

# EUREKA COUNTY BOARD OF COMMISSIONERS

April 6, 2017

STATE OF NEVADA            )  
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COUNTY OF EUREKA        )

## **CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on April 6, 2017. 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 Sharkozy motioned to approve the agenda as posted; Commissioner Etchegaray seconded the motion; motion carried 3-0.

## **PUBLIC COMMENT**

Chairman Goicoechea opened the floor for public comments. Assessor, Michael Mears, provided an update on proposed legislation of interest to Eureka County. AB43, SB425, and SJR14 are various approaches to address the property tax abatement issue. Under current law, Eureka County is held at an overall abatement cap of 2.6% for the upcoming year, which severely restricts revenue. Hopefully, a measure will pass that restructures the abatement cap or provides a different valuation method.

Due to scheduling conflicts in May, the Commissioners agreed to place an item on the April 20<sup>th</sup> agenda to consider cancelling both regular meetings and scheduling special meetings of the Board.

## **APPROVAL OF MINUTES**

March 6, 2017: Commissioner Sharkozy motioned to approve the March 6, 2017, Commission minutes; Commissioner Etchegaray seconded the motion; motion carried 3-0.

March 20, 2017: Commissioner Sharkozy motioned to approve the March 20, 2017, Commission minutes; Commissioner Etchegaray seconded the motion; motion carried 3-0.

## **COUNTY COMPTROLLER**

Payment of Expenditures: Expenditures were presented for approval by Comptroller, Tina Hubbard. Commissioner Etchegaray motioned to approve expenditures in the amount of \$283,361.21 for accounts payable, \$382,289.69 for payroll, \$5,952.26 for a pass-through tax allocation to the School District, \$343,375.53 for a pass-through to the State Controller, \$140.00 for a pass-through to the Division of Minerals, \$49.23 for a pass-through to the Department of Taxation, and \$5,874.65 in Yucca Mountain expenses, for a grand total of \$1,021,042.57. *It was noted that accounts payable included \$19,346.94 for a special accounts payable issued in March, but not reported with March 20<sup>th</sup> expenditures.* Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Fund Balances Report: The Board reviewed a print-out of current fund balances.

## **FISCAL YEAR 2017-2018 BUDGET - REVENUES**

Revenue Projections: Assistant Comptroller, Kim Todd, provided the State's final pro forma report on secured and unsecured property tax (ad valorem), along with applied abatements. All other final projections from the State were provided at the March 20<sup>th</sup> meeting. No budgetary changes were recommended in relation to revenues.

Departmental Budgets: Two changes were required in the departmental tentative budgets. The Sheriff's Office will not be able to accomplish the 911 system replacement in the current fiscal year, so \$150,000.00 in replacement costs will be budgeted in the upcoming year.

The Diamond Valley Weed District's revenues fall short in relation to what is spent annually. The Board agreed to move \$25,000.00 from the Commissioners' budget, specifically from the Commissioners' grants line item, to the Weed District tentative budget.

## **FISCAL YEAR 2017-2018 BUDGET – PERSONNEL**

Personnel Costs – Insurance Costs vs. Wage Issues: The last two meetings included discussions on necessary changes to employee's health insurance in order to avoid tax penalties regulated by the Affordable Care Act. The Board discussed ways to offset costs that would be passed on to employees. Two options came forward: (1) a salary/wage increase, or (2) a direct offset of insurance costs.

Per the Board's request, the Comptroller's office provided cost breakdowns showing merit increases for hourly employees, a 3% salary adjustment for appointed personnel, and a 3% salary increase as outlined in NRS for elected officials. Total cost would be approximately \$91,000.00.

If insurance premiums increase by the anticipated 10%, the rise in costs will be approximately \$74,000.00. The Board felt the salary/wage adjustments were the most equitable way to balance the rising insurance costs, rather than a one-time offset that would only serve as a temporary solution.

Chairman Goicoechea voiced strong dissent in giving the Commissioners a raise (his fellow Board members agreed), but there is no opt-out provision in statute and they didn't wish to penalize the other elected officials.

Commissioner Etchegaray motioned to approve merit increases for hourly employees, 3% salary adjustments for appointed personnel, and the 3% NRS salary increase for elected officials for Fiscal Year 2017-2018. Commissioner Sharkozy seconded the motion. Motion carried 3-0. Chairman Goicoechea voted in favor under protest, based on his earlier statement of opposition in giving himself a raise.

Proposed Resolution: The proposed resolution outlining a method for offsetting insurance costs to employees was no longer needed, so no action was taken.

Set Public Hearing for Tentative Budget: Pursuant to NRS 354.596(4), a budget hearing must be held between the third Monday in May and the last day in May (May 15<sup>th</sup> to May 31<sup>st</sup>). Commissioner Sharkozy motioned to set a public hearing for 1:00 p.m. on May 22<sup>nd</sup> to adopt the Tentative Budget and set the tax rates for Fiscal Year 2017-2018; Commissioner Etchegaray seconded the motion; motion carried 3-0.

## **COMMISSIONERS**

Update Reports: Commissioner Sharkozy attended the Fire Adapted Communities Conference in Reno on March 26<sup>th</sup>; attended the Crescent Valley Volunteer Fire Department meeting on March 28<sup>th</sup>; attended the Medical Clinics Advisory Committee meeting in Eureka on March 29<sup>th</sup>; attended State Engineer hearings at the Eureka Opera House on March 29<sup>th</sup>; and attended the Newmont Communication Session breakfast in Elko on April 5<sup>th</sup>.

Commissioner Etchegaray attended the meeting between Newmont Mining and Eureka County officials in Eureka on March 21<sup>st</sup> and attended the Central Nevada Regional Water Authority meeting in Carson City on March 31<sup>st</sup>.

Chairman Goicoechea attended the NACO Board of Directors meeting in Carson City on March 24<sup>th</sup> and chaired the Sagebrush Ecosystem Council meeting in Carson City on April 5<sup>th</sup>. The week of March 27<sup>th</sup>, the Chairman was in Washington, DC, and had numerous worthwhile meetings with Congressional representatives and others and also met newly appointed Secretary of the Interior, Ryan Zinke.

Historical Plaque Request: A letter was received from Don Roahrig, newly elected Humbug of Elko Chapter of E. Clampus Vitus. The 'Clampers' would like to place a historical plaque on the train car in Eureka honoring the Eureka Palisade Railroad.

Commissioner Sharkozy motioned to authorize E. Clampus Vitus, Elko Chapter #1881, to place a historical plaque on the railroad car located at 11 North Main Street in Eureka; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Changes in HR Services: The contract for Human Resources services with Pooling Resources, Inc. (a division of Nevada POOL/PACT) will expire on June 30, 2017, although Nevada POOL/PACT will continue to provide limited services to the County at no charge.

Commissioner Sharkozy motioned to notify employees that, effective July 1<sup>st</sup>, Human Resources services will be accessed through the Comptroller's office, coinciding with termination of the contract with Nevada POOL/PACT Human Resources. Commissioner Etchegaray seconded the motion. Motion carried 3-0.

Sagebrush Ecosystem Program and Nevada Greater Sage-Grouse Conservation Plan: The Sagebrush Ecosystem Council meeting was held on April 5<sup>th</sup> and resulted in some significant changes in the Plan. The Council was successful in refuting language that exaggerated cellular and power line impacts in sage grouse habitat.

Funding was awarded to four projects in the State under the Conservation Credit System. The highest ranked project is in Eureka County – Eureka Livestock at 3 Bars Ranch.

## **SENIOR CENTERS**

Update Report: Senior Centers Program Director, Millie Oram, reported on activities at the Eureka Senior Center and Fannie Komp Senior Center. In March, Eureka served 712 meals and Crescent Valley served 558 meals. A total of \$7,650.65 was deposited for the month. Senior Center bingo will be held at the Eureka Senior Center the evening of April 6<sup>th</sup>.

Transportation Grant Award: Commissioner Sharkozy motioned to ratify the Notification of Grant Award from Nevada Aging & Disability Services Division for Transportation Grant #07-000-10-BC-17 in the amount of \$22,500.00 with a County match of \$3,055.00. Commissioner Etchegaray seconded the motion. Motion carried 3-0.

## **AMBULANCE & EMS**

Public Health Preparedness Sub-Grant: EMT 2, Shealene French, explained that EMS Coordinator, Mike Sullivan, was contacted by the Office of Public Health Preparedness regarding available grant funds for the MCI (mass casualty incident) bus. Mr. Sullivan responded with a list of requested items and was notified by email that they qualify for the grant.

Commissioner Etchegaray motioned to authorize the EMS Coordinator to make application for a sub-grant, in the amount of \$14,300.00, from Nevada Division of Public & Behavioral Health, Public Health Preparedness, for improvements to the MCI bus; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **ROAD DEPARTMENT**

Report on Activities: Raymond Hodson, Assistant Public Works Director, reported on Road Department projects and activities. Blades are working in Diamond Valley, Monitor Valley, JD Ranch Road, and Maggie Creek Road. Culverts have been installed on Cortez Road, Sheep Creek Road, Roberts Creek Road, and 16<sup>th</sup> Street in Diamond Valley. Mowing continues in the Fish Creek area. Equipment has been rented for crack filling the streets. Other work includes street sweeping, shoulder work, snow removal, and street cleanup in both Eureka and Crescent Valley. Wildland Fire Red Card training has been completed by all road and shop employees.

## **PUBLIC WORKS**

Public Works Update: Mr. Hodson reported on Public Works projects and activities. There are no issues with the utility systems or County facilities. Five members of the Crescent Valley

VFD and one member of the Beowawe VFD are attending the BLM's 30-hour basic Wildland Fire training at Barrick's Dean Ranch. Work continues on the bathroom and cook shack remodel at the ball field in Eureka. Weed spraying is being done around town, the water tanks, and the sewer ponds.

A crusher will be set up at the Eureka Landfill on April 17<sup>th</sup> to begin processing material for the US Environmental Protection Agency in support of this year's cleanup activities.

A D6 dozer has arrived in Eureka from Nevada Division of Forestry. Crews are evaluating the dozer in preparation for a possible Memorandum of Understanding with NDF for the upcoming fire season.

Tayla Lynn (Loretta Lynn's granddaughter) and Eric Tingstad will perform at the Eureka Opera House on April 8<sup>th</sup>. The Eureka Sentinel Museum had 264 visitors in March.

2017 Street Maintenance Project: Bids for the 2017 Streets Maintenance Project and the 2017 Airport Pavement Maintenance & Striping Project will be opened at 10:00 a.m. and 10:10 a.m., respectively, on April 20<sup>th</sup>.

Out-of-State Travel: Commissioner Etchegaray motioned to approve out-of-state travel to California, Arizona, or Utah for two Public Works staff to attend surplus equipment auctions in order to purchase a used semi-tractor, pursuant to NRS 332.146. Commissioner Sharkozy seconded the motion. Motion carried 3-0. Locations will be determined by equipment availability and auction schedules.

## **RECREATION BOARD**

Resignation: A letter of resignation was received from Giovanni Minoletti. Commissioner Sharkozy motioned to accept the resignation of Giovanni Minoletti from the Recreation Board; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Appointment: A letter of interest was received from Rich McKay. Commissioner Etchegaray motioned to appoint Rich McKay to the Recreation Board representing the motel industry, for the remainder of a four-year term through December 31, 2019. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

## **MEDICAL CLINICS ADVISORY COMMITTEE**

Draft Request for Proposals: Medical Clinics Advisory Committee Chair, Garney Damele, and several Committee members, were present to discuss planned issuance of a Request for Proposals for medical services. The Committee provided a letter and copies of a draft RFP. The first RFP was created for the Eureka Clinic, but a separate RFP will be drafted for the Crescent Valley Clinic. A detailed conversation ensued between the Commissioners, District Attorney, and members of the Committee.

In preparing the RFP, Ms. Damele explained that assistance was obtained from Gerald Ackerman, Director of the Nevada State Office of Rural Health (University of Nevada), and he will continue to provide input. Guidance was also sought from District Attorney, Ted Beutel.

The RFP included a core staffing/service model along with possible additions (add-on services), evaluation criteria, a worksheet/bid sheet, a letter of invitation to bid, and a tentative schedule. The Core staffing model consists of one mid-level practitioner (such as Nurse Practitioner or Physician's Assistant), one Medical Assistant, a front desk person, an after-hours nurse hotline, and pharmacy services. Add-on options include: (1) a second mid-level practitioner; (2) a telemedicine component; and (3) a rotating primary care physician four days per month. The actual RFP spells out more detailed requirements – such as billing and insurance requirements (including acceptance of Medicare/Medicaid patients), liability and malpractice requirements, etc.

Partnership with Duckwater Shoshone Tribe: Duckwater Shoshone Tribe has proposed partnering with Eureka County for health care and the Committee is in favor of this partnership. Inclusion of Addition #1 (a second mid-level) would allow a practitioner to travel to Duckwater a

proposed three days per week. Additions #2 (telemedicine) and #3 (rotating physician) would also be shared benefits with Duckwater.

Duckwater representatives, Lisa George, Jerry Millett, and Tribal Chairman, Rodney Mike, were in attendance to express appreciation for this opportunity and to explain what contributions the Tribe could make towards such a partnership.

Chairman Mike explained the challenges their rural area has faced in supplying health care to their citizens. Duckwater has a modern clinic facility, a discount pharmacy, a diabetic coordinator, a visiting dietician, and a full-time mental health care provider. They are willing to share these services and professionals to the fullest extent they are able. The Tribe would provide financial assistance for the shared medical services, can assist with travel in the form of a vehicle or fuel, and can make housing available.

RFP Schedule: Invitations to bid will be sent to the two entities that responded to the Request for Information: the collaboration of Nevada Health Centers/Renown Health and William Bee Ririe Hospital & Rural Health Clinic. The Commissioners are interested in participating in the pre-proposal meeting tentatively set for May 15<sup>th</sup>. The RFP response deadline is June 2<sup>nd</sup>. The MCAC will meet on June 5<sup>th</sup> to review and rate the responses. Following that, they will provide a recommendation to the Commissioners. A special meeting may be set to accomplish this.

## **NATURAL RESOURCES**

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

Sage Grouse Workshop: On March 24<sup>th</sup>, Mr. Tibbitts attended a meeting called Workgroup #4 for the Nevada Collaborative Conservation Network. The purpose of the NCCN is to provide a ground-up approach at implementing the sage ground Land Use Plan Amendments.

BLM Water Filings: The Central Nevada Regional Water Authority met in Carson City on March 31<sup>st</sup>. At the meeting, BLM State Director, John Ruhs, spoke on BLM water rights and public water reserves. He referenced a BLM checklist for public water reserves, which Mr. Tibbitts requested from the BLM after the meeting.

The checklist was apparently developed in the early 1980s at the State level. It is accompanied by an instructional memorandum that outlines several criteria. The first six must be met, and at least one condition under item number seven must be met, before filing for a public water reserve. In comparing the checklist to recent filings in Diamond Valley, the BLM is not adhering to their own regulations.

Director Ruhs was also asked about BLM's filing of vested water rights under the Treaty of Guadalupe Hidalgo, of which he was apparently unaware. A follow-up email from a BLM officer also stated they didn't know of their existence. Mr. Tibbitts will send information on the multiple filings Eureka County has data on.

Upcoming Meetings: Upcoming meetings include a Diamond Valley Irrigator Workshop on April 7<sup>th</sup> at the Eureka Opera House co-hosted by Eureka Conservation District, University of Nevada Cooperative Extension (UNCE), and Mt. Wheeler Power. A Groundwater Management Plan meeting is scheduled for April 10<sup>th</sup>. The Eureka Conservation District and UNCE are also co-hosting the Eureka Invasive Weed Workshop on April 14<sup>th</sup> at the Eureka Fire Station. Public scoping meetings for the Barrick Cortez Deep South Expansion Project EIS are scheduled in Battle Mountain on April 18<sup>th</sup>, Crescent Valley on April 19<sup>th</sup>, and Elko on April 20<sup>th</sup>.

Sage Grouse Issues: Judge Miranda Du issued an Order in the appeal of the BLM/US Forest Service Greater Sage Grouse Land Use Plan Amendments filed in US District Court in Reno. The Record of Decision (ROD) was partially remanded back to the BLM to prepare a Supplemental EIS. Only three counties were found to have standing: Eureka County, Humboldt County, and limited standing for Washoe County. The BLM and Forest Service will be allowed to move forward with implementation under the ROD.

Despite this, there has been some movement in Washington, DC. Secretary of the Interior, Ryan Zinke, informed the Public Lands Council that the US Department of the Interior is advocating changes in the sage grouse management plans, with a focus more on population rather than habitat.

BLM Grazing Decisions: There are no recent grazing decisions to note. A decision on the Targeted Grazing EA is awaited.

Roadside Fuel Breaks Hazardous Fuels Reduction Project EA: During the last meeting, the Board and Mr. Tibbitts discussed content of a letter concerning the Roadside Fuel Breaks Hazardous Fuels Reduction Project EA. To meet the April 3<sup>rd</sup> deadline, the Board had authorized sending a letter outlining concerns over grazing and other impacts and requesting close coordination with the County.

Commissioner Etchegaray motioned to ratify the comment letter to the BLM concerning the Roadside Fuel Breaks Hazardous Fuels Reduction Project EA; Commissioner Sharkozy seconded the motion; motion carried 3-0.

McEwen Gold Bar Draft EIS: Mr. Tibbitts explained that the comment letter to the BLM on the McEwen Gold Bar Project Draft EIS points out that the County is grateful that a large majority of concerns were addressed in the Preliminary Draft EIS (the proponent has been very receptive to the County's concerns). A meeting is requested with the BLM and the proponent as soon as possible to discuss outstanding issues. The letter, which addresses outstanding issues, includes road concerns and asks that the proponent's mitigation of AUM loss be specifically noted in the EIS.

Commissioner Etchegaray motioned to submit the comment letter to the BLM on the McEwen Gold Bar Project Draft EIS; Commissioner Sharkozy seconded the motion; motion carried 3-0.

State Engineer Proposed Orders: The State Engineer conducted a hearing in Eureka on March 29<sup>th</sup> concerning two proposed orders related to Barrick's water rights permits in Crescent Valley and movement of water into Pine Valley and Grass Valley, under those permits, as an approach to stabilize the water balance.

Mr. Tibbitts noted that the County is grateful to Barrick Cortez for keeping the County informed throughout this process. He also thanked the Division of Water Resources for extending the comment period.

The County's comment letter to the State Engineer mainly asks for clarifications and some minor corrections. It is the County's longstanding policy that water be placed back where it is removed. In this instance, the County recognizes that it is not technologically feasible to place the water exactly where it has been drawn down. The County does ask that it be made clear that the water is not returning to the exact aquifer, but is moving to the general area. In most part, the County supports the State Engineer's attempt to balance water.

Commissioner Sharkozy motioned to send the written response to the Nevada State Engineer in relation to proposed orders amending the conditions and provisions of permits issued to Cortez Joint Venture within the designated Crescent Valley hydrographic basin and affecting the Grass Valley and Pine Valley hydrographic basins. Commissioner Etchegaray seconded the motion. Motion carried 3-0.

Legislative Issues: Mr. Tibbitts explained that a lot of legislation is moving, but he mainly wanted to provide an update on AB298. **AB298**, Southern Nevada Water Authority's proposed legislation, is very problematic and would undermine current Nevada water law as well as certain Supreme Court decisions (that provide guidance on prior appropriation doctrine). This legislation would allow 3M Plans to be used as a way to approve applications that conflict with existing rights. Troubling amended language is being added as well. Mr. Tibbitts briefly highlighted other concerns with this bill.

It is very enlightening to see what groups and entities are fully supporting this proposed legislation. Of the dozen-plus supporters, most are southern Nevada entities, such as the

Laborer's Union and Southern Nevada Resort Association. It is apparent these groups are in favor of movement of water to southern Nevada to support the building industry.

Groups favoring the bill not from southern Nevada are General Moly, Taggart & Taggart, Ltd. (a Nevada law firm specializing in water), and Vidler Water Company (a water development firm).

Mr. Tibbitts has provided testimony in opposition to AB298 (a copy was supplied to the Board) and will continue focusing efforts where he feels they will do the most good.

### **CORRESPONDENCE**

Correspondence was received from: Don Roahrig, E. Clampus Vitus; Connie Hicks; Todd Zumhofe; Giovanni Minoletti; Rich McKay; Seventh Judicial District Court; District Attorney, Ted Beutel (3); Assessor, Michael Mears; Clerk & Treasurer, Beverly Conley; Assistant Comptroller, Kim Todd; Eureka County EMS; Medical Clinics Advisory Committee; Eureka County Recreation Board; Eureka County Television District; Diamond Valley Irrigators Workshop (co-hosted by Eureka Conservation Dist., University of Nevada Cooperative Extension, and Mt. Wheeler Power); Eureka Business Network (4); Eureka Owl Club; Crescent Valley Town Advisory Board (2); Nevada Assoc. of Counties (3); Kelly C. Brown, PLLC; Northeastern Nevada Regional Development Authority; Central Nevada Regional Water Authority; Washoe County Medical Examiner; Newmont Mining (2); Nevada Supreme Court (3); Rehab Services of Nevada, Greg Barker, PT; Nevada POOL/PACT Human Resources, Jeanne Greene; Nevada Aging & Disability Services Div.; Nevada Div. of Public & Behavioral Health; Nevada Div. of Water Resources (2); NPAIP, Alternative Service Concepts; NPAIP/PACT Grant Administration; Nevada Div. of Environmental Protection; Nevada Dept. of Taxation; Western Values Project, Chris Saeger; First Lane Technology; US District Court of Nevada; and US Census Bureau.

### **PUBLIC COMMENT**

Commissioner Goicoechea opened the floor for public comments. In response to a question from Commissioner Clerk, Jackie Berg, the Commissioners directed that only quarterly reports required by law or regulation needed to be signified on an agenda; all other quarterly reports can be submitted in correspondence.

### **ADJOURNMENT**

Commissioner Sharkozy motioned to adjourn the meeting at 11:40 a.m.; Commissioner Etchegaray seconded the motion; motion carried 3-0.

*Approved by vote of the Board this 20<sup>th</sup> day of April, 2017.*

/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 April 6, 2017, meeting of the Board of Eureka County Commissioners.*

/s/ Jackie Berg  
Jackie Berg, Commissioner Clerk

*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