

EUREKA COUNTY BOARD OF COMMISSIONERS

May 8, 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 May 8, 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

The IT/Network item was removed from the agenda. Commissioner Sharkozy motioned to approve the agenda as amended; Commissioner Etchegaray seconded the motion; motion carried 3-0.

PUBLIC COMMENT

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

APPROVAL OF MINUTES

April 11, 2017: Commissioner Etchegaray motioned to approve minutes of the April 11, 2017, budget meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0.

April 20, 2017: Commissioner Sharkozy motioned to approve the April 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 \$192,126.27 for accounts payable, \$347,922.19 for payroll, \$1,138.94 for a pass-through tax allocation to the School District, \$8,902.01 for a pass-through to the State Controller, \$462.39 for a pass-through to the Department of Taxation, \$1,960.00 for a pass-through to the Division of Minerals, and \$5,450.00 in Yucca Mountain expenses, for a grand total of \$557,961.80. 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: Assistant Comptroller, Kim Todd, reviewed various accounts and received direction from the Board regarding changes to the Fiscal Year 2017-2018 Tentative Budget (scheduled to be finalized at a public hearing on May 22nd).

The line item for water legal fees in the Commissioners' budget was increased from \$100,000.00 to \$300,000.00. The Local Emergency Planning Committee budget was increased from \$10,000.00 to \$14,000.00 to accommodate grant revenues greater than originally anticipated.

The capital outlay line item in the Road Department budget was increased from \$50,000.00 to \$150,000.00 to accommodate a change in delivery date for a trailer (water tender) originally intended to be purchased in the current fiscal year.

Due to delayed bid award of the Streets Maintenance Project, \$500,000.00 will not be spent in the current fiscal year, but will instead be budgeted in Fiscal Year 2017-2018, increasing the capital outlay line item in the Regional Transportation Commission budget from \$2 million to \$2.5 million.

The Airport budget may be adjusted due to Federal Aviation Administration's rejection of the bid for the Airport Pavement Maintenance & Striping Project. This will be discussed in more detail under the agenda item specific to the Airport and FAA rejection.

Commissioner Sharkozy motioned to accept the budgetary changes as outlined for the Fiscal Year 2017-2018 Budget; Commissioner Etchegaray seconded the motion; motion carried 3-0.

COMMISSIONERS

Update Reports: Chairman Goicoechea attended the Incident Commander Type 4 (ICT4) class April 26th & 27th in Eureka. The Chairman has been working on an ongoing issue attempting to help a company secure incentives to relocate to Eureka County. The company applied to the State for tax incentives, but was turned down. This \$12 million facility would provide product to area mines and would be a boon to the County's economy, both as an addition to the tax roll and by providing about a dozen jobs in northern Eureka County.

Commissioner Etchegaray attended the Nevada Supreme Court hearing (State Engineer and Kobeh Valley Ranch vs. Eureka County, et al) in Reno on May 1st.

Commissioner Sharkozy attended the Crescent Valley Volunteer Fire Department meeting on April 25th; attended the Medical Clinics Advisory Committee meeting (via interactive video) on April 26th; traveled to Reno on April 27th & 28th for Nevadaworks meetings; attended the Nevada Supreme Court hearing in Reno on May 1st; and participated in the Firewise Community Day in Crescent Valley on May 6th.

Proposed Changes to Internal Control Policy: As a matter of housekeeping, the Internal Control Policy was updated, reviewed by various County officials, and the draft ordinance proposing revisions was presented to the Board for final review. Additional changes were brought to the Board's attention. Effective July 1st, the County will move to a two-week pay schedule (from semi-monthly). Two references to the obsolete pay schedule must still be updated in the draft Internal Control Policy.

Commissioner Sharkozy motioned to propose the amended 2014 EUREKA COUNTY CODE, TITLE 3, INTERNAL CONTROL POLICY to include corrections to the payroll references noted; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Set Public Hearing to Consider Internal Control Policy: Commissioner Etchegaray motioned to schedule a public hearing at 10:00 a.m. on June 20th to consider adopting the ordinance amending 2014 EUREKA COUNTY CODE, TITLE 3, INTERNAL CONTROL POLICY; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Rehab Services of Nevada Contract: Commissioner Etchegaray motioned to approve a one-year contract with Rehab Services of Nevada for Fiscal Year 2017-2018; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Sagebrush Ecosystem Program and Nevada Greater Sage-Grouse Conservation Plan: The next meeting of the Sagebrush Ecosystem Council is June 8th. Legal counsel continues working towards a settlement agreement.

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 580 meals and Crescent Valley served 529 meals. A total of \$9,154.98 was deposited for the month. Senior dinners will begin in April and Ms. Oram invited the Commissioners to attend.

AMBULANCE & EMS

MCI Bus: EMS Coordinator, Mike Sullivan, has been speaking with Amos Hollar, Manager of the Public Health Emergency Preparedness (PHEP) Program, concerning

anticipated flooding, particularly along the Walker River. PHEP is interested in availability of the MCI (mass casualty incident) bus for planned or emergency evacuations. The bus could be utilized on an on-call basis or could temporarily be relocated to Fallon during the highest risk season of June 5th to July 21st. Any costs will be covered or reimbursed by the State agency.

Commissioner Etchegaray motioned authorize loaning the bus to the State Public Health Emergency Preparedness Program for use by other counties in distress due to flooding and anticipated flooding, including authorization for non-Eureka County personnel to operate the bus. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

District Attorney Beutel advised Mr. Sullivan to notify Nevada POOL/PACT that the bus will be temporarily located outside of Eureka County and may be operated by other personnel.

BID OPENING – 2017 STREETS MAINTENANCE PROJECT

Call for Bids: At the advertised time of 10:00 a.m., Chairman Goicoechea made a final call for bids for the 2017 Streets Maintenance Project (PWP EU-2017-159). A total of two bids were received.

The advertised bid consisted of Bid Schedule A and Additive Alternative A for Eureka County, with a joinder by the School District with Additive Alternate B and Additive Alternate C.

Bid Opening: Bids were opened and submitted into the record, as follows: (1) *Sierra Nevada Construction, Inc.*, Bid Schedule A \$2,399,351.00, Additive Alternate A \$3,066,351.00, Additive Alternate B \$1,521,241.00, Additive Alternate C \$119,415.00, for a total bid including base and all alternates of \$4,707,007.00; (2) *H.E. Hunewill Construction Company, Inc.*, Bid Schedule A \$2,483,900.00, Additive Alternate A \$3,150,900.00, Additive Alternate B \$1,078,485.00, Additive Alternate C \$119,415.00, for a total bid including base and all alternates of \$4,348,800.00.

Return with Recommendation: The Board directed Public Works Director, Ron Damele, and County Engineer, Tom Young with Lumos & Associates, to review the bids and return at 1:30 p.m. that afternoon with a recommendation for award.

2017 AIRPORT PAVEMENT MAINTENANCE & STRIPING PROJECT

FAA Rejection of Bids: During the April 20th meeting, bids for the 2017 Airport Pavement Maintenance & Striping Project (FAA Project AIP No. 3-32-0007-012-2017) were opened and the bid was awarded contingent upon approval by the Federal Aviation Administration. An email from Mike Bennett, Lumos & Associates, (portion included below) summarized the FAA's rejection of the bid, as well as the County's options:

“The recently bid Eureka Airport Pavement Maintenance project contract documents contained FAA and NDOT micro surface technical specifications. We (Lumos) included the NDOT alternative spec in the bid package because our knowledge of local conditions and past experience suggested that the FAA specification alone could be expensive to construct and may not attract any bidders. The complete bid package (including the NDOT alternative) was submitted to the FAA for review on March 31, 2017, and we received notice on April 3, 2017, that they had no concerns with the package. Bids for the project were opened on April 20, 2017, and the County received two bids. Both bidders noted in their submitted bid that they were pricing the NDOT alternative due to difficulties procuring material that complies with the FAA specification. We (Lumos) forwarded the results of the bid to the FAA on April 20, 2017, and specifically noted that the NDOT alternative was priced for the reasons specified above. On May 1, 2017, we received notice from the FAA that the proposed NDOT alternative made the project ineligible for FAA AIP Program funding and our only options were to:

- *Continue with the project without grant funding from the FAA.*
- *Pursue approval for the NDOT alternative (Modification of Standards) through the FAA, which could take up to a year.*
- *Throw out all bids and re-advertise the project with only the FAA specification.*

On May 2, 2017, ECPW and Lumos met with the FAA via conference call to discuss the options noted above. During that call, the FAA noted that material cost and poor availability were not justification for a Modification of Standards. Therefore, it was determined the preferred course of action is to throw out all bids and re-advertise the project with the FAA specification. As of May 4, 2017, the project has been repackaged to include only the FAA specification and has been re-submitted to the FAA for their review and approval. We anticipate re-advertisement of project by the end of the day on May 5, 2017, with a bid opening on the revised project on May 22, 2017.”

Re-Bid Project: Mr. Damele agreed with the Lumos & Associates’ recommendation to prepare documentation and re-bid the project according to FAA specifications. The bids may exceed what the County budget will accommodate, but the Board has the option of denying all bids. If FAA grant monies aren’t used for this project, they will roll over for up to a three year period.

Commissioner Etchegaray motioned to re-bid the 2017 Airport Pavement Maintenance & Striping Project under FAA specifications, with a bid opening date of May 22nd; Commissioner Sharkozy seconded the motion; motion carried 3-0.

PUBLIC WORKS

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

Utilities, Buildings, & Grounds: All public utility systems are working fine. Parks and grounds crews are preparing for spring and summer by fertilizing, turning on sprinkler systems, etc. The Swimming Pool is closed for one week to rebuild the sand filter.

Fire Season & Emergency Training: The Incident Commander Type 4 (ICT4) class held April 26th & 27th at the Administrative Facility was well attended by staff and volunteers. A pre-season BLM fire meeting is scheduled May 19th at the Administrative Facility; this will include three BLM districts, Nevada Division of Forestry, and the County. Extrication training is scheduled in Crescent Valley on June 10th and in Eureka on June 11th.

Environmental Protection Agency: The US Environmental Protection Agency and their contractor, Environmental Quality Management (EQM), have returned to Eureka. EQM has a screening plant at the repository in Eureka. EQM’s subcontractor, Wilkins Trucking Company, will begin crushing rock at the Eureka Landfill this upcoming week.

ROAD DEPARTMENT

Report on Activities: Raymond Hodson, Assistant Public Works Director, reported on Road Department projects and activities. Crews finished crack filling roads, streets, and parking lots. Crews have bladed or are finishing up the Monitor Valley Road, Tonkin Road, JD Ranch Road, Willows Road, Sadler Brown Road, Barth Road Airplane Summit, Palisade Road, Spa Road, Maggie Creek Road, and roads in Diamond Valley and in Crescent Valley. Barrick supplied a couple of water trucks for the JD Ranch Road and Tonkin Road (for about a month) and this was greatly appreciated. Mowing in the Fish Creek area is complete and the mower has been moved back to town.

May Clean Up started this past week and will continue each Thursday for the month of May. The first day kept five employees busy for a full day in Crescent Valley. A tremendous amount of material was hauled away. The timing may need to be adjusted in future years, because of the demands on staff time during prime road maintenance conditions.

SHERIFF

Hiring Freeze Waiver Justification – Dispatcher: Notice of resignation was received from longtime Dispatcher, Louise Wright, who is moving from the area. Sheriff Keith Logan submitted the required documentation and requested authorization to fill this position. Commissioner

Etchegaray motioned to authorize hiring a Communications/Dispatcher for the Eureka County Sheriff's Office; Commissioner Sharkozy seconded the motion; motion carried 3-0.

NATURAL RESOURCES

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities and upcoming meetings. He continues focusing on some of the more worrisome legislation and has attended multiple meetings in relation to Southern Nevada Water Authority's proposed bill, AB298. Mr. Tibbitts attended a meeting of the Humboldt River Basin Network on May 3rd; this group is focused on health and restoration of the river. The Firewise Community Days were held in Eureka on May 5th and in Crescent Valley on May 6th. The events were very successful and Mr. Tibbitts thanked Natural Resources Senior Department Assistant, Jessica Santoyo, for facilitating the Firewise Community meetings and events.

Upcoming Meetings: Upcoming meetings include the Humboldt River Basin Water Authority meeting on May 12th; a State Conservation Commission meeting in Carson City on May 15th; a Groundwater Management Plan meeting in Eureka on May 16th; the Natural Resources Advisory Commission meeting the evening of May 17th; and an informational Groundwater Management Plan meeting the evening of May 22nd at the Eureka Opera House.

Weed Spraying: Contract weed spraying began this week.

Federal Issues: Mr. Tibbitts reported on various issues on the federal level. Sonny Perdue was confirmed as US Secretary of Agriculture. PILT (payment in lieu of taxes) for BLM lands was reauthorized. Unfortunately, SRS (Secure Rural Schools & Community Self-Determination Act) for Forest Service lands was not reauthorized. The Wild Horse & Burro budget remained the same. The push for emergency wildfire funding was unsuccessful. Lastly, the BLM was successful in creating a congressionally chartered nonprofit foundation eligible for grants and gifts, in addition to federal funding, and this will drive many BLM programs.

Sage Grouse Issues: There has been no real progress following sage grouse litigation and the recent Order by Judge Miranda Du, in which the Record of Decision was partially remanded back to the BLM to prepare a Supplemental EIS (in the appeal of the BLM/US Forest Service Greater Sage Grouse Land Use Plan Amendments filed in US District Court in Reno).

There are some settlement talks among the western states and the County's sage grouse attorney spoke with Chairman Goicoechea this past week by phone to update him on related activities.

BLM Grazing Decisions: The final decision on the Targeted Grazing EA is still awaited and is expected to address some of the outstanding issues.

Letter to USDA, Natural Resources Conservation Service: The US Department of Agriculture is working on moving responsibility for creating Ecological Site Descriptions from the rangeland side to the soils side of the Natural Resources Conservation Service. ESDs provide detailed information on different lands. This raises concerns that the ESDs will focus more on the types of soils that exist rather than the type of rangeland that exists.

Commissioner Etchegaray motioned to send a letter to the USDA, Natural Resources Conservation Service, outlining concerns over modifications to the process for development of Ecological Site Descriptions, and authorized the Chairman to sign the letter outside of the meeting. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Legislative Issues: Mr. Tibbitts continues working to oppose **AB298**, Southern Nevada Water Authority's proposed bill that would undermine current Nevada water law as well as Supreme Court decisions that provide guidance on prior appropriation doctrine. He provided a report entitled, "*Eureka County Outstanding Issues, Concerns With and Suggestions on AB 298 (First Reprint).*" The Senate Natural Resources Committee will meet on May 9th to determine if this bill will move forward as expected, and Mr. Tibbitts will attend the meeting.

AB407 would instill a legislative process for determining whether schools are land grant universities. If this passes, UNLV (University of Nevada, Las Vegas) and other schools could be deemed land grant universities and would share in the already limited federal monies used to support Cooperative Extension.

Commissioner Sharkozy motioned to send a letter opposing AB407 and authorized the Chairman to sign it outside of the meeting; Commissioner Etchegaray seconded the motion; motion carried 3-0.

JUVENILE PROBATION

Out-of-State Travel: Commissioner Sharkozy motioned to authorize out-of-state travel June 22nd-24th for two instructors and six student dancers to attend the BYU Dance Camp in Provo, Utah; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Juvenile Probation Officer, Steve Zimmerman, explained that a grant will cover all registration costs for instructors and students.

HEALTH INSURANCE ADVISORY COMMITTEE

Additional Long-Term Disability Policy: Health Insurance Advisory Committee Chair, Toni Wright, explained that New York Life has a new long-term disability program that can be offered to employees during open enrollment. This is optional coverage for employees, with no cost to Eureka County.

Commissioner Sharkozy motioned to authorize New York Life to offer an additional long-term disability policy to Eureka County employees and to approve automatic payroll deductions for payment of premiums; Commissioner Etchegaray seconded the motion; motion carried 3-0.

MEDICAL CLINICS ADVISORY COMMITTEE

Update on RFP Process: Medical Clinics Advisory Committee members, Rich McKay (Vice Chair) and Jim Ithurralde, provided an update on the overall process related to the Request for Proposals for medical/clinical services.

Three companies have notified the Committee that they will respond to the RFP: William Bee Ririe Hospital, Renown Health, and Nevada Health Centers. William Bee Ririe may not bid on services for Crescent Valley due to the distance from their hospital.

The responders were provided information on all facilities (clinics in Eureka, Crescent Valley, and Duckwater). Tours will be provided to those interested. Several Committee members toured the clinic in Duckwater on May 2nd.

Oral presentations will be given by the responders on May 15th. Final responses to the RFPs are due by June 2nd and the Committee will make a recommendation to the Commissioners at a special joint meeting on June 9th.

RECESS FOR LUNCH

The Board recessed for lunch from 11:15 a.m. until 1:30 p.m.

BID AWARD – 2017 STREETS MAINTENANCE PROJECT

Bid Award: Public Works Director, Ron Damele, and County Engineer, Tom Young, with Lumos & Associates, returned with a complete bid evaluation of the bids received for the 2017 Streets Maintenance Project (PWP EU-2017-159). Bids were received from Sierra Nevada Construction and H.E. Hunewill Construction.

Mr. Damele and Mr. Young recommended awarding this bid based on Bid Schedule A, and Additive Alternatives B and C (excluding Additive Alternative A). H.E. Hunewill Construction was the low bidder for this grouping, at \$3,681,800.00. Sierra Nevada Construction, Inc. bid

\$4,040,007.00 for this same grouping. The School District was in agreement with the recommended award.

Commissioner Sharkozy motioned to award the bid for the 2017 Streets Maintenance Project (PWP Eu-2-17-159) to the most responsive and responsible bidder for Bid Schedule A, Additive Alternative B, and Additive Alternative C, in the total amount of \$3,681,800.00, to H.E. Hunewill Construction Company, Inc.; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Superintendent, Dan Wold, thanked the Board for allowing the School District to participate in this bid process, thereby saving the School District the money it would have cost to bid their projects independently.

CORRESPONDENCE

Correspondence was received from: James & Donna Moyer; 7th Judicial District Court (8); District Attorney, Ted Beutel; Clerk & Treasurer, Beverly Conley; Recorder, Lisa Hoehne; Comptroller, Tina Hubbard; Natural Resources, Jake Tibbitts (2); EMS Coordinator, Mike Sullivan; *Plain Talk* newsletter; Health Insurance Advisory Committee; Medical Clinics Advisory Committee (5); Eureka County Advisory Board to Manage Wildlife; Firewise Community Days; Eureka Business Network; Eureka Owl Club (3); Nevada Assoc. of Counties (2); Humboldt River Basin Water Authority; Nevada State Business Center; Nevada Dept. of Business & Industry; Nevada Board of Wildlife Commissioners; Nevada Dept. of Transportation; BLM, Nevada State Office; US Navy, NAS Fallon (2); US Senator, Dean Heller; National Assoc. of Counties (7); and US Nuclear Waste Technical Review Board.

PUBLIC COMMENT

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

ADJOURNMENT

Commissioner Sharkozy motioned to adjourn the meeting at 1:33 p.m.; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Approved by vote of the Board this 22nd day of May, 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 May 8th, 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