. A business plan, including a formal statement of business goals, the reasons the goals are believed attainable, the plan for reaching those goals, and background information about the organization or team attempting to reach those goals; and
- e. Any other documents the applicant desires to be considered by the board in consideration of the conditions of approval as set forth herein.

2. **Public Hearing Notice Requirements:** Upon the filing of a complete application for a special use permit, the planning chairman shall give notice setting forth the time, place and purpose of such hearing. Notice of such hearing must be mailed at least ten (10) calendar days prior to the hearing to:

- a. The applicant;
- b. Each owner of real property, as listed on the county assessor's records, located within three hundred feet (300') of the property in question;
- c. The owner, as listed on the county assessor's records, of each of the thirty (30) separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subsection B2b of this section;

- d. Any advisory board which has been established for the affected area by the governing body;
  - e. If a military installation is located within three thousand feet (3,000') of the property in question, the commander of that military installation;
  - f. If an Indian reservation is located within three thousand feet (3,000') of the property in question, the chief and council of the Indian reservation and the United States department of the interior bureau of Indian affairs (BIA); and
  - g. The Nye County sheriff, EMS, and Amargosa Fire Department.
3. Competitive Consideration of Applications for Dispensaries Only: All applications for issuance of special use permits for marijuana dispensary establishments shall be considered on a competitive basis at a single public hearing to be held by the AVTB. All applications must be submitted by June 20, 2019, and by May 30 of each calendar year thereafter, unless the AVTB chooses an alternate schedule, if any applicant wishes to obtain a special use permit for any available permits that may become available as determined by the state of Nevada as set forth in chapter 453A or 453D of the Nevada Revised Statutes. The public hearing shall be scheduled no sooner than the scheduled meeting of the board in the month of June but not later than forty- five (45) days after the closing of applications as is determined in the discretion of the board.
- C. Standards for Approval: The board shall determine which application submits a plan and proposal that meets the needs of the residents Amargosa Valley. The following criteria shall be evaluated by the board:
- 1. Sufficiency and viability of the financial plan showing the resources of the applicant and proof the applicant has adequate funds to support the business plan as presented.
  - 2. Sufficiency and viability of an electronic verification system, inventory control system, adequate building security and fire protection measures.
  - 3. Adequacy of a conceptual transportation plan that addresses product security during the transport of marijuana from seed to sale.
  - 4. Capability to provide safe and secure packaging of marijuana products that would assist in reducing the exposure of children to the dangers of marijuana.
  - 5. Whether the design of the marijuana establishment maintains a professional appearance and is compatible with existing uses or future uses in the proposed area of development.
  - 6. Whether crime or other factors in the area of a proposed marijuana establishment pose an undue threat to the security of the proposed establishment, its product, employees or prospective patrons and the proposed mitigating strategy incorporated into the physical or other security plan to deter or negate that threat.
  - 7. Whether dispensaries will provide convenient access to those authorized to use marijuana to a sufficient distribution of marijuana.

- D. Mandatory Conditions of Approval:** The board may impose conditions of approval that are more restrictive than those required by this section in the sole discretion of the board. The approval of any special use permit authorizing the operation of a marijuana establishment must contain at a minimum the following conditions:
- 1. Certificate Required Prior To Commencing Operations:** The special use permit grantee must provide to the director a copy of the registration certificate issued by the state of Nevada prior to commencing operations.
  - 2. Must Meet State Law Requirements:** The establishment must continue to meet all requirements for a marijuana establishment to qualify for and maintain its certificate of registration as set forth by state law.
  - 3. Must Comply with Operating Procedures:** The establishment must comply with all operating procedures required by state law.
  - 4. Prohibit Consumption of Marijuana:** The establishment must prohibit anyone from consuming marijuana on the premises.
  - 5. Signage:** For production and cultivation establishments: If the establishment has on site signage, the signage shall be limited to one wall sign not to exceed two (2) square feet in size. On site signs for dispensaries shall not exceed twenty- five (25) square feet in size. All signage must obtain approval from the state.
  - 6. Age Restrictions:** The establishment must prohibit anyone under the age of twenty-one (21) years on the premises.
  - 7. Prohibit Certain Activities:** The establishment must prohibit marijuana activities including, without limitation, cultivating, growing, processing, displaying, selling or storage from being conducted outdoors.
  - 8. Enclosed Facilities:** All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed facility.
  - 9. Display Of Marijuana:** The establishment must prevent marijuana or paraphernalia from being displayed or kept in a manner that is visible from outside the facility.
  - 10. Security Systems:** The establishment must install security surveillance cameras that monitor all entrances, along with the interior and exterior of the premises. Recordings from these cameras must be maintained in a retrievable manner for at least sixty (60) days from the date recorded. Surveillance systems shall include a lighting system. The system must be available to the Nye County sheriff's office for real time surveillance and response.
  - 11. Burglary Alarm Systems:** The establishment must install and maintain in good working condition robbery and burglary alarm systems.
  - 12. Ventilation Systems:** The establishment must install a properly designed, sized, and maintained ventilation and air quality control system appropriate for the square footage of the facility and number of plants to control air quality and odor from the establishment.

13. Interior Signage: The establishment must post a legible sign inside the facility stating that:
    - a. The use or distribution of marijuana is a violation of federal law.
    - b. The possession, use, or distribution of marijuana must be in accordance with state law and local regulations.
    - c. Consumption of marijuana on the premises is prohibited.
    - d. No one under the age of twenty-one (21) years is permitted on the premises.
  14. Affidavit Acknowledging Violation of Law: The special use permit grantee shall record a notarized affidavit in which the grantee acknowledges that the operation of a marijuana establishment is a violation of federal law.
  15. Statement Holding AVTB Harmless: The special use permit grantee shall record a notarized statement in which the grantee agrees to hold AVTB harmless against any federal law enforcement actions that may result from the activities of the marijuana establishment that is the subject of the special use permit.
  16. Water Impact Plan: The special use permit grantee shall submit a water impact plan showing the proposed water use and wastewater disposal methods for review and comment by the AVTB Planning Committee, for consideration by the AVTB, prior to issuance of the initial marijuana license; and grantee shall submit an annual report to the AVTB Planning Committee for review and comment. A written summary of the AVTB Planning Committee comments shall be provided to the AVTB for consideration prior to approval of any annual license renewal.
  17. Security And Transportation Plan: The special use permit grantee shall submit a security and transportation plan compliant with Nevada Revised Statutes 453A or 453D and the AVTB security checklist detailing the proposed security for the site, buildings, and transportation vehicles, including proposed security cameras, fencing, building access and security policies and procedures for review and comment by the Nye County sheriff, for consideration by the AVTB, prior to issuance of the initial marijuana license; and grantee shall provide annually a written security report to the AVTB for consideration prior to approval of any annual license renewal.
  18. Waste Disposal:
    - a. The proposed method and procedures of marijuana waste disposal shall be described in the security and transportation plan.
    - b. A description and process for separation, storage and disposal of product lots which do not meet the requirements for marijuana (i.e., failed test product) must be developed, monitored and approved. The location of the area where the failed test products will be stored, such as quarantine rooms, shall be specified in the security plan.
- E. Marijuana Establishment Location Restrictions: All facilities for marijuana establishments must be located a distance of at least one thousand feet (1,000') from any property line of a parcel that has an established public or private school, and shall not be located within three hundred feet

(300') of any property line of a parcel that has any other established community facility at the time of issuance of the special use permit.

**F. Security and Screening Standards For The Cultivation Of Marijuana:**

1. The requirements in Nevada Revised Statutes 453A and 453D are hereby adopted by reference.
2. Marijuana may only be cultivated in an indoor area equipped with locks or other security devices that permit access only by those authorized by state law to cultivate marijuana.
3. Marijuana is not allowed to be cultivated in a location or manner that is visible from any area normally accessible to the general public or from any point off the parcel.
4. All requirements, standards and conditions for the cultivation of marijuana in state statute and regulations must be met at all times.

**G. Extensions of Time:** Any grantee of a special use permit may request an extension of time by submitting the required application form and processing fee to the AVTB Planning Committee prior to the expiration date. All applications for an extension of time shall be processed as a public hearing and all decisions shall be made by the AVTB.



**Amargosa Valley Town Board**

**AGENDA ITEM REQUEST FORM**

**PETITIONER: Jimmy Thomas**

**AGENDA ITEM MOTION DESIRED: Possible action, discussion and deliberation;  
Hire Attorney Arlette Newvine as Town Attorney- set up funding account and fund  
the account at Public Hearing on 05/20/2019**

**FISCAL IMPACT: Hrly Fee is \$250.00 per hour – requires placing fund in a client  
trust account for payment**

**BACKGROUND: Town needs an attorney in cases of litigation – Drawing up &  
implementing ordinances.**

**Submitted by: Jimmy Thomas**

**Date Submitted: April 14, 2019**

**Date of Meeting: April 25, 2019**

**Amargosa Valley Town Board**

**AGENDA ITEM REQUEST FORM**

**PETITIONER: Jimmy Thomas**

**AGENDA ITEM MOTION DESIRED: Possible action, Discussion and Deliberation  
– ACTION IS: (MOTION IS:) Purchase an utility trailer from VEA Auction of excess  
vehicles and trailers, for use by Fire Department**

**FISCAL IMPACT: Unknown currently.**

**BACKGROUND: VEA is holding an auction to divest themselves of older fleet  
vehicles and equipment. The Fire Department can use this trailer for towing ATV  
for use when providing rescue emergency at Sand Dunes.**

**Submitted by: Jimmy Thomas**

**Date Submitted: April 14, 2019**

**Date of Meeting: April 25, 2019**

**Amargosa Valley Town Board**

**AGENDA ITEM REQUEST FORM**

**PETITIONER: Jimmy Thomas**

**AGENDA ITEM MOTION DESIRED: Possible action - Discussion and Deliberation;  
1) Adopt, Amend & Adopt or reject Amargosa Valley Fee schedule as submitted –  
adopt Chapter 12 Amargosa Valley code and 2) set effect date**

**FISCAL IMPACT: Unclear currently**

**BACKGROUND: In anticipation and approval and service will mediate costs of  
service..**

**Submitted by: Jimmy Thomas**

**Date Submitted: April 14, 2019**

**Date of Meeting: April 25, 2019**

BILL NO. 2019-05

AMARGOSA TOWN BOARD ORDINANCE NO. 5

SUMMARY: An Ordinance adopting the Amargosa Town Code Chapter 12 setting schedule of fees for Amargosa Valley Emergency Response Services. to.

TITLE: AN ORDINANCE ENACTING AND CODIFICATION OF AMARGOSA CODE CHAPTER 12 PERTAINING TO ESTABLISHING CHAPTER 12, SETTING SCHEDULE OF FEES FOR AMARGOSA VALLEY RESPONSE SERVICES:

AMARGOSA VALLEY RESOLUTION NO. 2019-05

A RESOLUTION ESTABLISHING Chapter 12 SETTING SCHEDULE OF FEES FOR AMARGOSA VALLEY EMERGENCY RESPONSE SERVICES.

WHEREAS, the Amargosa Valley Town Board, at a regular meeting in \_\_\_\_\_, promulgated a schedule of fees for ambulance services; and

WHEREAS, the Amargosa Valley Town Board, approved, at its \_\_\_\_\_ regular meeting, a revised schedule of fees for ambulance services; and

WHEREAS, the Amargosa Valley Town Board, approved, at its \_\_\_\_\_ regular meeting revised a schedule of fees for ambulance services; and



**IV. Wildlands**

Billing Rates outlined in current BLM/Operating Plan (OP)

**VII. Miscellaneous Rates**

Ambulance Response/Treatment No Transport		\$ 215.00
Bariatric >300 lbs	(additional)	\$1,695.00
Ambulance Rate Per Mile		\$ 31.00
Mental Health Attendance		\$ 800.00
Staging/Standby – Fire/Hazmat/Ambulance	Per Current BLM OP Rates	

**Amargosa Valley Town Board**

**AGENDA ITEM REQUEST FORM**

**PETITIONER: Jimmy Thomas**

**AGENDA ITEM MOTION DESIRED: Possible action - Discussion and Deliberation – ACTION IS: (MOTION IS:) Resolution to apportion any funds received from Marijuana establishments, Nye County from Marijuana, or State of Nevada from Marijuana to individual funds within town of Amargosa Valley rather than putting all in Gen. Fund. Suggested division is : 25 % to Capital Projects, 10% to Senior Center, 10% to special fund community emergencies, 25 % to AVFD ( to be used as directed by AVTB)**

**FISCAL IMPACT: Unknown**

**BACKGROUND: Fund presently goes into General Fund & are used to off set expenses of the town. A better use is to use it for the community.**

**Submitted by: Jimmy Thomas**

**Date Submitted: April 14, 2019**

**Date of Meeting: April 25, 2019**

**Amargosa Valley Town Board**

**AGENDA ITEM REQUEST FORM**

**PETITIONER: Jimmy Thomas**

**AGENDA ITEM MOTION DESIRED: Possible action, discussion and deliberation;  
ACTION IS: (MOTION IS): Purchase John Deere riding mower from Northwest  
Academy for use in the park, as backup for our unreliable mower. Make \$800  
available for purchase (John Deere E1 series mowers retail for \$1895.00)**

**FISCAL IMPACT: \$800 from park maintenance fund, saves the town minimum  
\$1,000 over purchase of a new machine.**

**BACKGROUND: Present mower is old and unreliable and has wiring problems. To  
replace this mower with a new similar one would cost around \$3500.00**

**Submitted by: Jimmy Thomas**

**Date Submitted: April 15, 2019**

**Date of Meeting: April 25, 2019**



**Amargosa Valley Town Board**

**AGENDA ITEM REQUEST FORM**

**PETITIONER: Bruce Jensen**

**AGENDA ITEM MOTION DESIRED: Pay raise & hour increase for Administrator/Light Duty Maintenance position hourly wage to \$18.00 Hr-30 Hrs. per week**

**FISCAL IMPACT:**

**FY 19 will be an increase of \$3,200 (increase of \$640)**

**FY 20 will be an increase from \$16,640 per year to \$20,800 per year**

**BACKGROUND: Increase in Volunteer numbers, Training equipment use requires more hours to do this job. \$20.00 per hr. is still \$1.00 per hr. less than previous wage for this position.**

**Submitted by: Bruce Jensen**

**Date Submitted: April 15, 2019**

**Date of Meeting: April 25, 2019**

**Amargosa Valley Town Board**

**AGENDA ITEM REQUEST FORM**

**PETITIONER: Jimmy Thomas**

**AGENDA ITEM MOTION DESIRED: ACTION IS: (MOTION IS: ) Approve, Amend, or Reject the Fund for "Amargosa Fund for Volunteer Fire Department from "26258" (General Fund – Volunteer Fire Department Committee) to "26101 (General Fund Volunteer Fire Department).**

**FISCAL IMPACT: None – just a movement of where we budget**

**BACKGROUND: The committee doesn't exist under fund "26258", Board wants to approve it under General Funds 26101 – 30 – 26 – 25 - \*\*\*\*.**

**Submitted by: Jimmy Thomas**

**Date Submitted: April 15, 2019**

**Date of Meeting: April 25, 2019**

**Amargosa Valley Town Board**

**AGENDA ITEM REQUEST FORM**

**PETITIONER: Jimmy Thomas**

**AGENDA ITEM MOTION DESIRED: ACTION IS: (MOTION IS:) Approve establishment of Amargosa Volunteer Ambulance Service. Establish a budget under General Funds "26101 – 30 – 26 – 27 \*\*\*\*. Change upcoming budget submission from fund 26258.**

**FISCAL IMPACT: None – just a movement of where we budget funds for ambulance.**

**BACKGROUND: The Town Board believes there must be a separate account for Ambulance budget and expenses. The tentative budget has it lined under Fund "26258" with fire department. Board believes this creates issues within budget having both accounts under one umbrella.**

**Submitted by: Jimmy Thomas**

**Date Submitted: April 15, 2019**

**Date of Meeting: April 25, 2019**