

**EUREKA COUNTY BOARD OF COMMISSIONERS**

**May 6, 2016**

STATE OF NEVADA            )  
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COUNTY OF EUREKA        )

**CALL TO ORDER**

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

**APPROVAL OF AGENDA**

Commissioner 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, stated that a tour of the Newmont Mining properties (including the new Leeville Project) is tentatively scheduled for July 12<sup>th</sup>. The Commissioners and department heads are invited and should notify Mr. Mears if they wish to participate so that he can provide a head count to Newmont.

As Budget Director, Mr. Mears met with Tina Hubbard, Kim Todd, and Beverly Conley to complete a thorough review of the current budget (Fiscal Year 2015-2016). They were all pleased to find that most departments are successfully managing their very tight budgets. A budget augmentation will be done for the Retiree Health Insurance Premium Fund and one was already done for the Assessor’s Technology Fund, but no other augmentations are anticipated at this point. Mr. Mears and the Commissioners thanked the department heads for working so diligently to abide by their budgets during these difficult financial times.

**APPROVAL OF MINUTES**

April 13, 2016: Commissioner Sharkozy motioned to approve minutes of the April 6, 2016, budget meeting; Commissioner Etchegaray seconded the motion; motion carried 3-0.

April 20, 2016: During the April 20<sup>th</sup> meeting, Chairman Goicoechea recognized his father-in-law, Floyd Slagowski, who celebrated his 100<sup>th</sup> birthday on April 23<sup>rd</sup>. The Chairman asked that the minutes be amended to reflect that Floyd is a longtime Eureka County and Pine Valley resident. Commissioner Sharkozy motioned to approve the April 20, 2016, Commission minutes with that addition; Commissioner Etchegaray seconded the motion; motion carried 3-0.

**COUNTY COMPTROLLER**

Payment of Expenditures: Expenditures were presented for approval by County Comptroller, Tina Hubbard. Commissioner Etchegaray motioned to approve expenditures in the amount of \$391,408.94 for accounts payable, \$367,665.05 for payroll, \$611.98 for a pass-through tax allocation to the School District, \$7,748.41 for a pass-through tax allocation to the Nevada State Controller, \$1,411.00 for a pass-through payment to the Nevada Division of Minerals, and \$2,800.00 for Yucca Mountain expenses, for a grand total of \$771,645.38. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Fund Balances Report: The Board reviewed the report showing current fund balances. Chairman Goicoechea thanked Clerk & Treasurer, Beverly Conley, for her extensive work on

Fund 150 (Range Improvement District) in relation to possible future coordination with the N1 Grazing Board.

AirMedCare Payroll Deduct Agreement: Commissioner Etchegaray motioned to sign the AirMedCare Network Group Full Membership for Payroll Deduct Only Agreement with AirMedCare (formerly Summit Air Ambulance) to allow payroll deductions for employees or paid volunteers and board/committee members who elect voluntary group membership with AirMedCare. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Letter to Nevada Department of Taxation: Payroll Specialist, Kim Todd, explained that each year the Department of Taxation reviews the annual audit and sends a letter outlining any violations. The County then responds outlining how the issues will be addressed. Findings for the last fiscal year were all related to funds that were underbudgeted, mainly due to lack of adequately accounting for depreciation in the three water funds.

Commissioner Sharkozy motioned to sign and send the letter to the Nevada Department of Taxation in response to the Fiscal Year 2014-2015 Annual Audit Report; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Date to Approve Final Budget: The Budget & Tax Rate Hearing is scheduled for May 16<sup>th</sup> to allow for comments and input from members of the public on the proposed budget and proposed tax rates for the upcoming fiscal year. Tax rates will be adopted at the hearing and the budget must be approved before the June 1<sup>st</sup> deadline.

Commissioner Sharkozy motioned to schedule an agenda item on May 20<sup>th</sup> to adopt the Final Budget for Fiscal Year 2016-2017 and to sign the departmental top sheets for submission to the Nevada Department of Taxation; Commissioner Etchegaray seconded the motion; motion carried 3-0. If approval of the budget needs to be rescheduled, a special meeting will be set.

## **COMMISSIONERS**

Update Reports: Chairman Goicoechea attended a stakeholder meeting in Reno on April 26<sup>th</sup> concerning the wild horse and burro overpopulation in Nevada (another meeting is scheduled for June 28<sup>th</sup>); attended a stakeholder session on sage grouse hosted by the BLM in Reno on April 27<sup>th</sup> entitled, *The Next Steppe: Implementing for the Future*; participated via teleconference in the NACO Legislative Committee meeting on April 28<sup>th</sup> (Jake Tibbitts has recently been appointed to this Committee as well); toured the Bald Mountain Mine on May 3<sup>rd</sup> and met with several Kinross Gold Corporation representatives, who are optimistic about the project's future expansion; and provided input on several current issues at the Elko County Board of Commissioners' meeting on May 5<sup>th</sup>.

Commissioner Etchegaray attended the Diamond Valley Groundwater Management Plan meeting at the Opera House on April 25<sup>th</sup>.

Commissioner Sharkozy attended a Crescent Valley Volunteer Fire Department meeting on April 26<sup>th</sup> and a Crescent Valley Firewise Committee meeting on April 28<sup>th</sup>.

Excellence in Loss Control Award: Clerk & Treasurer, Beverly Conley, presented the Commissioners with the *2016 Loss Control Excellence Program Award* from Nevada Public Agency Insurance Pool for achieving the highest standard of excellence in loss control. It was given to Ms. Conley the previous week when she attended the annual Nevada POOL/PACT meeting. The County will also receive a check for \$3,500.00.

APN 001-102-13: APN 001-102-13 is a small parcel located at 11 North Main Street in Eureka that the County has had a long-term lease on until the recent past. Several County objects are housed on the lot, including the historical train caboose currently used as the Economic Development kiosk. The property owners have indicated they are willing to sell the parcel. Assessor, Michael Mears, informed that it has a current taxable value of \$14,000.00. The Commissioners agreed that it could easily cost more to relocate the items on the lot, so it makes sense to evaluate purchase options.

Commissioner Sharkozy motioned to begin the process, including obtaining an appraisal and title search, in order to consider making an offer to purchase APN 001-102-13; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Update on Proposed Merger of UNCE and CABNR: Chairman Goicoechea reported that the University of Nevada Board of Regents has not yet rendered a decision related to merger of University of Nevada Cooperative Extension and College of Agriculture, Biotechnology & Natural Resources, so there is nothing new to report at this time.

In relation to local Cooperative Extension, interviews for the Eureka County Extension Educator are scheduled to take place at the Opera House on May 17<sup>th</sup> and 18<sup>th</sup>.

Sagebrush Ecosystem Program & Nevada Greater Sage-Grouse Conservation Plan: The Sagebrush Ecosystem Council was scheduled to meet on May 12<sup>th</sup> to review TABLE 2.2: HABITAT OBJECTIVES FOR GREATER SAGE-GROUSE, a portion of the federal Land Use Plan Amendment. But the meeting was cancelled so the technical team can focus on field work to implement pilot projects to test Nevada's Conservation Credit System related to sage grouse habitat.

## **SENIOR CENTERS**

Update Report: Senior Centers Program Director, Millie Oram, reported on activities at the Eureka Senior Center and Fannie Komp Senior Center. In April, Eureka served 814 meals and Crescent Valley served 576 meals. A total of \$7,423.25 was deposited for the month. Senior dinners are scheduled for May 12<sup>th</sup> in Eureka and May 18<sup>th</sup> in Crescent Valley. If enough seniors sign up, a trip is planned to the Northeastern Nevada Museum in Elko on May 18<sup>th</sup>.

Supplemental Nutrition Grant: Commissioner Sharkozy motioned to ratify Notification of Grant Award from Nevada Aging & Disability Services Division for supplemental Nutrition Grant #07-000-57-NX-16 in the amount of \$2,931.00, with no match required from Eureka County; Commissioner Etchegaray seconded the motion; motion carried 3-0.

## **ROAD DEPARTMENT**

Report on Activities: Road Superintendent, Raymond Hodson, reported on Road Department projects and activities. A lot of blading has been done on main roads and cutoff roads in outlying areas, including all of County Road 101 through Railroad Pass, and roads in Antelope Valley and Fish Creek Valley (Fish Creek Summit, Cockalorum, Fenstermaker, East Antelope Road, 3C Road to Segura, etc.). Crews are very close to finishing up the Roberts Creek Bypass Road. Cattle guards were cleaned on Union Pass and a very large boulder was removed from the road.

Northern crews have been working on the Barth Road, Buckhorn Road, and are working on the road towards Sheep Creek. The screening plant continues running when weather prohibits road work.

May Cleanup started on May 5<sup>th</sup>, so staff in Eureka and Crescent Valley will be busy on cleanup days. Free Dump Days will begin this weekend. All road and shop staff attended dozer training at the BLM yard in Eureka on April 14<sup>th</sup>.

Mr. Hodson will meet with Brad Putnam from Halliburton Energy Services on May 10<sup>th</sup> to discuss the Monitor Valley Road. Halliburton is starting a project with a barite mine in Monitor Valley, approximately 40 miles south of US Highway 50. Halliburton operates the barite plant and mill in Dunphy.

## **PUBLIC WORKS**

Projects & Activities: Mr. Hodson provided an update on Public Works projects and activities. Maintenance has been completed on fire trucks and all equipment has been returned to their respective stations for the season. Parks and grounds are being prepared for spring – fertilizing, aerating, and sprinkler work. Some valves were changed at the Swimming Pool. The

new digital x-ray machine will be installed at the Crescent Valley Medical Clinic on May 10<sup>th</sup>. Public Works Director, Ron Damele, is working with contract Human Resources to update a couple of job descriptions. All buildings, water systems, and the sewer system are in good working order.

Yucca Mountain Subcontract Services: Nuclear Waste Advisor, Abby Johnson, has the ability to subcontract for services under the portion of her contract dealing with the Yucca Mountain Program. Richard Moore, PE, previously contracted directly with the County to provide expertise on transportation issues related to Yucca Mountain. Ms. Johnson requested authorization to subcontract Mr. Moore to continue representing the County at the US Department of Energy's National Transportation Stakeholders Forum and to continue monitoring transportation issues.

Commissioner Etchegaray motioned to authorize Abby Johnson to subcontract with Richard Moore, PE, to provide Yucca Mountain transportation related services, not to exceed \$10,000.00; Commissioner Sharkozy seconded the motion; motion carried 3-0. It was noted that all contractual costs related to Yucca Mountain are funded by the US Department of Energy direct payment grant to Eureka County as an Affected Unit of Local Government.

Water Service Application: Commissioner Sharkozy motioned to approve an application from Curtis E. Hill, 445 4<sup>th</sup> Street in Crescent Valley, for a ¾-inch residential water service from the Crescent Valley Town Water System; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **ASSESSOR & IT / NETWORK**

Out-of-State Travel: IT/Network Supervisor, Michael Mears, requested authorization for IT/Network Analyst, Misty Rowley to travel to Florida in August to attend a conference in order to obtain continuing education credits towards additional certification. Travel will be paid by the County, but the cost of the conference will be covered by Business Continuity Technologies.

Commissioner Etchegaray motioned to allow out-of-state travel for IT/Network Analyst, Mistry Rowley, to attend the CompTIA Conference in Hollywood, Florida, August 1<sup>st</sup>-3<sup>rd</sup>; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Authorization to Work Additional Hours: Non-benefited employees are limited to: (a) no more than 1,039 hours in a calendar year, which equates to an average of 19 hours per week, in order to comply with Public Employees Retirement System requirements; and (b) no more than 29 hours per week, in order to comply with federal legislation implemented with the Affordable Care Act. Under these standards, non-benefited employees who work year-round generally try to stay within the 19-hour per week limit.

Eureka Activities Coordinator, Cindy Beutel, has several upcoming events that will require additional time. She submitted a letter outlining the upcoming events. Assessor, Michael Mears, requested a waiver of the County's generally accepted practice, and asked that Ms. Beutel be allowed to work up to 29 hours per week during the specified times.

Commissioner Etchegaray motioned to authorize Ms. Beutel to work up to 29 hours per week during the times specified and directed that Mr. Mears, as her supervisor, ensure that both federal and State guidelines are not exceeded; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **EUREKA PRODUCTIONS**

Cowboy Kids Night: Brandi Anderson, Eureka Productions, notified the Board that the annual Western Heritage Days was cancelled for this year, but she received multiple requests from parents to continue with the children's activities. So in lieu of Western Heritage Days, this year a Cowboy Kids Night will be sponsored. Ms. Anderson requested that the facility fees for the Eureka Fairgrounds be waived for this event.

Commissioner Etchegaray motioned to approve the request from Eureka Productions to waive facility fees for the Eureka Fairgrounds for Cowboy Kids Night scheduled for June 4<sup>th</sup>; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **NATURAL RESOURCES**

Report on Activities: Natural Resources Manager, Jake Tibbitts, gave an update on recent activities and natural resources issues affecting Eureka County.

Meetings: The Diamond Valley Groundwater Management Plan workshop was held April 25<sup>th</sup> and the irrigators are making some strides on how they want to move forward. Mr. Tibbitts and Consulting Hydrogeologist, Dale Bugenig, attended the Planning Commission meeting on May 2<sup>nd</sup> to review the Draft Water Resources Master Plan, and will follow-up during the Planning Commission's May 18<sup>th</sup> meeting.

On May 3<sup>rd</sup>, Mr. Tibbitts met with representatives of Waterton Global Resource Management, including their water consultants and water attorneys, regarding Ruby Hill Mine. He brought them up to speed regarding progress on the Diamond Valley Groundwater Management Plan and they discussed potential strategies for future water management.

Upcoming Meetings or Events: Mr. Tibbitts has been invited to attend the next meeting of the Legislative Commission Subcommittee to Study Water in Dyer on June 7<sup>th</sup>, where he will give an update on the Diamond Valley water issues and will listen to the other issues the Subcommittee is grappling with.

The BLM will host a tour of the McEwen Mining Gold Bar Project on May 17<sup>th</sup> and the Commissioners are welcome.

The next Diamond Valley Groundwater Management Plan workshop is scheduled for May 23<sup>rd</sup>. This one will be held in the Commissioners' Chambers at the County Courthouse.

Firewise Community Days: The Firewise Community Day is underway (May 6<sup>th</sup>) for Eureka and Crescent Valley's event will take place on May 21<sup>st</sup>.

Pinyon-Juniper Thinning Projects: Pinyon-juniper thinning will resume in June. The afternoon of May 6<sup>th</sup>, Mr. Tibbitts will tour the targeted area with a potential contractor.

Weed Spraying: The weed spraying contractor will begin on May 9<sup>th</sup>. The amount of spraying is somewhat limited by the budget, but the Eureka Conservation District voted to contribute some monies and Mr. Tibbitts is working on a new agreement with the BLM, which will result in some additional funding as well.

Diamond Valley Groundwater: Consulting Hydrogeologist, Dale Bugenig, downloaded the latest information from the data loggers stationed in Diamond Valley. One of the older loggers is no longer operational and another one may be close to failing, but should last another fiscal year. Parts are no longer available for the older models, so total replacement must be considered once they fail.

As expected, water levels in Diamond Valley are up. Mr. Bugenig is working to determine how much should be attributed to recharge and how much is seasonal (due to the fact that irrigation hasn't started yet). He will provide updated hydrographs and a detailed report during the May 20<sup>th</sup> Commission meeting.

Sage Grouse Issues: Mr. Tibbitts discussed the BLM's implementation meeting (*The Next Steppe: Implementing for the Future*) regarding sage grouse held in Reno on April 27<sup>th</sup>, which included several interesting breakout sessions. The intention of the meeting was to provide clarity on how the BLM proposes implementing the Land Use Plan Amendment, but this was not achieved. The BLM informed that they will issue Instructional Memoranda and guidance handbooks, but these supplemental documents are still being developed and not yet available.

A representative from US Department of Interior, Secretary Sally Jewell's office, was there and she stated that Table 2.2 (TABLE 2.2: HABITAT OBJECTIVES FOR GREATER SAGE-GROUSE, a portion of the federal Land Use Plan Amendment) will be applied according to ecological site

potential and using the appropriate State and Transition Model, meaning the science used in development of these will be considered based on the real ability for any given site to reach the objectives stated.

There was talk from the BLM that they want to revise Table 2.2 so that a Supplemental EIS isn't required in order to make it mesh with the State Plan (Alternative E in the Greater Sage-Grouse Draft EIS). It is frustrating that the BLM is reaching out to stakeholders during the implementation stage to try to figure out how to apply the provisions of the Land Use Plan Amendment, when they should have involved cooperating agencies and affected parties during the planning phase.

In other sage grouse news, there is a push by some of the western congressional delegations to include language in the National Defense Authorization Act to allow states, that have developed sage grouse conservation plans, the opportunity to prove their plans. The US Department of Defense has stated they don't believe sage grouse are a concern on their lands, so the likelihood of this provision being passed is slim.

US Fish & Wildlife Service Mitigation Policy: The US Fish & Wildlife Service has had a Mitigation Policy since 1981. Minor revisions have been made through the years, but a total revamp of the policy is now being proposed. New language requires 'net conservation gain' on anything the USF&WS is involved in. Numerous federal laws are referenced noting that USF&WS will have a role in mitigation planning for actions affecting provisions under these acts (such as Federal Land Policy & Management Act, National Environmental Policy Act, and others). There are other troubling components, but basically the USF&WS is asserting that with this policy change, they will play a greater role in planning and regulatory processes.

Mr. Tibbitts prepared a detailed comment letter on behalf of the County. For benefit of the Board, he gave an overview of the main concerns regarding the policy revisions as covered in the letter. These include:

- The proposed policy expands the USF&WS's authority, on both public and private lands, beyond what their historical role has been
- The proposal talks about 'no net loss' and 'net conservation gain' but doesn't provide a standard for measuring net gain and doesn't include provision for catastrophic events beyond human control
- Proposed language integrates 'landscape-level' conservation planning, a broader mitigation context that diminishes the role of local government

Mr. Tibbitts also addressed the State Sage Grouse Plan and noted how the proposed policy change would hinder aspects of the State Plan, including the Conservation Credit System.

Commissioner Sharkozy motioned to have the Chairman sign the letter to the US Fish & Wildlife Service providing comments on Proposed Revisions to the US Fish & Wildlife Service Mitigation Policy; Commissioner Etchegaray seconded the motion; motion carried 3-0.

## **PLANNING COMMISSION**

Appointment of Alternate Member: Per recommendation of the Planning Commission, Commissioner Etchegaray motioned to appoint Jim Evans as an alternate member for the remainder of a four-year term, through December 2019, representing the County-At-Large on the Planning Commission; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **HOSS DISPOSAL**

New Ownership & Contract with Hoss Disposal: The contract with Hoss Disposal was recently extended for an additional two-year term through April 30, 2018. The contract is for curbside refuse collection within a franchise service area (Crescent Valley) and for curbside refuse collection at County buildings outside the franchise service area. After the contract was renewed, it was discovered that the company had been purchased by Miguel Esquibel (it was

previously owned by James Beresovoy). The new owner was invited to appear before the Commissioners to determine if a new contract was needed.

Rosa Street, representative of Miguel Esquibel, was in attendance. She explained that Mr. Esquibel purchased Hoss Disposal on March 18<sup>th</sup> and this included purchase of the company name; the corporation (including updating the articles of incorporation with the Nevada Secretary of State); transfer of all accounts, including bank accounts; transfer of the EIN (Employer Identification Number); and assignment of the insurance policy. Ms. Street noted the only change, other than owner, was a new business address.

District Attorney Beutel requested that Mr. Esquibel provide the County with copies of all documentation affirming transfer of the corporation and the liability insurance. Based on the information supplied, Mr. Beutel advised the Board that there was no need to terminate the existing contract, as it would continue under the same corporation, Hoss Disposal, assigned to the new owner.

Commissioner Sharkozy motioned to have Public Works Director, Ron Damele, work with the new owner of Hoss Disposal, Miguel Esquibel, to obtain the updated business address, along with the requested documentation, to be followed by a letter from Eureka County authorizing assignment of the existing contract to Miguel Esquibel. Commissioner Etchegaray seconded the motion. Motion carried 3-0.

## **CORRESPONDENCE**

Correspondence was received from: Michael Rebaleati; Board of County Commissioners public flyer; Plain Talk newsletter; District Attorney, Ted Beutel (2); Assessor, Michael Mears; Clerk & Treasurer, Beverly Conley (4); Public Works Director, Ron Damele (2); Natural Resources Manager, Jake Tibbitts (2); Natural Resources Senior Dept. Assistant, Jessica Santoyo; Commissioner Clerk, Jackie Berg; Eureka Activities, Cindy Beutel (2); Planning Commission (2); Economic Development Program Board; Eureka Owl Club (2); Crescent Valley Town Advisory Board; Nevada Assoc. of Counties (4); White Pine County Commission (3); White Pine County (2); University of Nevada Cooperative Extension; AirMedCare; Allison, MacKenzie, Ltd.; Nevada Supreme Court; Nevada POOL/PACT, Jeanne Greene; Nevada Aging & Disability Services Div.; NV Energy; Southwest Gas Corp.; Nevada Dept. of Taxation; Nevada Dept. of Health, Div. of Public & Behavioral Health; Nevada Rural Housing Authority (2); Nevada Dept. of Business & Industry (3); Nevada State Clearinghouse (5); University of Nevada, College of Agriculture, Biotechnology & Natural Resources; Twelve Sixty Six & Sparks Police; Brewing the American Dream flyer; Stewart Indian School Preservation Alliance; USDA Rural Development (Nevada office); Tao Interactive Inc.; ISO-International Organization for Standardization; US Dept. of Defense, Office of Economic Adjustment; Western Counties Alliance (2); Senator Dean Heller via Jeremy Harrell (2); Congressman Crescent Hardy (2); USDA Forest Service, Humboldt-Toiyabe National Forest (4); American Lands Council; and Paul Draper, magician.

## **PUBLIC COMMENT**

Chairman Goicoechea opened the floor for public comments. Comptroller, Tina Hubbard, informed the Board that upon adjournment of the meeting, her office would provide the Commissioners with complete copies of the unapproved budget to allow for detailed review before the May 16<sup>th</sup> budget and tax rate hearing.

Commissioner Clerk, Jackie Berg, noted that Assembly Bill 19, which passed during the 2015 Legislative Session, extended the timeframe when county budget hearings may be held. Previously limited to the third Monday in May, hearings may now be held anytime between the third Monday in May and the last day of May.

**ADJOURNMENT**

The meeting was adjourned at 11:14 a.m.

*Approved by vote of the Board this 20<sup>th</sup> day of May, 2016.*

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

*I, Jackie Berg, Commissioner Clerk, attest that these are a true, correct, and duly approved minutes of the May 6, 2016, 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