

**EUREKA COUNTY BOARD OF COMMISSIONERS**  
**January 20, 2010**

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 20, 2010. Present were Chairman Leonard Fiorenzi, Vice Chair Jim Ithurrealde, Member Mike Page, District Attorney Theodore Beutel, and Clerk & Treasurer Jackie Berg. The meeting was called to order at 9:33 a.m. and began with the Pledge of Allegiance. The interactive video conference system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

**APPROVAL OF AGENDA**

The Board requested that three items on the agenda be moved to different times for various reasons. Commissioner Ithurrealde motioned to approve the agenda with those minor revisions; Commissioner Page seconded the motion; motion carried 3-0.

**PUBLIC COMMENT**

Chairman Fiorenzi called for public comments. Ted Beutel, District Attorney, explained that the Board may want to consider removing the word “open” from the agenda section reading, “Public Comment and Open Discussion” to more closely reflect the example provided in the Open Meeting Law manual and to facilitate controlled discussion. Mr. Beutel also distributed a letter of resignation from Deputy District Attorney, Dorothy Rowley.

**APPROVAL OF MINUTES**

Commissioner Ithurrealde motioned to approve the minutes of the January 4, 2010, budget meeting; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Page motioned to approve the minutes of the January 6, 2010, Commissioner meeting; Commissioner Ithurrealde seconded the motion; motion carried 3-0. Commissioner Ithurrealde motioned to approve the minutes of the January 11, 2010, joint meeting between the Board of Eureka County Commissioners and the Eureka County Planning Commission; Commissioner Page seconded the motion; motion carried 3-0. (This item was voted on during the Eureka County Master Plan Update agenda item at 2:15 p.m.)

**FINANCE**

Payment of Expenditures: Expenditures were presented for approval by Mike Rebaleati, County Recorder & Auditor. Chairman Fiorenzi abstained from voting on the approval of vouchers for Pernecia Johnson, Deputy Public Guardian, due to a close family relationship. Commissioner Ithurrealde made a motion to approve County expenditures in the amount of \$3,036,091.44, which included a pass-through payment of \$1,966,384.01 to the School District, \$10,228.67 in special accounts payable, \$240,412.89 in payroll, and \$2,785,450.08 in accounts payable; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Page made a motion to approve Yucca Mountain expenditures in the amount of \$449.55; Commissioner Ithurrealde seconded the motion; motion carried 3-0.

Auditor’s Report: The Board reviewed the Auditor’s report. Mr. Rebaleati noted that the School District has sufficient funds available to pay off their bond and any excess money should be spent on capital projects.

County Tax Rate Assessed for the Eureka County School District Bond: The Board discussed adopting a resolution to terminate the portion of the County tax rate assessed for the

Eureka County School District general obligation bond, to be effective Fiscal Year 2010-2011. The current tax rate for the school bond is \$0.1625. Commissioner Ithurralde noted that it was recommended by Penny Hampton, Budget Analyst with the Nevada Department of Taxation, to leave the \$0.1625 tax rate on the tax roll for FY 2009-2010. Excess funds were generated for the bond due to the high price of gold and the recently implemented pre-payment of net proceeds of mines. The School District Board of Trustees agreed that the tax rate should be removed from the FY 2010-2011 tax roll because the bond goal has been met in excess. The Board discussed the language in the draft resolution. Commissioner Ithurralde made a motion to table the resolution until the language had been amended; Commissioner Page seconded the motion; motion carried 3-0. Mr. Rebaleati added that questions remain regarding the School District's audit that will need to be addressed. The amended resolution was brought before the Board during the afternoon session of the meeting. After reviewing the resolution, Chairman Fiorenzi made a motion to direct staff to reword the resolution and bring it forward at the next meeting for consideration; Commissioner Page seconded the motion; motion carried 3-0.

### **CORRESPONDENCE**

Correspondence was received from: Werner Hellmuth; Ted Beutel, District Attorney; Deputy District Attorney, Dorothy Rowley; Jackie Berg, Clerk & Treasurer (2); January 25<sup>th</sup> Focus Meeting notice; Eureka County Planning Commission; Crescent Valley Town Advisory Board; Allison, MacKenzie, et al; BJG Architecture & Engineering; Eureka County School District; Western Counties Alliance News; Western Caucus Wilderness "Statement of Principles;" Nevada Aging & Disability Services Division; Governor Jim Gibbons; Nevada Agency for Nuclear Projects; Nevada Rural Housing Authority (2); Da Ka Doiyabe Resource Conservation & Development Council; National Assoc. of Counties; Veterans of Foreign Wars; County of Lake (California); and US Fish & Wildlife Service.

Chairman Fiorenzi stated that an email was received from an employee asking questions about wages and other items. The issues brought up in the email will be addressed by the Human Resources Analyst and brought back to the Board if necessary. A letter was received from Governor Jim Gibbons regarding health care costs to the County, and was given to Mr. Rebaleati to address. A letter identifying issues related to House Resolution (HR) 2996, regarding geothermal payments, will be given to the Natural Resources Manager to address.

A Notification of Grant Award for the Eureka Senior Center was received from the Nevada Aging & Disability Services Division after the agenda was posted. The grant acceptance must be signed within ten days, so the consensus of the Board was to sign the documentation and ratify the decision at the next meeting.

### **COUNTY FACILITIES AND ECONOMIC DEVELOPMENT**

Update Report: Wally Cuchine, Cultural, Tourism, & Economic Development Director, reported that Public Works installed weather stripping around the doors at the Opera House, which has proven helpful with the winter weather. The Opera House hosted the Back 40, a bluegrass music group, on January 15<sup>th</sup>, which was quite successful. Another event is scheduled on February 19<sup>th</sup> featuring the cowgirl music of Juni Fisher. The Commissioners' Open House to inform the public about the Main Street Water and Sewer Project will be conducted that night at 7:00 p.m. Museum Director, Ree Taylor, is enrolled in a class to improve museum practices. Trish Reynolds, Economic Development Program Assistant, completed the quarterly report for the Nevada Commission on Economic Development.

### **SWIMMING POOL / PARKS / RECREATION**

Update Report: A written report was provided to the Board from Cindy Adams, Parks, Recreation, & Facilities Director. The Swimming Pool had a total of 366 swimmers for the

month, including participants in the lap swimming and exercise classes, and five birthday parties. A Basic Lifeguard and CPR Recertification class was held on December 27<sup>th</sup>. Maintenance for buildings and grounds includes snow removal, cleaning at the Fairgrounds, and removal and storage of the Christmas decorations.

## **NEVADA ASSOCIATION OF COUNTIES**

Update: Jeff Fontaine, Executive Director for the Nevada Association of Counties, thanked the Board for continued support of NACO and reported on recent issues of interest. All 17 Nevada counties are involved in NACO with 75 active county commissioners. Mr. Fontaine noted that as a member of NACO, Eureka County also has the opportunity to be involved in the National Association of Counties. Federal issues that NACO is tracking includes: Senate Bill 787, the Clean Water Act re-authorization; wild horse management; Payment in Lieu of Taxes (PILT) and Secure Rural Schools (SRS) funding; mining reform; possible sage grouse listing as a threatened or endangered species; Revised Statute 2477 rights-of-way; and stimulus funding. Mr. Fontaine described State issues of concern to NACO including: County revenues diverted to the State through legislative decisions; Indigent Accident Fund and Supplemental Care Fund allocation; increase in sales tax; new tax abatements; a pending indigent defense order; State budget shortfalls; and the potential for a special legislative session. NACO is also following a study on State and local tax revenues and their allocation; and Senate Bill 264, which directs the Legislative Commission to conduct a study regarding powers delegated to local governments. Governor Jim Gibbons has invited all Nevada county commissioners and city mayors to discuss issues and concerns relating to the current economic situation on February 1<sup>st</sup>. NACO also has sent a letter to the State conveying the message that using county revenues to make up for the deficit in the State's budget is not desirable.

## **PUBLIC WORKS**

Crescent Valley Water System Arsenic Compliance Project: Dean Day, Day Engineering, provided the Board with a conceptual drawing of the Crescent Valley Water System Arsenic Compliance Project. Mr. Day described the proposed treatment plant site and transmission lines. Arsenic treatment will be available for Crescent Valley Well #1 or #2; however, treatment is planned for the largest well. The treated water is expected to be blended with non-treated water, which will sufficiently reduce arsenic levels and reduce treatment costs. Arsenic treatment using an absorptive media system will eliminate the majority of arsenic from the treated water and is easier to operate than other treatment systems. Mr. Day explained that the estimated timeframe for the completion of the project is three years. The project must be approved by the Bureau of Safe Drinking Water which is a time-consuming process

Commissioner Ithurralde motioned to direct staff to continue the Crescent Valley Water System Arsenic Compliance Project as quickly and legally as possible; Commissioner Page seconded the motion; motion carried 3-0.

Water and Sewer Service Application: Ron Damele, Public Works Director, reported that a new water and sewer service application located at 311 South Spring Street in Eureka was received from Carl Olson. The Town of Eureka water and sewer system currently has the capacity for the request. Commissioner Ithurralde made a motion to approve the request for the new water and sewer service located at 311 S. Spring Street; Commissioner Page seconded the motion; motion carried 3-0.

BLM Right-of-Way Application: Mr. Damele explained that a letter has been drafted to the Bureau of Land Management authorizing the Public Works Director to submit a right-of-way application on behalf of Eureka County. The purpose of the application is to amend the right-of-way for the proposed Devil's Gate GID water system tank that would be located at the junction of Highway 50 and State Route 278. Commissioner Ithurralde made a motion to sign the letter

to the BLM authorizing the Public Works Director to submit a right-of-way application on behalf of Eureka County; Commissioner Page seconded the motion; motion carried 3-0.

Main Street Water and Sewer Design: The Board reviewed the scope of work and fee amendment for the Main Street Water and Sewer Project design by Lumos & Associates. Commissioner Ithurralde made a motion to approve the fee amendment for the Main Street Water and Sewer Project design by Lumos & Associates in the amount of \$88,000.00; Commissioner Page seconded the motion; motion carried 3-0.

Grant of Easement: Sierra Pacific requires an easement from the County in order to install underground power conduit from the power pole to the Alltel cellular tower site in Crescent Valley. Commissioner Page made a motion to approve signing a grant of easement for underground utilities with Sierra Pacific for the property lease to Alltel for the cellular tower site located in Crescent Valley; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Hanlon Engineering Contract Amendment: Mr. Damele explained that Hanlon Engineering was contracted by the County for work associated with the Mount Hope Project. A contract amendment was considered by the Board for services related to the review of the Mount Hope Project Administrative Draft, Draft Environmental Impact Statement, Water Pollution Control Permit, and Reclamation Permit, in the amount of \$1,300.00. Commissioner Ithurralde made a motion to approve the contract amendment with Hanlon Engineering for a net increase of \$1,300.00 to review documents related to the Mount Hope Project EIS; Commissioner Page seconded the motion; motion carried 3-0.

## **COUNTY ENGINEER**

"Best of Award" for Eureka Volunteer Fire Station Project: Tom Young, Lumos & Associates, reported that the Town of Eureka Volunteer Fire Station Project was submitted to the Southwest Contractors Board by PK Electrical Engineers, a subcontractor on the project, for consideration of the "Best of Award." The project won the "Best of Award" for the Best Government Building in Nevada. Mr. Young read a portion from an article in the Southwest Contractors magazine, which included a description of the fire station: *"Clean lines and functionality define this fire house that provides an all-volunteer fire department with a facility that is easy to use and maintain with five vehicle bays, offices, restrooms, museum, storage and kitchen, plus a multi-purpose room for training and public meetings. The entire station is adorned with the latest technology, including fiber optics, smart boards and exhaust systems. The red brick exterior is extremely durable, while blending with the existing downtown feel of Eureka."* Mr. Young gave the Board a plaque displaying the award. Plaques will also be placed in the Public Works Department and Eureka Fire Station. Lumos & Associates and Dolven Architecture have ordered a bronze plaque for the Fire Station, listing the Commissioners and members involved in the project.

Main Street Water and Sewer Project: The Commissioners have scheduled an informational public meeting for January 20<sup>th</sup> (that evening) at the Opera House for the Main Street Water and Sewer Project. Engineers from Lumos & Associates, Public Works employees, and the Board will be available at the meeting to answer questions from the public and allow the public to review the plans. Changes or suggestions from the public will be documented for consideration. Additional meetings will be held in the Public Works office at the County Annex/Administration Building, and are tentatively scheduled for February 4<sup>th</sup> and March 4<sup>th</sup>.

Spring Rehabilitation Project: Mr. Young reported that water samples were collected from the ten springs that were proposed to be incorporated into the Town of Eureka Spring Rehabilitation Project. Approximately half of the springs tested have arsenic levels higher than the current acceptable standards. The flow rates are currently unknown; therefore, the potential for blending of the spring water to reach acceptable standards is also unknown. Mr. Young relayed that a meeting is being planned within the next 30 days with County representatives, Nevada Department of Environmental Protection, and the Bureau of Safe Drinking Water to

discuss the arsenic issues with the springs. Arsenic treatment for the springs is not a cost-effective option.

Proceeding with the Spring Rehabilitation Project: Commissioner Ithurralde made a motion to proceed with the Spring Rehabilitation Project until more information is received from the meeting between the County, NDEP, and the Bureau of Safe Drinking Water; Commissioner Page seconded the motion; motion carried 3-0.

2010 Street Maintenance Project: Mr. Young explained culvert replacements were being done each year for flood abatement, as part of the Street Maintenance Project. Proceeding with the planned culvert replacements for 2010 may cause too much of a disturbance in the Town of Eureka because it would coincide with the Main Street Water and Sewer Project. One culvert replacement will be incorporated into the Main Street Water and Sewer Project, but Mr. Young recommended that additional culverts be postponed until the following construction season. Commissioner Ithurralde motioned to curtail replacing additional culverts on Canyon Creek for one or two years until the Main Street Water and Sewer Project is complete; Commissioner Page seconded the motion; motion carried 3-0.

Water Meter Replacement: (This agenda item was discussed earlier in the day under the Public Works section). Mr. Young explained that the County advertised for qualifications from suppliers for water meter replacement. Western Nevada Supply and Ferguson Supply responded and were evaluated for compatibility and cost for the water systems (Eureka, Crescent Valley, and Devil's Gate GID). Mr. Young described the operation of both systems. Cost for 500 meters was approximately \$240,000.00 from Western Nevada Supply and \$175,000.00 from Ferguson Supply. The advantages of radio read meters are reduced time to collect readings and leak detection leading to water conservation. Mr. Young explained that town roads will not be disturbed to install fiber optic cable for the meter systems since it is a wireless system; however, any *new* water services will require the same road disturbance as is done for the present water service installation.

Chairman Fiorenzi was concerned that costly water meter replacements could result in future rate increases. Various options were discussed, such as future installation, installation in construction areas only, and convertibility of modern meters (to radio read). Commissioner Page was in support of the water meter replacement, feeling the cost would be more favorable now, rather than years in the future. Commissioner Ithurralde motioned to postpone water meter replacement and place it on the Five-Year Capital Improvement Plan, with the exception of the area contained in the Main Street Water and Sewer Project where new meters would be installed during construction. Chairman Fiorenzi seconded the motion in order to bring it to a vote. Motion failed with a vote of 1-2. Commissioner Ithurralde voted in favor, but Chairman Fiorenzi and Commissioner Page voted no. Mr. Young explained that modern meters that can be converted to radio read meters in the future will be installed for the Main Street Water and Sewer Project. The meter project will be discussed during the budget process in relation to the Five-Year Capital Improvement Plan.

## **NEVADA HEALTH CENTERS**

Addendum to Current Contract: The Board reviewed an addendum to the current annual contract with Nevada Health Centers, Inc. (NVHC). Michelle Agnew, Chief Operations Officer for NVHC, provided the Board with patient visit statistics for calendar year 2009 at the Eureka Medical Center and Crescent Valley Clinic. The Eureka Medical Center had 2,387 patient visits, and the Crescent Valley Clinic had 420 patient visits for 2009. The addendum to the contract includes a reallocation of funds from telemedicine services to an additional provider which will supply additional provider days in both Crescent Valley and Eureka, and aid in on-call coverage. A locum tenens physician is expected to be available for services March 1<sup>st</sup>; and Ms. Agnew noted the County will not be charged for the third provider until he is on site. Commissioner

Ithurralde made a motion to accept the addendum to the current annual contract with NVHC; Commissioner Page seconded the motion; motion carried 3-0.

Additional Exam Room: Ms. Agnew explained that the Eureka Medical Center currently has four equipped exam rooms, but a fifth exam room will be needed with the additional provider. A storage room can be converted to an exam room with the proper equipment (computer and electronic medical records capability), in the amount of \$6,770.00. Commissioner Ithurralde made a motion to approve expenditures for outfitting an additional exam room at the Eureka Medical Clinic, at an estimated cost of \$6,770.00, with the stipulation that the County's Network Administrator and NVHC's technician discuss options for reducing computer and installation costs. Commissioner Page seconded the motion. Motion carried 3-0.

Flooring for Additional Exam Room: Commissioner Ithurralde motioned to direct Public Works to change the flooring in the additional exam room to tile, in order to match the four existing exam rooms; Commissioner Page seconded the motion; motion carried 3-0.

### **CRESCENT VALLEY TOWN ADVISORY BOARD**

Recording System Replacement: Sandy Spoo, Secretary to the Crescent Valley Town Advisory Board, explained that the current audio recording system for the Crescent Valley Town Center has not been working well, and taped recordings from the current system are not compatible with any other system. Commissioner Page made a motion to direct staff to conduct a cost analysis of a replacement audio recording system for the Crescent Valley Town Center and bring the estimated cost to the Commissioners for consideration; Commissioner Ithurralde seconded the motion; motion carried 3-0.

### **RECESS FOR LUNCH**

The Board recessed for lunch from 12:02 p.m. to 1:06 p.m.

### **LOCAL EMERGENCY PLANNING COMMITTEE**

State Emergency Response Commission (SERC): Lisa Hoehne, Secretary to the Local Emergency Planning Committee, requested that the Board table the submittal of the State Emergency Response Commission (SERC) grant application. The State requested that LEPC combine the hazardous materials plan into one volume rather than two, which will delay preparation of the grant documents. This was tabled until February 19<sup>th</sup>.

Hazardous Materials Response Plan: Ms. Hoehne presented a letter of promulgation for signature; this is required annually for the Hazardous Materials Response Plan. Commissioner Ithurralde motioned to approve the letter of promulgation for the Hazardous Materials Response Plan; Commissioner Page seconded the motion; motion carried 3-0.

### **AMBULANCE AND EMS**

Update Report: Mike Sullivan, EMS Coordinator, reported that Eureka had 14 calls for service and Crescent Valley had nine calls for service since December 20, 2009. There were 205 calls for service County-wide for 2009. Since January 1, 2010, Eureka has had seven calls for service and Crescent Valley has had four calls. Mr. Sullivan reported on volunteer staffing levels and continuing education, and noted that the volunteers have been responding to challenging emergencies well. Ambulance attendant renewal applications have been submitted. Mr. Sullivan gave an update on the H1N1 influenza, including flu activity, hospitalizations, and deaths. H1N1 vaccinations are available in Eureka and the public was urged to receive the vaccine. Children between 6 months and 10 years of age will require a booster shot for full effectiveness of the immunization.

## **EUREKA COUNTY HUMAN RESOURCES**

**Status and Change of Job Title:** Jerry Larson, Human Resources Analyst II, explained that he directly reports to the Board and that his responsibilities fall under the definition of an exempt employee (not eligible for overtime); however, he is currently categorized as a non-exempt employee. On January 6<sup>th</sup>, Mr. Larson was re-appointed for an additional year as the Human Resources Analyst along with the other exempt employees in the County; however, the Board indicated that the re-appointment was an oversight. Mr. Beutel clarified that Mr. Larson is currently a non-exempt salaried employee who is eligible for overtime. Commissioner Page motioned to evaluate Mr. Larson in March for his six-month employment evaluation and revisit the issue of non-exempt versus exempt employee following the performance evaluation; Commissioner Ithurrealde seconded the motion; motion carried 3-0.

**Benefit Package:** The Board indicated that Mr. Larson's request that the County pay his dependent insurance coverage, as is typical for exempt employees, would also have to be tabled until March.

**Revised Eureka County Personnel Policy:** Mr. Larson reported that the revised Eureka County Personnel Policy has been presented to the County employees in Crescent Valley and will be presented to the employees and managers in Eureka during the focus meetings on January 25<sup>th</sup>. Suggested changes will be brought to the Commissioners for consideration. Before final approval by the Board, a public hearing will be held regarding the revised Personnel Policy. Commissioner Ithurrealde motioned to direct the Human Resources Analyst to continue with the review of the revised Personnel Policy with the County employees; Commissioner Page seconded the motion; motion carried 3-0.

**Public Hearing Regarding Personnel Policy:** No action was taken on this agenda item. A public hearing on the revised Personnel Policy will be set after comments are brought forward to the Board.

## **EUREKA COUNTY HEALTH INSURANCE COMMITTEE**

**Update Report:** Kim Todd, Health Insurance Committee Chairperson, and member Garney Damele reported on the Health Insurance Committee meeting of January 7<sup>th</sup>. Letters were sent to Saint Mary's, MetLife, and Bob Moore, who works for the brokerage firm handling the County's insurance. Issues of concern were outlined in the letters, such as non-coverage for hearing aids. Responses to the letters will be brought to the Board for review. Insurance rates for FY 2010-2011 will be evaluated by the Health Insurance Committee and the Budget Officer and budget recommendations will be brought forward to the Commissioners.

**2010 Community Health Fair Funding:** Ms. Todd explained that in February 2009 the Health Insurance Committee requested that the Commissioners support community health fairs (Eureka and Crescent Valley) every other year rather than alternating an employee-only health fair one year and a community health fair the next. To supplement funding of a community health fair, which the committee is proposing for this spring, donations will be requested from the local mines, businesses, and the School District. Saint Mary's has been contacted to provide services, such as blood draws and analysis, and the insurance company is showing interest, but estimated costs are not yet available. \$25,000.00 was budgeted for the most recent health fairs, but total cost to the County was around \$9,000.00 (approximately \$13,000.00 for the Eureka and Crescent Valley health fairs, minus donations). Commissioner Ithurrealde motioned that the Health Insurance Committee move forward with a community health fair, but requested a cost analysis prior to final approval; Commissioner Page seconded the motion; motion carried 3-0.

## **UNIVERSITY OF NEVADA COOPERATIVE EXTENSION**

**Out-of-State Travel:** A letter was submitted by Gary McCuin, Extension Educator, requesting authorization for out-of-state travel to attend the Joint Annual Meeting of the Society

for Range Management and Weed Science Society of America, scheduled February 7-11, 2010, in Denver, Colorado. Commissioner Ithurralde made a motion to authorize out-of-state travel for the Cooperative Extension Educator, Gary McCuin, to attend the joint meeting of the Society for Range Management and Weed Science Society of America; Commissioner Page seconded the motion; motion carried 3-0.

### **BEOWAWE JUSTICE COURT**

New Office Hours: Susan Fye, Justice of the Peace, explained that the Beowawe Justice Court staff has been working four 10-hour days on a trial basis. This has received a lot of positive feedback from the local citizens, because a number of them work rotating shifts at the nearby mines. Judge Fye explained that the law allows the Justice Court to set hours of operation, though the Justice of the Peace must be available at all times. Judge Fye researched Justice Courts throughout the State and found a variety of court schedules and operating hours. Due to the positive response, she has decided to make the four 10-hour days the permanent schedule for Beowawe Justice Court and wanted to officially notify the Board and the public.

### **BARRICK RUBY HILL MINE**

New General Manager and Update Report: Randy Buffington, previous General Manager of Barrick Ruby Hill Mine, introduced the new General Manager, Andy Cole, to the Board members. Staffing changes at Ruby Hill include Jerry Johnson, new Chief Engineer, and John Porterfield, who is over mine maintenance. Mr. Buffington reported that Ruby Hill was recognized as Barrick's safest small mine for 2009, exceeded production of gold for the third year in a row, currently has a 20% staffing turnover rate, and is considering building additional staff housing. Gold exploration is continuing due to increased gold prices and the production at Ruby Hill. Mr. Buffington relayed that additional expansion has not been permitted, but options are being evaluated. Current interest lies in areas to the west and south edge of the mine, but not under the Town of Eureka. Major changes in dewatering rates are not expected and additional dewatering wells are expected to be drilled. Mr. Buffington relayed that mining at Bald Mountain is an option for Ruby Hill Mine workers in case an expansion is not permitted at the end of the current mine life. This would allow workers to continue employment with Barrick and continue living in Eureka. Without expansion, Ruby Hill is expected to produce until 2014 with two years of additional processing beyond that.

### **EUREKA COUNTY MASTER PLAN UPDATE**

Review Amendments to Master Plan: Ellen Rand, Chairwoman of the Eureka County Planning Commission, and Vera Baumann, Administrative Assistant, provided amendments made to the Master Plan as a result of the joint meeting between the County Commissioners and Planning Commission. The Commissioners agreed to review the amendments and will include an item on their February 5<sup>th</sup> agenda to set another joint meeting (if both boards feel they are ready). Public hearing dates will not be set until both boards are satisfied that they are closer to a final document.

Master Plan Contract Retention: The Board discussed releasing a portion of the Master Plan Update contract retention to the contractors, Floyd Rathbun and Jeanette Dahl. Commissioner Ithurralde made a motion to release \$5,000.00 of the \$10,000.00 Master Plan contract retention, and that the contractors be paid Eureka County's standard mileage reimbursement for additional trips to Eureka beyond their existing contract; Commissioner Page seconded the motion; motion carried 2-1. Chairman Fiorenzi voted no, commenting that contractors should petition for additional funds instead of it being offered by the County.

## **NATURAL RESOURCES**

**Activity Report:** Jake Tibbitts, Natural Resources Manager, attended a National Environmental Policy Act (NEPA) Committee meeting on January 6<sup>th</sup>; the water appeal hearing in District Court on January 7<sup>th</sup>; the Humboldt River Basin Water Authority meeting on January 8<sup>th</sup>; the joint meeting between the Planning Commission and Board of County Commissioners regarding the Master Plan update on January 11<sup>th</sup>; a NACO Public Lands and National Resources Committee teleconference meeting on January 12<sup>th</sup>; a Mount Hope Water Resources Monitoring, Management, and Mitigation (3M) Plan meeting on January 13<sup>th</sup>; a Natural Resources Advisory Commission (NRAC) meeting on January 13<sup>th</sup>; and a Mount Hope conference call on January 19<sup>th</sup>. Mr. Tibbitts relayed that during the NRAC meeting, Steve Williams, Forest Service, stated that the Forest Service is willing to sign a memorandum of understanding (MOU) with the County outlining coordination of future projects. The NRAC is also considering developing a protocol to GPS closed Forest Service roads in order for the Forest Service to reanalyze those roads.

**Upcoming Meetings:** Mr. Tibbitts will attend a NEPA Committee meeting on January 21<sup>st</sup>; a County Wildlife Advisory Board meeting on February 1<sup>st</sup>; and a Mount Hope conference call on February 2<sup>nd</sup>. Commissioner Ithurralde requested that the County respond to a letter regarding House Resolution 2996, which involves geothermal royalty payments to counties.

**Eagle Herd Management Area Wild Horse Gather:** The Board reviewed a draft letter to the BLM in support of the Eagle Herd Management Area Wild Horse Gather. Commissioner Ithurralde motioned to authorize the Chairman to sign the support letter to the BLM on the Eagle Herd Management Area Wild Horse Gather outside of the meeting; Commissioner Page seconded the motion; motion carried 3-0.

**Secure Rural Schools and Community Self-Determination Act Title III Funds:** The County must certify that expenditures of Secure Rural Schools and Community Self-Determination Act Title III funds were spent properly for calendar year 2009, with submittal of a notice to the Secretary of Agriculture by February 1<sup>st</sup>. Approximately, \$2,500 was spent by Eureka County in 2009; more funding is authorized and projects are planned for the coming year. Commissioner Ithurralde motioned to approve sending the notice to the Secretary of Agriculture certifying the expenditures of Secure Rural Schools and Community Self-Determination Act Title III funds for calendar year 2009; Commissioner Page seconded the motion; motion carried 3-0.

**Water Resources Plan for Eureka County:** Mr. Tibbitts explained that the past Natural Resources Manager reported that the Sate Engineer and a previous Board of County Commissioners approved the use of \$100,000.00 from the Water Mitigation Fund to be used in developing a Water Resources Plan for the County; however, the plan has not yet been developed. Mr. Tibbitts stressed the importance of the County developing a robust Water Resources Plan, which would be incorporated into the County's Master Plan. Discussion was had on budgeting for the development of the plan. Commissioner Ithurralde made a motion to move forward with the development of a Water Resources Plan for Eureka County, using water mitigation funds or checking with the Budget Officer for other available funds; Commissioner Page seconded the motion; motion carried 3-0. Mr. Tibbitts will begin developing the Request for Qualifications for a consulting hydrologist.

## **NEPA COMMITTEE**

**Update Report:** The NEPA Committee met on January 6<sup>th</sup> where discussion included the recourse when a federal agency does not follow an MOU. Mr. Beutel explained that an MOU is not a contract and can be terminated by either party with no legal recourse, but it is important to inform the breaching party that the MOU is not being followed. Although, federally mandated regulations do require federal agencies to be consistent with policies and plans of a county. A

letter was brought forward relaying the NEPA Committee's concerns that the BLM is not properly following the MOU.

Mr. Tibbitts reported that the NEPA Committee established a three member 3M Plan subcommittee in order to be more involved in the 3M Plan process. This subcommittee is comprised of Andy Marshall, Lloyd Morrison, and Bob Burnham. A draft 3M Plan meeting was held in Battle Mountain with the BLM on January 13<sup>th</sup> and a synopsis of the meeting along with comments was provided to the Commissioners. The County is to provide Eureka Moly with written comments regarding the draft 3M Plan by January 22<sup>nd</sup>. Mr. Tibbitts attended a Mount Hope conference call on January 19<sup>th</sup>. The revised Hydrology Model, Pit Lake Geochemistry Report, and ecological risk assessment are expected by January 29<sup>th</sup>. The revised Air Quality Report was received on January 19<sup>th</sup> and is being reviewed by Kirk Wings of Environ. The biological assessment for the Lahontan Cutthroat Trout is on hold until the analysis in the EIS is complete. Another version of the Plan of Operations is also expected from Eureka Moly. The NEPA Committee will hold their next meeting on January 21<sup>st</sup>.

Mount Hope Project Correspondence: As reported earlier, the revised Air Quality Report was received and is being reviewed by the County's technical expert, Kirk Wings.

Comments on Draft 3M Plan: A letter to the BLM transmitting comments on the Mount Hope Project draft 3M Plan was provided to the Board for review. Additional comments may be incorporated into the letter after the NEPA Committee meeting on January 21<sup>st</sup>. Commissioner Ithurralde motioned to authorize the Chairman to sign the letter to Eureka Moly transmitting comments on the Mount Hope Project preliminary 3M Plan; Commissioner Page seconded the motion; motion carried 3-0.

## **EUREKA COUNTY CLERK AND TREASURER**

December 2009 Treasurer's Report: Jackie Berg, County Clerk & Treasurer, reported that the December 2009 Treasurer's Report will be available on February 5<sup>th</sup> after final posting is completed in the Auditor's Office.

JAVS Maintenance Agreement for District Court: Commissioner Ithurralde motioned to approve paying \$2,750.00 to White Pine County as reimbursement for Eureka County's portion of the Jefferson Audio Video System (JAVS) maintenance agreement for the Seventh Judicial District Court; Commissioner Page seconded the motion; motion carried 3-0.

## **EUREKA COUNTY WAGE AND SALARY COMMITTEE**

Reappointments for 2010: The Board reviewed letters from Wage & Salary Committee members for reappointment. Commissioner Page motioned to reappoint the past seven members and one alternate to the Wage & Salary Committee; Commissioner Ithurralde seconded the motion; motion carried 3-0.

## **EUREKA COUNTY SAFETY COMMITTEE**

Resignation: Commissioner Ithurralde made a motion to accept the resignation of Todd Hubbard from the Eureka County Safety Committee; Commissioner Page seconded the motion; motion carried 3-0.

## **COMMISSIONERS**

Update Report: Commissioner Page attended a Crescent Valley Town Advisory Board meeting on January 13<sup>th</sup>. Commissioner Ithurralde attended the water hearing in District Court on January 7<sup>th</sup>; the joint meeting with the Planning Commission; a NACO Natural Resources Subcommittee teleconference meeting; and the joint meeting with the School District Board of Trustees. Chairman Fiorenzi attended the water hearing on January 7<sup>th</sup>; a Humboldt River Basin Water Authority meeting on January 8<sup>th</sup>; the joint meeting with the Planning Commission

on January 11<sup>th</sup>; a tour of the Klindt property with Public Works on January 12<sup>th</sup>; a 3M Plan meeting in Battle Mountain with the BLM on January 13<sup>th</sup>; a budget meeting on January 14<sup>th</sup>; and the joint meeting with the School District Board of Trustees on January 14<sup>th</sup>.

Contract Extensions with County Technical Experts: Mr. Tibbitts explained that Steve Walker, Walker & Associates, has a contract with the County to provide professional services for the purpose of reviewing documents related to the Mount Hope Project EIS. The contract for the past year was not exceeded monetarily, and a proposal was received to extend the contract for EIS review purposes. Commissioner Ithurralde motioned to approve the one-year contract extension with Walker & Associates, in the amount of \$10,000; Commissioner Page seconded the motion; motion carried 3-0.

Point-of-Contact for Mount Hope Project: A letter was drafted to the BLM identifying Mr. Tibbitts as the County's point-of-contact related to the Mount Hope Project EIS. Chairman Fiorenzi suggested that the County request that the letter be included in the EIS documentation. Commissioner Ithurralde motioned to approve the letter to the BLM naming Mr. Tibbitts as the County's point-of-contact related to the Mount Hope Project EIS, and to amend the letter to include the request by Chairman Fiorenzi, and that the Chairman be authorized to sign the letter outside of the meeting. Commissioner Page seconded the motion. Motion carried 3-0.

Klindt Property: The Board received a letter, dated December 28, 2009, from Lora Irwin extending an offer to sell property from the estate of Floyd Klindt, located at 50 South Main Street in the Town of Eureka, to the County. Mr. Beutel relayed that if the Board wished to consider purchasing the property, a current appraisal would be required. Mr. Damele, who toured the Klindt building on January 19<sup>th</sup>, provided an update on the condition of the building. Deterioration of the building has the potential to impact the adjacent buildings, which are owned by the County. Restoring the building may prove costly, as would tearing the building down in a proper manner. Several issues were discussed including previous negotiations between the Klindt heirs and the County, the County obtained appraisal (with zero value), the condemnation process, and potential harm and liability. Commissioner Ithurralde motioned to direct staff to have the building appraised, but only if the cost of the appraisal will be shared equally with the Klindt family; Commissioner Page seconded the motion; motion carried 3-0.

County Commissioner Meetings in Crescent Valley: The Board considered holding one meeting per quarter at the Crescent Valley Town Center. Mr. Beutel explained that State law and the current County ordinance does not allow regular County Commissioner meetings to be held outside of the County seat; however, additional and special meetings may be held outside of the County seat. Commissioner Page motioned that the Board of Eureka County Commissioners conduct one additional meeting per quarter, during the first month of each quarter, in Crescent Valley; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Commissioner Ithurralde motioned to propose an ordinance change to Title 2 of the Eureka County Code to include conducting one additional meeting per quarter, on the 15<sup>th</sup> day of the first month of the quarter, beginning at 9:30 a.m., in Crescent Valley; Commissioner Ithurralde later amended his motion to set the public hearing to consider this amendment for February 19<sup>th</sup> at 2:00 p.m. during the regularly scheduled Commissioner meeting. Commissioner Page seconded the motion as amended. Motion carried 3-0.

Sponsor Gifts for 2010 National Association of Counties Annual Conference: Commissioner Ithurralde explained that the Nevada Association of Counties is sponsoring the annual National Association of Counties National Conference scheduled in Reno in 2010. NACO has requested that each county sponsor a gift item. The gift item from Eureka is a bottle with gold flakes and will include wording identifying Eureka, Nevada. The cost of each bottle is \$2.00 and a quantity of 2,000 was recommended. Commissioner Ithurralde motioned to direct the Sentinel Museum staff to order 2,000 gift items, at the cost of \$2.00 per item for a total of \$4,000.00, for the 2010 National Association of Counties Conference; Commissioner Page

seconded the motion; motion carried 2-1. Chairman Fiorenzi voted no because of the overall expense of the gifts.

### **PUBLIC COMMENT**

Chairman Fiorenzi reminded the public of the informational Open House scheduled at 7:00 p.m. that evening at the Opera House regarding the Main Street Water and Sewer Project. He then opened the floor to public comments. Mr. Tibbitts requested that a proposal to become a County employee by the Natural Resources Manager be placed on the February 3<sup>rd</sup> agenda. Earl Overholser, Eureka resident and volunteer EMT, asked that the County send a letter to Nevada Department of Transportation requesting better snow removal on SR 278 or consider transferring that responsibility to the Eureka NDOT crew. There were no further comments.

### **ADJOURNMENT**

At 4:02 p.m., Commissioner Page made a motion to adjourn the meeting; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Approved this 5<sup>th</sup> day of February, 2010.

/s/ Leonard Fiorenzi  
Leonard Fiorenzi, Chairman

Attest: /s/ Jackie Berg  
Jackie Berg, Clerk