

EUREKA COUNTY BOARD OF COMMISSIONERS

February 20, 2020

STATE OF NEVADA)
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COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on February 20, 2020. Present were Chairman J.J. Goicoechea; Vice Chairman Michael Sharkozy; Commissioner Rich McKay; and Commissioner Clerk Jackie Berg. District Attorney Ted Beutel was absent to attend previously scheduled Justice Court hearings in Crescent Valley. 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 Sharkozy motioned to approve the agenda as posted; Commissioner McKay seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Goicoechea opened the floor for public comments; there were none.

APPROVAL OF MINUTES

February 4, 2020: One minor correction was noted in the minutes. Commissioner Sharkozy motioned to approve the minutes as amended; Commissioner McKay seconded the motion; motion carried 3-0.

COUNTY COMPTROLLER

Payment of Expenditures: Expenditures were presented for approval by Comptroller, Kim Todd. Commissioner Sharkozy motioned to approve expenditures in the amount of \$520,601.17 for accounts payable; \$325,334.66 for payroll and benefit related expenses (including employee paid deductions); and \$178.71 in Yucca Mountain expenses, for a grand total of \$846,114.54. Commissioner McKay seconded the motion. Motion carried 3-0.

Fund Balance Report: The Board reviewed a report on all current fund balances.

COMMISSIONERS

Renew & Extend Public Defender Contract: District Attorney Beutel provided a letter requesting that the Public Defender contract be extended through June 30, 2022. He explained that a new provision in the contract allows additional funding to be negotiated for cases considered complex and time consuming.

Commissioner McKay motioned to approve renewing and extending the Public Defender contract through June 30, 2022, with a base annual amount of \$60,000.00, including an annual contingency of \$50,000.00 in the event there are complex litigation cases. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Deputy Commissioner Clerk II Job Description: There was a brief discussion regarding the updated job description for the position in the Clerk Recorder’s office assigned to the Commissioners. Clerk Recorder Lisa Hoehne confirmed that, in this final draft of the job description, she removed all references to Recorder duties and any Clerk duties not related to the Board of Commissioners. She also updated the job title to Deputy Commissioner Clerk II.

Commissioner Sharkozy motioned to approve the updated job description for Deputy Commissioner Clerk II with a corresponding range 122 on the Eureka County salary scale; Commissioner McKay seconded the motion; motion carried 3-0.

Sagebrush Ecosystem Program: Chairman Goicoechea reported that the next meeting of the Sagebrush Ecosystem Council will be on February 25th. Other sage grouse issues will be discussed during the Natural Resources portion of the meeting.

AMBULANCE & EMS

Report on Activities: EMS Director Kenny Sanders reported there were a total of 15 ambulance runs for the month of January, with nine in the Crescent Valley/Beowawe area and six in the Eureka area. Four patients were transferred to air ambulance, one to MedX AirOne and three to REACH Air.

The Power-PRO XT Cot for the new ambulance has arrived and is being installed. Due to the height of the new ambulance, this power gurney will be safer for both the patient and the attendants.

Advanced Step Hire: The full-time EMT position in Crescent Valley has been offered to Cathy Sampson, who held the position for many years. Due to her experience and knowledge, Mr. Sanders asked for authorization to hire Ms. Sampson at her previous rate.

Commissioner McKay motioned to approve an advanced step hire, pursuant to Personnel Policy 5.7.3., for the full-time EMT position in Crescent Valley; Commissioner Sharkozy seconded the motion; motion carried 3-0.

TREASURER

Treasurer's Report: The Treasurer's Report for January 2020 was presented by Treasurer Pernecia Johnson showing an ending General Fund balance of \$31,123,843.25, nearly a \$1 million increase over the previous month. Ms. Johnson attributed this to property tax receipts for the third quarter.

Revenue Projections: There are still problems with the Devnet CAMA (computer aided mass assessment) software, but the company has assured Ms. Johnson that she will be able to run the revenue proforma report by the following week. The Assessor's office is working to update the old AS400 system, and she may be able to run an accurate proforma report from the AS400 before the Devnet issues are resolved.

IT / NETWORK

IT Update: IT Director Misty Rowley provided an update on IT projects and activities. She has been working on updating computers with the new virtual software that allows computers to be accessed remotely from another computer or device. The new spam server has been installed and data transfer is underway. New antivirus software is also being installed. Quest is finalizing the engineering work with Mt. Wheeler Power for this year's fiber project.

Sheriff's Office Network Room: Commissioner Sharkozy motioned to approve a quote from Quest Technology Management for infrastructure services in the Sheriff's Office network room to include rack installation, new fiber installation, and equipment relocation, for an amount not to exceed \$9,000.00 to be paid from the Assessor Technology Fund. Commissioner McKay seconded the motion. Motion carried 3-0.

RESOLUTION HONORING KATHY KINKADE

Resolution: Kathy Kinkade, recently retired as Utility Worker in Crescent Valley after many years with Eureka County. Commissioner Sharkozy motioned to adopt a resolution honoring long-time employee, Kathy Kinkade. Commissioner McKay seconded the motion. Motion carried 3-0.

Following reading and presentation of the resolution, Assistant Public Works Director Raymond Hodson presented Ms. Kinkade with a plaque thanking her for 22 years of service and dedication to the citizens of Crescent Valley and Eureka County.

Ms. Kinkade received a standing ovation from staff and visitors present at the meeting.

**RESOLUTION
COMMEMORATING KATHY KINKADE
FOR HER DEDICATION SERVICE TO EUREKA COUNTY**

WHEREAS, the Board of Eureka County Commissioners wishes to honor long-time employee of Eureka County, Kathy Kinkade, for her faithful service and contributions to Eureka County and the community of Crescent Valley; and

WHEREAS, Eureka County acknowledges the following biographical information: Kathy was born on January 30, 1961, in Fallon, Nevada, to Albert & Norma Emerson. Kathy graduated from Fernley High School in 1979 and went on to study business and bookkeeping at Reno Business College, University of Nevada Reno.

WHEREAS, Kathy married Archie Kinkade in 1999, and they raised two children, Matt and Ryan, who now live in Reno and have blessed her with five grandchildren. In 2011, Kathy experienced the sad loss of her husband Archie who passes away unexpectedly. She now shares her life with Kelly Strain, a fellow Eureka County employee who she met in Crescent Valley.

Before moving to Crescent Valley in 1997, Kathy worked for her family’s wrecking yard business in Fernley doing a variety of tasks including bookkeeping, driving tow truck, and pulling parts for customers. She began working for Eureka County after moving to Crescent Valley in 1997 and has worked faithfully for over 22 years in Public Works, most recently as a Utility Worker I, which has included a multitude of assignments including clerical duties related to the Crescent Valley Town Center and the Crescent Valley Town Advisory Board. During her years with Eureka County, Kathy has successfully completed a wide range of training related to her position, including successful completion of the Nevada Water Certification exam in 2009 for treatment of municipal water systems.

In her years in Crescent Valley, Kathy has served as secretary for the Crescent Valley Town Advisory Board, the Senior Centers Advisory Board, and the Crescent Valley Historical Society. Kathy is very community-minded and has been enthusiastically supportive of town and community events, taking great pride in ensuring that the Crescent Valley Town Park is in excellent condition for events such as Cops & Kids, the annual Easter Egg Hunt, and other activities.

Kathy enjoys many pastimes including outdoor activities, camping, painting, and gardening, and especially values time with family and friends.

County officials, co-workers, and friends celebrate with Kathy, who has been a significant member of our workforce for many years, as she retires and embarks on the next chapter of her life.

NOW THEREFORE, BE IT RESOLVED, that the Board of Eureka County Commissioners recognizes and honors Kathy Kinkade for her lifetime accomplishments and commends her for her dedicated service to Eureka County;

BE IT FURTHER RESOLVED, that this resolution be published in the minutes of the Board of Eureka County Commissioners to remain a part of the permanent and historical records of Eureka County.

ADOPTED this 20th day of February, 2020.

*BOARD OF EUREKA COUNTY COMMISSIONERS
COUNTY OF EUREKA, STATE OF NEVADA*

/s/ J.J. Goicoechea, DVM

J.J. Goicoechea, Chairman

/s/ Michael Sharkozy

Michael Sharkozy, Vice Chairman

/s/ Rich McKay

Rich McKay, Member

Attest: */s/ Jackie Berg*

Jackie Berg, Commissioner Clerk

PUBLIC WORKS

Public Works Update: Public Works Director, Ron Damele, reported on Public Works projects and activities.

Utilities & Facilities: All utility systems are in good working order. The variable frequency drive on one of the municipal wells in Crescent Valley is working out well, so a variable frequency drive has been ordered for the other municipal well. Wells in that area are problematic due to fluctuating electrical service.

The utility crew has finished work on the new Landfill building and staff is in the process of moving in. The utility crew is working on the lower ball field in Eureka where a spring has developed. An excavator will be required to divert water from the field into the Spring Street Ditch.

Interviews were conducted in Crescent Valley for the vacant Utility Worker position and a conditional offer will be made shortly.

Sewer Ponds: Public Works is working with the County Engineer on the sewer pond issue and talking with Nevada Division of Environmental Protection to ensure compliance with regulations. Mitigation of the problematic lagoon will require some expensive steps, which may include removing the sludge and installing monitoring wells. Mr. Damele warned this could turn into a million-dollar project.

Water Conservation Plan: Mr. Damele continues working with contractor, Abby Johnson, to update the Eureka County Water Conservation Plan for the three utility systems.

Road Work MOUs: Mr. Damele and Raymond Hodson are putting a lot of effort into updating the Memorandums of Understanding with McEwen Mining and Cortez Mine for road maintenance, and the documents are very close to being completed.

Kobeh Valley Test Well Project: Mr. Damele is working with Dale Bugenig, Consulting Hydrologist, on test pumping specifications for the Kobeh Valley Test Well and will solicit quotes for that in the next week or ten days. The pumping test must be completed by June 13th.

Firefighter Training: Red Card wildland firefighter refresher trainings will be held in Crescent Valley on March 14th and in Eureka on March 24th and 25th. Training dates have not yet been determined for the Pine Valley and Dunphy volunteers.

Out-of-State Travel: Commissioner McKay motioned to approve out-of-state travel for two Road Department employees to travel to Ceres, California, March 10th-11th to inspect a water trailer at Westmark Trailers. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Sanitary Class II Landfill Permit: Commissioner Sharkozy authorized the Public Works Director and County Engineer to proceed with amending the Eureka Sanitary Class II Landfill Permit #SW55R03, to authorize accepting sewage sludge for permanent disposal. Commissioner McKay seconded the motion. Motion carried 3-0.

If this amended permit is granted, Mr. Damele explained it will authorize acceptance of sewage sludge, but not septic tank contents.

Leased Office Space: The Board directed Public Works to address the need for additional office space in County buildings due to reorganization of certain departments and to meet requirements set forth in recently adopted State legislation.

The County currently has three tenants occupying office space – Nevada Department of Wildlife, Nevada Highway Patrol, and University of Nevada Cooperative Extension. Letters were prepared notifying these agencies that the County is exercising the Prior Termination clause in the lease agreements, and the leases will be terminated effective June 30, 2020.

Commissioner Sharkozy motioned to authorize the Public Works Director to notify tenants occupying public office space in County buildings of the intent to terminate each lease prior to the expiration date because of a lack of adequate facilities for proper County operations. Commissioner McKay seconded the motion. Motion carried 3-0.

CHILD ADVOCACY CENTER

Plan for Center: In his third visit before the Commissioners, Elko County District Attorney Tyler Ingram, explained the need for a Child Advocacy Center that will serve as a welcoming one-stop facility to address all aspects related to investigating allegations of physical and sexual abuse of children. Mr. Ingram explained that he has just begun the process of seeking donations and will soon meet with the other participating counties (White Pine, Lander, and Elko).

After a brief discussion, Commissioner McKay motioned to donate \$50,000.00 in the current Fiscal Year (2019-2020) towards the Child Advocacy Center, and to budget an additional \$50,000.00 in capital outlay in the Capital Projects Fund for a donation in Fiscal Year 2020-2021, and for Mr. Ingram to work with District Attorney Ted Beutel on a Memorandum of Understanding. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

ELKO-LANDER-EUREKA COUNTY LIBRARY SYSTEM

FY21 Library Contract: Kassie Antonucci, Library Director, and Melissa Spence, Assistant Director, were in attendance to explain changes in the Library Contract for Fiscal Year 2020-2021. The net increase of \$6,950.00 over the previous year's budget for the Library Contract is primarily related to increased personnel costs.

Ms. Antonucci explained that the Library System requested bids, under the E-Rate Program for schools and libraries, to provide fiber internet connections to the rural branch libraries. This is an annual process under the E-Rate Program, and the County can determine whether to move forward in the upcoming fiscal year, or to consider bids in a future fiscal year.

Chairman Goicoechea explained the County is working with the School District, which is considering E-Rate bids to install fiber from the Dunphy area to the Crescent Valley School, which may allow the County to extend fiber from the school to County facilities in Crescent Valley at a tremendous savings. Ms. Antonucci agreed that if the Library System waited another year and resolicited bids under the E-Rate Program, it may also benefit from the School District's extension of fiber into Crescent Valley.

Chairman Goicoechea asked that the Library Contract be placed on the next agenda for approval with an annual budget of \$106,111.00.

NATURAL RESOURCES

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities, meetings, and upcoming events.

Caliente Wild Horse Gather: Mr. Tibbitts explained that Western Watersheds Project joined together with wild horse advocacy groups to challenge the wild horse gather at Caliente, but Chief Judge Beryl Howell of the US District Court for the District of Columbia ruled against the arguments and authorized the BLM to move forward with the gather, which was just completed.

FRTC Modernization: The Final EIS for the Fallon Range Training Complex was issued on January 10th and the Record of Decision will be signed before the end of February. The Governor's office responded with a 140-page document, which specifically referenced and included Eureka County's letter to the US Navy. It is yet to be seen whether the Navy will make additional changes related to these requests.

Nevada Gold Mines: Nevada Gold Mines' model is to focus on mining and, therefore, it is advertising to lease its ranching properties. Mr. Tibbitts noted that some of these properties now have sage grouse conservation remedies in place, such as a Bank Enabling Agreement (for habitat preservation, restoration, and enhancement), and he hopes potential lessees are aware of the conservation efforts that must take place in relation to sage grouse habitat.

Mr. Tibbitts is working with Nevada Gold Mines on a potential agreement for weed treatment. The mine is interested in a public/private partnership with the Diamond Valley Weed Control District, so Mr. Tibbitts will likely bring something forward at a future meeting.

“The Path Forward”: Mr. Tibbitts stated that President Trump’s budget was unveiled the previous week and included an additional \$15.3 million for *“The Path Forward for Management of BLM’s Wild Horses & Burros,”* which increases the BLM’s budget for non-lethal wild horse management to \$116.8 million. This shows that there is some faith on the federal level that *“The Path Forward”* may be a viable solution for getting horse herds to appropriate levels.

Chairman Goicoechea suggested that Eureka County might consider a letter to the Secretary of the Department of the Interior encouraging the BLM’s efforts to get its spending plan before Congress so that these funds can be released in a timely manner.

Upcoming Meetings: The Legislative Committee on Public Lands will meet in Eureka on July 17th at the Opera House. Committee staff is trying to incorporate a field tour while here, because Eureka is an ideal location to see first-hand many of the public land issues that exist.

Mr. Tibbitts will travel to Winnemucca on February 21st to facilitate the North Central Greater Sage Grouse Adaptive Management meeting. The Sagebrush Ecosystem Council is meeting on February 25th and will review results from the various Adaptive Management meetings. Mr. Tibbitts and Chairman Goicoechea (as a member) will attend the College of Agriculture Advisory Board meeting on February 28th. Mr. Tibbitts reminded the Board that he will be in Washington, DC, the first week of March to attend the CARET (Council for Agricultural Research, Extension, & Teaching) meeting.

Potential Diamond Complex Gather: Chairman Goicoechea noted that he has gained some traction in promoting a gather of the Diamond Complex, which encompasses three BLM Districts – Ely, Elko, and Battle Mountain. A delayed horse gather in another state may free up some resources to get something done in the Diamond Complex in the near future.

Horseshoe & Scotts Gulch Outcome Based Grazing Permit: The County received a letter from the BLM Tuscarora Field Office inviting scoping comments on the referenced grazing permit renewals, but the letter was received after the February 6th agenda was posted. This made it impossible to approve comments in a public meeting before the comment deadline, so Mr. Tibbitts requested a three-day extension. The Field Manager replied that she would not extend the comment period, but would accept Eureka County’s comments.

Commissioner Sharkozy motioned to send a letter to the BLM Tuscarora Field Office with scoping comments in response to the Horseshoe and Scotts Gulch Outcome Based Grazing Permit Renewal. Commissioner McKay seconded the motion. Motion carried 3-0.

Proposal to Update BLM Grazing Regulations: Mr. Tibbitts explained that the comment deadline for the BLM grazing regulation updates is March 6th, and he will have formal comments prepared for approval at the meeting on that date. In the meantime, he drafted some talking points for the Commissioners to review and consider, many of which were discussed at the Natural Resources Advisory Commission meeting the evening before.

HR 5737, Voluntary Grazing Permit Retirement Act: Mr. Tibbitts prepared a letter to the Nevada Congressional Delegation voicing Eureka County’s opposition to HR 5737. The letter describes the detrimental impacts this proposed amendment to the Taylor Grazing Act would have, by making it easier for special interest groups (particularly anti-grazing groups) to coerce ranchers into selling, or retiring, their grazing permits.

Commissioner Sharkozy motioned to approve sending the letter to the Nevada Congressional Delegation voicing opposition to HR 5737, Voluntary Grazing Permit Retirement Act. Commissioner McKay seconded the motion. Motion carried 3-0.

Access to Public Lands: Mr. Tibbitts shared a press release from the BLM entitled, “Bureau of Land Management Seeks Help Increasing Access to Public Lands.” He went on to explain that President Trump signed the John Dingell Conservation & Recreation Act in 2019, which includes a mandate for the BLM to develop a priority list identifying location and acreage of BLM managed parcels open to hunting, fishing, or other recreational purposes that have no legal public access, or where public access is significantly restricted. The Act also directs the BLM to follow-up and develop a plan to provide access to these lands.

Mr. Tibbitts hopes the BLM will develop a cooperative working relationship with the County to address access to public lands and to avoid some of the potential impacts. For instance, before the BLM moves forward with repairing roads, it needs to address underlying conflicts, such as historic rights attached to RS2477 roads.

Sage Grouse Issues: Mr. Tibbitts reminded the Board that, in October 2019, Judge Winmill, US District Court of Idaho, issued a preliminary injunction on the BLM's 2019 Plan Amendments, thus reinstating the BLM's 2015 Plan.

The Department of the Interior filed an appeal of the preliminary injunction, and is simultaneously working on a Supplemental EIS to address the Judge's concerns and to bolster the record in support of the 2019 Plan Amendment. The Supplemental EIS will be published in the Federal Register on February 21st, kicking off a 45-day comment period.

Mr. Tibbitts recommended that the Board continue supporting Chairman Goicoechea as local government representative and Chair of the Sagebrush Ecosystem Council, and that the County make a request through the Council that local government Cooperating Agencies be involved with defending the 2019 Plan Amendments. He also suggested that the County work with counsel, Laura Granier Esq., to make a formal request to the BLM for this coordination.

CORRESPONDENCE

Correspondence was received from: District Attorney Ted Beutel; Natural Resources Advisory Commission; Television District; Crescent Valley Town Advisory Board; UNCE Extension Educator, Gary McCuin; William Bee Ririe Hospital; Nevada Assoc. of Counties (2); Lincoln County; Walker & Assoc.; Nevada Div. of Environmental Protection; Nevada Div. of Mineral; Nevada Lands Council (2); Nevada Dept. of Motor Vehicles; Nevada Gold Mines; Nevada Attorney General's Office; Nevada Dept. of Taxation; Nevada Dept. of Transportation; Nevada Census 2020; USDA Rural Development; US Dept. of Homeland Security; President Trump social media announcement concerning Yucca Mountain; and the Ferraro Group.

Commissioner Reports: Chairman Goicoechea informed that due to personnel issues in the County, he was unable to travel to Utah on February 14th-15th to participate in filming of the television show, *The County Seat*, to discuss NEPA reform (he was able to find a replacement), and to give a scheduled presentation at the rural caucus meeting of the Utah State Legislature.

On February 19th, Chairman Goicoechea was interviewed by Bloomberg Law, a group very interested in the proposed changes to grazing regulations. The interview will be included in one of its future publications.

PUBLIC COMMENT

Chairman Goicoechea called for public comments; there were none.

ADJOURNMENT

Commissioner McKay motioned to adjourn the meeting; Commissioner Sharkozy seconded the motion; the meeting was adjourned at 11:13 a.m.

Approved by vote of the Board this 6th day of March, 2020.

/s/ J.J. Goicoechea, DVM
J.J. Goicoechea, Chairman

I, Jackie Berg, Deputy Commissioner Clerk, attest that these are a true, correct, and duly approved minutes of the February 20, 2020, meeting of the Board of Eureka County Commissioners.

/s/ Jackie Berg
Jackie Berg, Deputy Commissioner Clerk

I, Lisa Hoehne, Clerk Recorder of Eureka County, acknowledge and accept the attached minutes as approved by the Board of Eureka County Commissioners and attested to by the Deputy Commissioner Clerk.

/s/ Lisa Hoehne
Lisa Hoehne, Clerk Recorder