

EUREKA COUNTY BOARD OF COMMISSIONERS

January 6, 2016

STATE OF NEVADA)
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COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on January 6, 2016. Present were Chairman J.J. Goicoechea; Vice Chairman Michael Sharkozy; Commissioner Fred Etchegaray; District Attorney, Ted Beutel; and Commissioner Clerk, Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance. The interactive video conferencing system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

APPROVAL OF AGENDA

Commissioner Etchegaray motioned to approve the agenda; Commissioner Sharkozy seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Goicoechea opened the floor for public comments. Jim Baumann, representing the Diamond Natural Resources Protection & Conservation Association, stated that the DNRPCA voted (during their January 5th meeting) to protest the latest round of Kobeh Valley Ranch water filings and encouraged Eureka County to do the same. Chairman Goicoechea responded that this will be addressed during a related agenda item later in the day.

Michael Mears, Chairman of the Eureka County Republic Party, provided information and invited the Board and the public to attend the Lincoln Day Dinner scheduled at the Opera House the evening of January 15th. Guests include Senator Dean Heller, Secretary of State Barbara Cegavske, Assemblyman John Ellison, and Lieutenant Governor Mark Hutchison. Seats are limited and cost is \$40.00 per attendee.

APPOINTMENT OF OFFICERS

Chairman: Commissioner Sharkozy motioned to retain J.J. Goicoechea as Chairman for the 2016 calendar year; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Vice Chairman: Commissioner Etchegaray motioned to retain Michael Sharkozy as Vice Chairman for the 2016 calendar year; Chairman Goicoechea seconded the motion; motion carried 3-0.

APPROVAL OF MINUTES

December 21, 2015: Commissioner Etchegaray motioned to approve minutes of the December 21, 2015, Commission meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0.

COUNTY COMPTRROLLER

Payment of Expenditures: Expenditures were presented for approval by Comptroller, Kim Todd. Two vouchers were set aside for further clarification. Commissioner Etchegaray motioned to approve expenditures in the amount of \$115,609.02 for accounts payable, \$412,315.55 for payroll, \$1,209,020.60 for a pass-through tax allocation to the School District, \$885,101.06 for a pass-through tax allocation to the State Comptroller, \$1,819.00 in pass-through fees to the Division of Minerals, and \$6,202.94 for Yucca Mountain expenses, for a grand total of \$2,630,068.17. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Clarification was later provided on the voucher to Nevada Division of Health, which was a County indigent payment. Commissioner Etchegaray motioned to approve the payment to Nevada Division of Health in the amount of \$1,149.56; Commissioner Sharkozy seconded the motion; motion carried 3-0. This brought the expenditure and pass-through total to \$2,631,217.73.

Comptroller's Report: The current Fund Balances Report was presented for the Board's review.

Update on Federal Debtor Status: During the last meeting, Ms. Todd reported that Eureka County had erroneously been listed as a delinquent federal debtor for a claim, including interest, of \$10,596.27. This was in relation to a medical bill initially paid by Medicare (as primary) that should have been paid by Prominence Health Plan, the County's insurance carrier. Ms. Todd researched and found that Prominence issued a refund check to Medicare and the refund check was cashed in January 2015, so the filing against Eureka County should have never occurred. Prominence has now issued a replacement check and will request a refund on the original check, so the matter should be cleared up soon.

In the meantime, all Medicare payments to the County ambulance services have been suspended and payments from federal agencies to the County are being seized and credited against the account that still erroneously shows this debt. Ms. Todd assured the Commissioners that the Comptroller's office and Prominence will continue working diligently on this problem until the matter is resolved.

Payroll Specialist Job Description: A new job description was created to reflect the reorganization of duties and assignment of tasks from the Recorder/Auditor to the Comptroller's office. The new job description was reviewed by the District Attorney and contract Human Resources. Commissioner Sharkozy motioned to approve the Payroll Specialist job description for a position assigned to the Comptroller's office; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Copy Machine for Comptroller's Office: Ms. Todd presented two quotes from Office Products Inc. (OPI) for combination copier/fax/scanner machines and indicated the less expensive machine, priced at \$9,426.00, would meet their needs. This machine would be funded by a three-way cost share between the Assessor's Technology Fund, Yucca Mountain Fund, and the yet to be established Comptroller's budget.

The Board debated whether to purchase a new machine or whether to move an existing machine from another office within the County, and ultimately decided to accept the quote. Commissioner Sharkozy authorized the Comptroller to purchase the combination copy machine from Office Products Inc., not to exceed \$9,426.00, with the cost shared between the Comptroller's budget, Assessor's Technology Fund, and Yucca Mountain Fund. Commissioner Etchegaray seconded the motion. Motion carried 3-0.

PUBLIC HEARING TO AMEND PERSONNEL POLICY

Section 9.A.500-9.A.800 – Layoff Policy: Notice was given that the Board of Eureka County Commissioners would hold a hearing to invite public and employee comments and to take action to amend the 2010 Eureka County Personnel Policy by amending Section 9.A.500-9.A.800 to better define the layoff policy and process. A resolution proposing the changes was formulated and amended through several meetings incorporating comments and input from department heads and employees. The final proposed resolution was circulated among all employees and has been available with the County Clerk for public examination.

Chairman Goicoechea opened the public hearing and invited comments. No comments were forthcoming and no written comments were received. Commissioner Sharkozy motioned to adopt the resolution amending the section of the Personnel Policy addressing the layoff process

(Personnel Policy Section 9.A.500-9.A.800); Commissioner Etchegaray seconded the motion; motion carried 3-0. *Resolution is attached and thereby made a part of this record.*

Eureka, Nevada

November 20, 2015

RESOLUTION

AMENDING THE SECTION OF THE PERSONNEL POLICY ADDRESSING THE LAYOFF PROCESS

WHEREAS, the Eureka County Personnel Policy in Section 9.A.500-9.A.800 describes the layoff process; and

WHEREAS, during Board meetings the Commissioners have considered what process is acceptable, should layoffs become necessary; and

WHEREAS, several changes to the layoff process are proposed to better define the process and the roles the Commissioners, department heads, and contract HR must play in the process; and

NOW THEREFORE BE IT RESOLVED the Eureka County Personnel Policy may be changed pursuant to the procedure contained in the Eureka County Code, Title 2, Chapter 50, to read as follows in reference to the layoff process:

9. EMPLOYEE SEPARATION

9.A. Resignation

9.A.100. Notice

Employees are requested to provide at least two (2) weeks notice, in writing, to their supervisor or manager of their intent to resign their employment. If the employee wishes to obtain letter(s) of recommendation, any request must be made prior to termination.

9.A.200. Return of Eureka County Property

When resigning or being terminated, an employee must return all Eureka County property including but not limited to clothing, keys, tools, equipment, radios, pagers, cellular phones, credit/purchasing procurement cards and all other items of value on or before the last day of employment.

9.A.300. Job Abandonment

Eureka County may consider employees who are absent from work without approved leave and not calling in for a period of three (3) consecutive work days to have abandoned their position and, thus, to have resigned.

9.A.400. Final Paycheck

Eureka County shall issue a paycheck by the next payday following the effective date of resignation if sufficient notice was given by the employee and may issue a paycheck sooner when the employee resigns in good standing. If an employee is involuntarily terminated *s/he shall also be paid no later than the next regular payroll*, ~~s/he shall be paid within three (3) work days.~~

9.A.500. Layoffs

Eureka County may lay off employees because of lack of work, lack of funds, material change in duties or organization, or in the interests of economy, efficiency, or for other appropriate causes, as determined by Eureka County.

The order of layoff among positions in the same class within a department will be as follows: *employees serving in casual positions will be considered first*, employees serving an introductory period will be considered *second* ~~first~~, *and those working part time with benefits will be considered third*, and then all other employees will be considered.

9.A.600. Alternatives to Layoff

Whenever a layoff is anticipated, Eureka County will notify employees whose jobs may be affected of the situation and explain all available options to them. Eureka County will make reasonable efforts to integrate affected employees into other available positions. Eureka County may also utilize options in lieu of layoffs where feasible such as part-time work schedules, reduction in work hours, job sharing, or reductions in class or pay. Another

alternative to layoffs would be Employee Furloughs. At the sole discretion of the County Commissioners, they may use the option of mandating days off without pay or the opportunity of using any accrued sick or annual leave.

9.A.650. Transfer and Layoffs

A department head may, after giving 10 working days notice, transfer an employee to another position in the same or comparable class for the purpose of providing continued services to the citizens of Eureka County or other appropriate cause. A transfer must not be made to harass or discipline an employee. An employee who is required to transfer to a geographical location more than thirty miles from their current work location, and who declines the transfer, has layoff rights as provided in this policy.

9.A.700. Order of Layoffs

In deciding which persons shall be laid off and which retained, Eureka County shall consider the essential function to the general public, whether it is required by State or Federal law or safety related. In addition, job-related factors such as job knowledge, skill, and ability to do the required work; previous work experience, including ability to perform other jobs which the employee may be called upon to perform as a result of the layoff; attendance, safety, and disciplinary records; performance evaluations while with Eureka County; and efficiency of operations *may be considered*. Where two employees are equally qualified based on the application of these factors, Eureka County shall retain the employee with the most time served since the current hire date. *Contract HR personnel must review* ~~The Human Resources Analyst/Manager, Budget Director~~ and the County Commissioners must *approve or reject* ~~review~~ all layoff actions prior to them taking place.

9.A.725. Designation of Employees to be Laid Off

In the event of a layoff, the department head shall provide contract HR with a list designating the class, position, and names of employees to be laid off. The department head shall be responsible for providing the rationale for selecting particular employees within the same job class for layoff. Contract HR shall review the list for conformance to employer policy.

9.A.730. Layoff Notice

Upon confirmation of the layoff list by contract HR and approval of layoff by the County Commissioners, the department head and contract HR shall provide each affected employee with a written notice of layoff. Such written notice of the layoff shall be delivered in person. Layoffs will be effective, and an employee who receives a layoff notice will no longer report to work, on the second workday of the next full month following receipt of the layoff notice. Each such employee shall receive a payment, less taxes and withholding, equivalent to the employee's pay as if s/he had worked the full month and not just one day following receipt of the layoff notice.

9.A.740. Reinstatement

Persons who have been laid off shall be placed on one or more reinstatement lists. All employees laid off from positions in the same class shall be placed on a single reinstatement list without regard to department. A laid-off employee may request and receive placement on a reinstatement list for any job class in which s/he previously held post-introductory status. When a vacancy occurs in the same job class for which a reinstatement list exists, the department head shall fill the vacancy using the appropriate reinstatement list.

9.A.760. Reinstatement Process

The most recently laid-off employee on the applicable reinstatement list who is qualified for the position and is willing to accept employment in the class and department where a vacancy exists shall be considered for reinstatement first. The department head may select the most appropriately qualified employee based upon the same considerations described under Section 9.A.700., Order of Layoffs. An employee reinstated to a position in the same class and department held prior to the layoff will not be required to serve an additional introductory period, provided the required introductory period had been served prior to layoff. If a different department or different class is filled, an introductory period may be required.

9.A.780. Duration of Reinstatement List

The names of persons laid off shall be maintained on a reinstatement list for one year from the date of layoff. Persons on this list who are hired in positions in the same or (should they apply for and be selected for a vacancy) higher class from which they were laid off shall, upon such hire, be removed from the reinstatement list. An employee who refuses reinstatement to the same class and department from which the layoff occurred shall be removed from the reinstatement list. Persons reinstated to a position in a lower class or a reduced full time position

from which they were laid off, or called to work as a casual worker, shall remain on the reinstatement list for the designated period of time the reinstatement list is active.

9.A.800. Exit Interviews

In all terminations, whether voluntary or involuntary, the *department head and contract HR* ~~Human Resources Analyst/Manager~~ will conduct an exit interview. The purpose of these interviews is to find out what Eureka County can do to help its retention rate. An exit interview will not be done if the employee refuses to have it.

IT IS FURTHER RESOLVED that this Resolution was proposed on the 20th day of November, 2015, and circulated to the Commissioners for their review and modification that same day; and

IT IS FURTHER RESOLVED that at the direction of the Commissioners, the Commissioner Clerk will circulate this Resolution for review to all departments for distribution to County employees, requesting comment; and

IT IS FURTHER RESOLVED written input from all employees, department heads, and elected officials regarding this Resolution is requested to be provided before December 21, 2015, to the Commissioner Clerk; and

IT IS FURTHER RESOLVED a public hearing will be conducted January 6, 2016 beginning at 10 a.m. or as soon thereafter as the matter may be heard, following publication in the Eureka Sentinel at least ten (10) days before the hearing; and

IT IS FURTHER RESOLVED at that public hearing, and any additional public hearings if deemed necessary, the Commissioners may adopt, reject, or adopt with revisions or amendments this proposed change to the Personnel Policy.

ADOPTED this 6th day of January, 2016.

/s/ JJ Goicoechea
Chairman of the Board
Eureka County Commissioners

Attest: /s/ Jackie Berg
Commissioner Clerk

COMMISSIONERS

Update Reports: Board activities slowed somewhat due to the holiday season. Chairman Goicoechea participated in a multi-state sage grouse meeting in Salt Lake City on January 5th and had several conversations with department heads. Commissioner Etchegaray attended the Diamond Natural Resources Protection & Conservation Association meeting on the evening of January 5th.

McMullen McPhee & Company, LLC – Budget Services: On December 21st, the Board motioned to contract with McMullen McPhee & Company for budget services through the end of the fiscal year, not to exceed \$25,000.00. An engagement letter was prepared and presented for Board approval. Commissioner Etchegaray motioned to sign the engagement letter to contract with McMullen McPhee & Company for budget services through June 30, 2016; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Walker & Associates – Lobbyist Contract: Steve Walker, Walker & Associates, has provided lobbyist and related services to the County for three years. Mr. Walker's expertise is in natural resources and water and his wife Mary's expertise is in local government and finance. Walker & Associates represents several counties, which is a benefit as they can often represent a position as a coalition of counties at a cost savings for all. Commissioner Etchegaray

motioned to approve the contract with Walker & Associates for calendar year 2016, not to exceed \$24,000.00; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Revised Job Descriptions: With reorganization of duties and hiring of a Comptroller, audit related tasks were reassigned to the Comptroller. This required revision of the job descriptions for positions in the Recorder/Auditor's office. Commissioner Sharkozy motioned to approve the revised job descriptions for Deputy Recorder I and Deputy Recorder II and to abolish the previous versions (Deputy Recorder/Auditor I and Deputy Recorder/Auditor II); Commissioner Etchegaray seconded the motion; motion carried 3-0.

Only one of the approved positions is currently filled, but both job descriptions are now updated and on file. A third job description for the shared position between the Recorder's office and the Assessor's office is still under revision and may be presented at a future meeting.

Sagebrush Ecosystem Program & Nevada Greater Sage-Grouse Conservation Plan: Chairman Goicoechea stated that the multi-state meeting in Salt Lake City on January 5th dealt with legislative and litigation issues surrounding sage grouse, particularly the federal Land Use Plan Amendments. Utah is very close to filing a lawsuit addressing similar issues as those addressed in Nevada litigation.

In other sage grouse news, the federal omnibus bill now includes language implementing a one-year timeframe prohibiting the US Fish & Wildlife Service from revisiting a decision on listing the bird as a threatened or endangered species.

BUDGET DIRECTOR

Comptroller Budget: Budget Director, Michael Mears, presented a departmental budget for the newly created Comptroller office. This will address budget needs for the remaining six months of the current fiscal year, through June 30, 2016. He proposed moving salary and benefits from the Beowawe Justice Court department for the Comptroller position. With merger of the Justice Courts earlier this fiscal year, salaries and benefits are no longer being accessed from that department. The Payroll Specialist position and the position shared with the Assessor's office are direct transfers from the Recorder's office, so salary and benefits for those will be transferred as follows accordingly (100% of Payroll Specialist and 40% of shared position).

The remaining budget will be built under the Services & Supplies category. Funding for duties now assigned to the Comptroller will be moved from the Recorder's budget. This includes personnel related items, legal advertising, and postage. The remaining Services & Supplies budget will be funded with a transfer of \$8,500.00 from the County's Contingency Fund.

Commissioner Sharkozy motioned to approve the Fiscal Year 2015-2016 Comptroller budget as presented, including salaries, benefits, and services/supplies in the total amount of \$157,987.90; Commissioner Etchegaray seconded the motion; motion carried 3-0.

COUNTY DIRECTORS / DEPARTMENT HEADS

2016 Appointments: The Commissioners appointed all at-will positions who report directly to the Board of County Commissioners. Commissioner Etchegaray motioned to appoint Ron Damele as **Public Works Director** for calendar year 2016; Commissioner Sharkozy seconded the motion; motion carried 3-0. Commissioner Etchegaray motioned to appoint Jake Tibbitts as **Natural Resources Manager** for calendar year 2016; Commissioner Sharkozy seconded the motion; motion carried 3-0. Commissioner Etchegaray motioned to appoint Michael Mears as **Budget Director** for the remainder of the fiscal year, through June 30, 2016; Commissioner Sharkozy seconded the motion; motion carried 3-0. Commissioner Sharkozy motioned to appoint Mike Sullivan as **EMS Coordinator** for calendar year 2016; Commissioner Etchegaray seconded the motion; motion carried 3-0. Commissioner Sharkozy motioned to appoint Andrea Rossman as **Cultural, Tourism & Economic Development Director** for calendar year 2016;

Commissioner Etchegaray seconded the motion; motion carried 3-0. Commissioner Etchegaray motioned to appoint Millie Oram as **Senior Centers Program Director** for calendar year 2016; Commissioner Sharkozy seconded the motion; motion carried 3-0. Commissioner Etchegaray motioned to appoint Michael Mears as **County Webmaster** for calendar year 2016; Commissioner Sharkozy seconded the motion; motion carried 3-0. Commissioner Etchegaray motioned to ratify the Board's action on December 21st to appoint Kim Todd as **County Comptroller** for calendar year 2016; Commissioner Sharkozy seconded the motion; motion carried 3-0.

2016 APPOINTMENTS - BOARDS / COMMITTEES/ LIAISONS / REPRESENTATIVES

The Board completed a detailed review of all groups with members, representatives, or liaisons up for appointment or reappointment. Commissioner Sharkozy made a sweeping motion to approve all appointments and assignments as designated by the Board; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Appointments made were as follows:

EUREKA COUNTY BOARDS & COMMITTEES

Board of Equalization: Jim Gallagher was reappointed to a four year term on the Board of Equalization.

Debt Management Board: David Pastorino was reappointed to a two year term, representing Television District, on the Debt Management Board.

Diamond Valley Rodent District Board: Lloyd Morrison was reappointed to a three year term, representing agriculture, on the Diamond Valley Rodent District Board.

Diamond Valley Weed District Board: A change adopted during the 2015 Nevada Legislative Session allows Conservation Districts to act as boards for their respective Weed Districts. The Eureka Conservation District notified the Commissioners of their desire to become the acting Weed District Board. The Commissioners provided consensus agreeing to this change in structure for the Weed District. The tax rate is not affected by this change and budgeting authority for the Weed District remains with the Board of County Commissioners.

Economic Development Program Board: The following appointments were made to the Economic Development Program Board: Lisa Wolf was reappointed to a two year term representing northern Eureka County; Diane Wise was reappointed to a two year term representing southern Eureka County; Lee Raine was reappointed to a one year term representing the County-at-large; Earl Overholser was reappointed to a one year term representing southern Eureka County; Sondra Sharkozy was reappointed to a one year term representing northern Eureka County; Doran Adams was reappointed as an alternate to a one year term representing southern Eureka County.

Fair Board (Agriculture District #15): The following appointments were made to the Fair Board (four year terms): Dorothy Rowley was reappointed representing the County-at-large; Anne Kniefel was reappointed representing the County-at-large.

Health Insurance Committee: The following appointments were made to the Health Insurance Advisory Committee (two year terms): Tina Hubbard was reappointed representing Courthouse employees; Bruce Harland was reappointed representing north-end employees; Nona Kellerman was reappointed as an alternate member representing north-end employees. Kim Todd previously represented the Annex/Administration Building employees. With her move to the Courthouse, the Commissioners directed her to Chair the next meeting until a new Chair can be elected, at which time she can tender her resignation.

Local Emergency Planning Committee: The following reappointments were made to the Local Emergency Planning Committee (all one year terms): Keith Logan representing law enforcement; Mike Sullivan representing first aid/health; Michael Sharkozy as a local elected

official; Ron Damele representing civil defense/emergency management; Mike Rebaleati representing firefighting; Anne Kniefel representing broadcasting/print media; John Schwebel Jr. representing transportation; Earl Overholser representing environmental/EPCRA; Michael Mears representing a community group; and Cathy Wolf as an alternate representing first aid/health. Two alternate positions remain vacant. *LEPC later notified the Commission that Mike Rebaleati is not available to serve, so Michael Mears will represent firefighting in addition to a community group.*

Medical Clinics Advisory Committee: Appointments are made to this committee commensurate with the fiscal year (beginning July 1st).

Natural Resources Advisory Commission: The following reappointments were made to the Natural Resources Advisory Commission (four year terms): Jim Baumann representing ranching; Ken Conley representing farming; and Gary McCuin representing business.

Planning Commission: The following reappointments were made to the Eureka County Planning Commission (four year terms): Philip Brown representing the County-at-large; and Tony Rowley representing Commissioner District #2.

Recreation Board: Giovanni Minoletti was reappointed to the Recreation Board for a four year term representing the motel industry. Kim Hicks was appointed for a four year term representing the hotel industry.

Regional Transportation Commission: The following appointments were made to the Regional Transportation Commission (two year terms): Michael Sharkozy representing Commissioners; and Philip Brown as a resident of the largest town in the County.

Senior Centers Advisory Board: The following appointments were made to the Senior Centers Advisory Board (three year terms): Barbara Dugan representing northern Eureka County; Robin Evans as a non-senior representing southern Eureka County; Michael Sharkozy representing Commissioners; and Margie Thomson representing southern Eureka County.

Investment Committee: The Investment Committee is appointed by the County Treasurer. Members are Clerk & Treasurer, Beverly Conley; District Attorney, Ted Beutel; Commissioner Fred Etchegaray; Budget Director, Michael Mears; Comptroller Kim Todd; and Public Guardian, Pernecia Johnson. The Board simply acknowledged these appointments.

NON-COUNTY BOARDS & COMMITTEES

American Lands Council: Jake Tibbitts was reappointed as liaison to American Lands Council.

Ruby Hill Community Advisory Committee: Fred Etchegaray was reappointed as liaison to the Ruby Hill Community Advisory Committee. In December, Ruby Hill Mine was acquired from Barrick Gold by Waterton Global Resource Management. The Community Advisory Committee is a requirement of the Plan of Operations approved by the BLM, so Waterton will assume the obligation to continue these quarterly meetings.

Boulder Valley Monitoring Plan: Jake Tibbitts and Michael Sharkozy were reappointed as liaisons to the Boulder Valley Monitoring Plan.

Central Nevada Regional Water Authority: Fred Etchegaray, Jim Gallagher, Marty Plaskett, J.J. Goicoechea (alternate), and Jake Tibbitts (alternate) were reappointed as Eureka County representatives to the Central Nevada Regional Water Authority.

Diamond Natural Resources Protection & Conservation Association: Jake Tibbitts will continue as non-voting liaison to the Diamond Natural Resources Protection & Conservation Association.

Great Basin Regional Development Authority: The following were reappointed to the Great Basin Regional Development Authority as Eureka County representatives: Michael Sharkozy representing Commissioners, Andrea Rossman representing economic development, and Travis Gallagher representing agriculture/employer.

Homeland Security Working Group: Sheriff Keith Logan was appointed as representative on the Homeland Security Working Group for calendar year 2016; this is a rotating one-year term and it is Eureka County's year to provide representation.

Humboldt River Basin Water Authority: J.J. Goicoechea, Carl Slagowski, Rita Stitzel, and Tom Tomera (alternate) were reappointed as Eureka County representatives on the Humboldt River Basin Water Authority.

Mount Hope 3M Plan TAC: Jake Tibbitts and Dale Bugenig (alternate) were reappointed representing Eureka County on the Mount Hope 3M Plan Technical Advisory Committee.

Mount Hope 3M Plan WAC: J.J. Goicoechea was reappointed as Eureka County representative on the Mount Hope 3M Plan Water Advisory Committee.

Nevada Association of County Officials: J.J. Goicoechea and Michael Sharkozy (alternate) will continue as Eureka County representatives to Nevada Association of County Officials.

Nevada Pinyon-Juniper Partnership: Jake Tibbitts was reappointed as representative to the Nevada Pinyon-Juniper Partnership.

Nevada POOL/PACT: Beverly Conley was appointed as representative to Nevada POOL/PACT; Ted Beutel and Ron Damele will serve as alternates.

Nevada Project Heartbeat: Mike Sullivan was reappointed as Eureka County representative to Nevada Project Heartbeat Board of Directors.

NevadaWorks: Michael Sharkozy will continue as Eureka County representative to NevadaWorks.

EUREKA COUNTY LIAISONS

Census Issues: Michael Mears will continue to serve as liaison on census issues.

Crescent Valley VFD: Michael Sharkozy will continue as liaison to the Crescent Valley Volunteer Fire Department.

Eureka VFD: J.J. Goicoechea will continue as liaison to the Eureka Volunteer Fire Department.

NDF & Rural Fire Departments: J.J. Goicoechea will continue as liaison to Nevada Division of Forestry and the rural fire departments (Beowawe, Dunphy, Pine Valley, and Diamond Valley Volunteer Fire Departments).

Legislative Representatives: J.J. Goicoechea, Michael Mears, Jake Tibbitts, and Keith Logan will continue as legislative representatives.

Natural Resources: J.J. Goicoechea will continue as liaison for natural resources issues.

Nevada Department of Taxation: Michael Mears will continue to serve as liaison on tax related issues.

Water Protest Filings: J.J. Goicoechea will continue to serve as liaison regarding any water protests.

Water Rights Issues: District Attorney, Ted Beutel, will continue to serve as liaison on water rights issues.

Yucca Mountain: J.J. Goicoechea will continue to serve as liaison for the Yucca Mountain Project.

SENIOR CENTERS

Update Report: Senior Centers Program Director, Millie Oram, reported on activities at the Eureka Senior Center and Fannie Komp Senior Center. For the month of December, Eureka served 964 meals and Crescent Valley served 564 meals. A total of \$1,571.55 was deposited for the month.

ROAD DEPARTMENT

Report on Activities: Road Superintendent, Raymond Hodson, reported on Road Department projects and activities. Both north and south end crews spent the bulk of their time plowing snow. Before the snow hit, work continued on the Roberts Creek Bypass Road Project in southern Eureka County and a string of material was applied to Skeeter Way in northern Eureka County.

PUBLIC WORKS

Repeater Site on Mt. Tenabo: Public Works Director, Ron Damele, reported that the County's repeater site on Mt. Tenabo is down and has been down for about ten days. As soon as weather allows, a trip with the snow cat will be scheduled to evaluate the problem and complete necessary repairs.

Power Outage: During an extended power outage in Beowawe the previous week, all fire equipment was relocated to the Crescent Valley Road Shop for the night.

Red Card Wildland Fire Training: Annual Red Card Wildland Fire Refresher training is planned on February 2nd and February 3rd at the Opera House and February 17th at the Crescent Valley Town Center. Road Department and Public Works staff will be scheduled for this refresher training. A 24-hour regional Red Card Wildland Fire class will be scheduled in Elko, with the date yet to be determined.

Update on Devil's Gate GID Budget: Mr. Damele reported that halfway through the fiscal year, Devil's Gate General Improvement has expended 79% of its budget due to some significant well problems. An augmentation may be required before the end of the fiscal year.

Honor Camp Crew: A special rate was negotiated to utilize Nevada Division of Forestry's Honor Camp Crew for snow removal and they have been in Eureka for several days.

COUNTY FACILITIES & ECONOMIC DEVELOPMENT

Commitment Letter for CDBG: A Community Development Block Grant application was submitted by Cultural, Tourism & Economic Development Director, Andrea Rossman, for installation of a backup power supply at the Eureka Ambulance Bay. A letter was prepared outlining the County's commitment of in-kind obligations in the form of maintenance and inspections to serve as a match if the grant is awarded. Commissioner Sharkozy motioned to approve and sign the commitment letter for the Community Development Block Grant application for a backup power supply at the Eureka Ambulance Bay; Commissioner Etchegaray seconded the motion; motion carried 3-0.

EUREKA COUNTY SHERIFF

Detention Facility Quarterly Report: Sheriff Keith Logan reported that the Detention Facility had 20 new bookings, a total of 26 inmates, and 201 inmate days for the quarter covering October, November, and December.

Patrol Statistics: The patrol statistics report showed a total of 2,656 incidents for the quarter. These included calls for service, officer initiated incidents, traffic stops, building checks, vehicle/pedestrian checks, coroner reports, traffic accidents, arrests, citations, animal related calls, and other incidents or offenses.

2015 Annual Statistics: Sheriff Logan also provided an annual patrol statistics report detailing a total of 9,793 incidents for the year. This included four fatal motor vehicle accidents, two on Interstate 80 and two on State Route 278.

Surplus Property Declarations: Sheriff Logan reported that zero proceeds have been received through the Equitable Sharing Agreement with the US Department of Justice for allocation of forfeited cash, property, and proceeds. The federal government has decided to

rescind this program and retain \$1.2 billion in Department of Justice funds, so proceeds are not expected in the future.

The Sheriff's Office also signed up for a surplus military equipment program, but has received no equipment through the program. There are plans on the federal level for these types of programs to be decommissioned.

POTENTIAL BALLOT QUESTIONS

Matters Related to Public Finance & Efficient Administration of Government: As part of a discussion on potential ballot questions, the Board considered several topics that could streamline government and save money. This included possibility of a County-wide water system and consideration of dissolving the Devil's Gate GID, which no longer serves the original purpose. Another area where more efficient administration could be considered is the Television District. The District Attorney agreed to research the necessary processes to sunset the GID and absorb the Television District into County administration, including whether these would be appropriate advisory questions for an upcoming ballot.

The final topic was related to fuel taxes. Assembly Bill 191, enacted during the 2015 Nevada Legislative Session, allows counties to place a question on the 2016 general election ballot to raise certain motor vehicle fuel taxes. Nevada Department of Transportation will only provide services commensurate with the tax raised in each county. This may require Eureka County to consider raising the portion collected by the County to ensure adequate highway services. Nevada Association of Counties is evaluating the issue and potential impacts in order to advise counties.

Applicable Timeframes: Clerk & Treasurer, Beverly Conley, advised the Board that the deadline to submit advisory questions for the primary election ballot is March 18th and deadline to submit advisory questions for the general election ballot is July 18th.

EIDE BAILLY, LLP

Fiscal Year 2014-2015 Audit & Comprehensive Annual Fiscal Report: Teri Gage, CPA, partner with Eide Bailly, LLP, was in attendance to report on the Fiscal Year 2014-2015 Audit and the Comprehensive Annual Fiscal Report. Ms. Gage gave a detailed overview of the independent audit report noting it resulted in what is termed a clean, unmodified opinion.

Statement of Net Position: Assets reduced by liabilities results in the Statement of Net Position or the County's net value, which is \$117 million.

Cash Value: The County's cash value increased from \$50.5 million on June 30, 2014, to \$54.2 million on June 30, 2015. This was the result of several items including receipt of \$3.4 million in net proceeds that wasn't budgeted, return of \$1.2 million following dissolution of the Community Development Corporation, and an 18% increase in real property assessed values.

The County's efforts to reduce budgets and curtail spending must also be acknowledged in relation to the increased cash value, since overall revenues continue to decrease. Sales tax alone decreased by \$765,000.00, approximately 13%.

Net Pension Liability: One of the biggest changes this past year was implementation of GASB 68 (Government Accounting Standards Board), which requires reporting of the unfunded portion of net pension liabilities. An actuarial report completed by PERS (Public Employees Retirement System) showed that Eureka County's net pension liability as of June 30, 2014, was approximately \$10.5 million. This was in addition to OPEB (other post-employment benefits) of approximately \$9 million. Net pension liability is now shown on the County's financial statements. It is not recorded in the individual governmental funds, but is recorded in the enterprise funds.

Enterprise Funds: The County's enterprise funds are Eureka Town Water & Sewer, Crescent Valley Water, and Devil's Gate GID Water. These are managed differently than

governmental funds. These funds are full accrual and track all liabilities, assets, depreciation, net pension liability, and other post-employment benefits. They are intended to be self-sufficient, but all three funds had significant losses this past year and exceeded budget authority. Ms. Gage noted that budgeting for these funds fell short, particularly in relation to depreciation, but also in accounting for post-employment benefits.

General Fund: The General Fund is the main operating fund of the County. In addition to revenues referenced earlier (net proceeds, CDC funds, an increase in real property taxes, etc.), it benefited from redistribution of the County's tax rate which allocated a larger percentage to the General Fund. Revenue losses were attributable to the decline in sales tax and effects of reduced mining activity on personal property taxes.

County staff worked hard to reduce expenditures by \$2 million from the previous year, a 16% reduction of total spending. This was accomplished through various cuts in services and supplies, reduced capital expenditures, reduced contracts, and the hiring freeze. Anticipated ending fund balance for the General Fund was \$8.5 million and actual ending fund balance was \$17.8 million.

Budgeted vs. Expended: It is apparent that County staff is collectively working hard to reduce spending. Budgeted expenditures for Fiscal Year 2015-2015 were \$14 million, but actual expenditures were \$10.4 million.

Single Audit: Receipt of federal funds in excess of \$500,000.00 triggers a single audit. \$544,000.00 was received for the fiscal year (combination of Federal Aviation Administration grants for the Eureka Airport and US Department of Energy grants for Yucca Mountain), so a single audit was required, but resulted in no findings.

Audit Findings: Ms. Gage felt staff did a great job overall and the audit ended in a good position. Most of the findings were related to how end of the year transactions were recorded, including one issue related to recording capital assets, but everything has been resolved. Recommendations are to budget more for depreciation in the affected accounts, to budget more for post-employment benefits, and to have someone other than the preparer sign off on journal entries. She felt hiring a Comptroller was a positive step for the County. Ms. Gage concluded by noting that the audit takes a lot of hard work and cooperation. She thanked the staff and stated how much she enjoyed working with everyone.

Acceptance of Audit: Commissioner Etchegaray motioned to accept the Fiscal Year 2014-2015 Audit and Comprehensive Annual Fiscal Report as presented; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Contract Renewal with Eide Bailly, LLP: Commissioner Etchegaray motioned to renew the contract for external auditing services with Eide Bailly, LLP, for Fiscal Year 2015-2016, and authorized the Chairman to sign the engagement letter; Commissioner Sharkozy seconded the motion; motion carried 3-0.

US ENVIRONMENTAL PROTECTION AGENCY

Request & Information: Tom Dunkelman and Bret Moxley of the EPA joined the meeting by telephone. Mr. Dunkelman and Mr. Moxley serve as On-Scene Coordinators for the project in Eureka. Mr. Dunkelman sent a letter earlier informing of status of the EE/CA (Engineering Evaluation & Cost Analysis), future plans, and requests for assistance from Eureka County.

Engineering Evaluation & Cost Analysis: The draft EE/CA, which evaluates alternatives for addressing lead and arsenic soil contamination in the Town of Eureka, was released in October and the 60-day public comment period closed on December 15th. A small number of comments were received and will all be addressed in the final revised document.

EPA Priority Panel: The EE/CA for the Eureka project was submitted to the EPA Priority Panel in November and this project was ranked second out of approximately a dozen

submissions. The Panel will determine whether funding will be granted for the alternatives outlined in the EE/CA.

Continued Cleanup: In the meantime, the EPA currently has \$1.1 million for additional cleanup in the townsite. The bulk of this will fund design and construction of a permanent repository in Eureka to accept contaminated soil currently located in several temporary storage areas. The repository will accommodate other soil excavated in the future. Cleanup of additional residential properties will be done as funding allows. The EPA would also like to cover areas of high contamination at former smelter sites and on undeveloped parcels west of the senior housing complex.

Request for Repository Site & Access to Materials: Before moving forward with repository design, the EPA requested confirmation from Eureka County that the 29.36 acre parcel along the south side of Ruby Hill Avenue is available for use as the long-term repository site. The parcel would also be used as a source of uncontaminated remediation material. Additionally, the EPA is requesting authorization to excavate rock from the Eureka Landfill and to utilize a gravel pit as a source of other fill material.

After some discussion, the Board agreed that a portion of the 29 acre parcel could be allocated for a repository, with the exact area to be determined as the design process takes place. Public Works Director, Ron Damele, stated that the County needs to be involved in the design phase since the County will assume responsibility for operating the repository. As weather allows, EPA will conduct a topographical survey and begin the design phase, which will take several months.

Commissioner Etchegaray motioned to confirm availability of the 29.36 acre parcel (APN 001-141-01) located on the south side of Ruby Hill Avenue in the Town of Eureka for the EPA to begin investigation into suitability for use as a repository and a source of uncontaminated remediation material, with exact area to be used as a repository to be determined as the design is refined. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Landfill & Gravel Pit Access: The Board provided consensus that the EPA would be allowed access to the Eureka Landfill to excavate rock and material, and would be granted access to a suitable gravel pit for which the County holds a permit. This is contingent upon the County being named as an additional insured and provided a certificate of insurance, and contingent that the EPA obtains all necessary State licenses and permits with copies provided to the County.

The Board encouraged the EPA to utilize local contractors and businesses for continued cleanup and repository work. Mr. Dunkelman responded that they have done so in the past and will continue to do so when possible.

RECESS FOR LUNCH

The Board recessed for lunch from 12:23 p.m. to 1:30 p.m.

NEVADA HEALTH CENTERS, INC.

Proposed Service Delivery Model: The County has not yet renewed the clinical services contract with Nevada Health Centers for Fiscal Year 2015-2016. As agreed, NVHC has continued to operate under conditions of the previous contract while a new contract is negotiated. Following a meeting on October 14th between Walter Davis, CEO of Nevada Health Centers; Chairman Goicoechea; and Garney Damele, Chair of the Medical Clinics Advisory Committee, NVHC sent a proposed service delivery model with a reduced annual budget for operation of the medical clinics in Eureka County. This proposal was in response to a request for an operating model more consistent with other rural clinics operated by NVHC.

The model proposed a contract amount of \$562,562.00, a reduction of \$215,938.00 from the current annual contract amount of \$778,500.00. The main change would be to staffing

levels, by eliminating the physician. Patient services would be offered by mid-level providers (physician's assistants and nurse practitioners). There were no proposed changes to days and hours of operation and the 24/7 coverage would remain intact.

Walter Davis, Chief Executive Officer; Karl Sundberg, Chief Operations Officer; and Dr. Darren Rahaman, Chief Medical Officer, were in attendance to discuss the proposal. They pointed out that providers in Eureka County are averaging 800 patient encounters per year. Typically providers, both in NVHC clinics and non-NVHC settings, see several times this number on an annual basis (closer to 5,000 patient encounters per year).

Commissioner Etchegaray voiced concerns over not having a physician. Several members of the Medical Clinics Advisory Committee were in attendance and had similar concerns. The Committee asked about coverage when providers travel to Crescent Valley or Austin.

The current mid-level providers are excellent professionals and well-liked in the community. Dr. Rahaman assured everyone that the advanced practice professionals are able to provide the same services and care as a physician.

Chairman Goicoechea advised that Eureka County can continue with the current level of coverage, but will continue to pay the high medical costs as well. He has concerns over the ability to sustain these contract costs in the current economy. He understands that the community wants a doctor, but stated there needs to be a realistic approach. The requested proposal was an attempt to provide the same basic services at a more reasonable cost.

To address concerns over provider coverage, it was eventually suggested that NVHC adjust their proposal to include an additional mid-level provider, which would still provide a cost savings over having a physician. The amended proposal will be reviewed at the next Commission meeting.

NATURAL RESOURCES

Report on Upcoming Meetings & Activities: Natural Resources Manager, Jake Tibbitts, reported on upcoming events of interest to the Board and the public. A Diamond Valley Groundwater Management Plan meeting is scheduled at the Opera House on January 11th and the NRCS (Natural Resources Conservation Service, US Department of Agriculture) will attend to present information on opportunities for infrastructure cost sharing. On January 12th at the Opera House, the top two candidates for the Extension Educator position with University of Nevada Cooperative Extension will give public presentations focusing on water, agriculture, and related issues as part of the interview process. A Natural Resources Advisory Commission meeting is tentatively scheduled for the evening of January 13th.

Sage Grouse Issues: In relation to the sage grouse hearing held in US District Court in Reno on November 17th, the Federal District Judge has outlined her briefing schedule. All matters, opening briefs and answers, will be heard by the end of June.

MOU with BLM for Gold Bar Mine Project EIS: Redline changes were made to the draft Memorandum of Understanding to establish Eureka County as a Cooperating Agency for the McEwen Mining Gold Bar Project Environmental Impact Statement and it was returned to the Battle Mountain District BLM. Their response has not yet been received, but Field Manager, Jon Sherve, is working on it and hopes to have a response to Eureka County shortly. McEwen Mining continues to be very helpful in involving the County in the process and the County has been invited to participate in the twice monthly conference calls.

Recent Water Applications: A multitude of water applications have recently been filed with the State Engineer and Mr. Tibbitts reviewed the applications with the Board. The first three are Barrick Gold **Ruby Hill Mine** applications (now assumed by Waterton). The applications request transfer of a portion of water rights from three dewatering wells around the pit at Ruby Hill Mine to the Collingwood wells. The water will be used as supplemental water if needed and

piped to the mine for leaching, dust suppression, etc. Although the use was listed as mining, milling, and dewatering, mine officials have acknowledged that this was an oversight and no dewatering will take place from these wells. The mine will actually be using less water than before, and Mr. Tibbitts recommended no action related to these applications.

The next application is from **Solarljós** to change point of diversion, place of use, and manner of use from irrigation to mining and milling. This water was purchased from General Moly and will be used for development at the diamond mine at New York Canyon. Solarljós is applying for the entire certificated use, close to 700 acre feet, rather than the consumptive use. This raises concerns that it will draw groundwater from an area where the County recently invested substantial monies in springs to augment the municipal water system, and there has been no modeling or determination of potential impacts. Additionally, the application estimates cost of a well and pipeline for this project at \$10,000.00, which falls short of an accurate cost estimate. Mr. Tibbitts recommended protesting this application, if for no other reason, to obtain additional information about their intentions. Mr. Tibbitts has a call scheduled with a member of the family involved in this project, Ty Erickson, and will inform him that the County is not against the development, but has concerns that should be addressed before the project moves forward.

Commissioner Etchegaray motioned to protest the water application to the State Engineer submitted by Solarljós for the diamond mine at New York Canyon for the reasons stated, particularly the potential impacts to the County's municipal water supply; Commissioner Sharkozy seconded the motion; motion carried 3-0.

The final applications under consideration were the 32 applications (applications to change, as well as new applications) filed by **Kobeh Valley Ranch**. A statement attached to these applications notes that they are being filed in case the District Court decides the original applications aren't valid. If District Court upholds the original filings, the new applications will be withdrawn. These applications raise the same concerns and issues related to the first applications, plus some new complications. The County has filed for 6,000-plus acre feet of water with priority over Kobeh Valley Ranch's second round of applications.

The County just received a copy of a letter from the Nevada Division of Water Resources to Kobeh Valley Ranch informing that they no longer needed to file an extension for proof of completion because the State Engineer is moving the original permits back to application status. Even though no direction has been given by District Court, the State Engineer has elected to go down this path, creating a host of issues. One complication is that the applications should revert to the original filers, which for certain applications are Bobcat Ranch and Bartine Ranch. Both ranches have since applied for and been granted new water.

Protest of these applications would include the same protest points as before and cite the new issues and priority applications. Commissioner Etchegaray motioned to protest the recent water applications filed by Kobeh Valley Ranch due to the reasons discussed; Commissioner Sharkozy seconded the motion; motion carried 3-0. Commissioner Etchegaray motioned to authorize the Chairman to sign all water protests outside of the meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Diamond Valley Groundwater Monitoring: Consulting Hydrogeologist, Dale Bugenig, gave a Power Point presentation showing results of the groundwater monitoring in Diamond Valley. Mr. Bugenig explained that there are two monitoring networks. The County monitors six wells and six additional wells are monitored by Diamond Natural Resources Protection & Conservation Association (purchased through a grant from the County in January 2013). The results of Mr. Bugenig's studies are based on both networks of wells. Mr. Bugenig showed statistics from individual loggers as well as combined data. He noted that the springtime water levels are representative of what's happening in the basin as a whole, and the irrigation water levels are influenced by what's happening closer to each well.

Mr. Bugenig has seen some encouraging trends in the area being monitored, which is basically from northern Diamond Valley (Bailey Ranch south of Sadler Brown Road) to southern Diamond Valley (Conley Ranch off of Collingwood Lane). Data shows there was less drawdown in this last season, showing a pattern of elevated water levels of about five feet. This is most likely attributable to two factors: (1) rainfall allowed a decrease in irrigation; and (2) farmers seem to be making an effort to use less water. In speaking with some of the farmers, the reduction in pumping did not have an effect on production.

Longer term data is needed to draw hard conclusions, but the data indicates that a concerted change in water management will have a positive effect on the basin.

CORRESPONDENCE

Correspondence was received from: Earl Overholser (2); Lisa Wolf; Diane Wise; Cassandra Sharkozy; Jim Ithurrealde; Kim Hicks; Cindy Adams; District Attorney, Ted Beutel (3); Assessor, Michael Mears (2); Clerk & Treasurer, Beverly Conley; Public Works Director, Ron Damele; Natural Resources Manager, Jake Tibbitts; EMS Coordinator, Mike Sullivan (2); Senior Centers Program Director, Millie Oram; Cultural, Tourism & Economic Development Director, Andrea Rossman; Commissioner Clerk, Jackie Berg; Economic Development Program Board; Planning Commission; Television District; Eureka County Republican Party; Eureka Owl Club; Crescent Valley Town Advisory Board; Nevada Assoc. of Counties; Kelly Brown, Public Defender; Office Products Inc.; University of Nevada, Frederick Steinmann; Nevada Health Centers, Inc.; Nevada Rural Housing Authority; Nevada Div. of Emergency Management; Nevada Div. of Water Resources (4); Nevada Div. of Environmental Protection; Nevada Dept. of Taxation; Nevada Dept. of Motor Vehicles; Nevada Deferred Compensation newsletter; Watershed Connections newsletter; Las Vegas Urban League; The Business Advocate newsletter; US Environmental Protection Agency; US Dept. of Interior-BLM; USDA Forest Service; and US Dept. of Justice.

PUBLIC COMMENT

Chairman Goicoechea called for public comments; there were none.

ADJOURNMENT

Commissioner Sharkozy motioned to adjourn the meeting; Commissioner Etchegaray seconded the motion; the meeting was adjourned at 3:04 p.m.

Approved by vote of the Board this 20th day of January, 2016.

/s/ J.J. Goicoechea

J.J. Goicoechea, Chairman

I, Jackie Berg, Commissioner Clerk, attest that these are a true, correct, and duly approved minutes of the January 6, 2016, meeting of the Board of Eureka County Commissioners.

/s/ Jackie Berg

Jackie Berg, Executive Assistant

I, Beverly Conley, Clerk & Treasurer of Eureka County, acknowledge and accept the attached minutes as approved by the Board of Eureka County Commissioners and attested to by the Commissioner Clerk.

/s/ Beverly Conley

Beverly Conley, Clerk & Treasurer