

EUREKA COUNTY BOARD OF COMMISSIONERS

June 5, 2015

STATE OF NEVADA)
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COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on June 5, 2015. 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 June 5th agenda as posted; Commissioner Etchegaray seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Goicoechea opened the floor for public comments. Crescent Valley Town Advisory Board Secretary, Nona Kellerman, made two announcements. A joint retirement party for Justice of the Peace, Susan Fye, and Deputy Court Clerk, Linda Harland, was planned for June 12th at 5:00 p.m. at the Crescent Valley Community Center. A Crescent Valley cleanup day was planned for June 13th with volunteers meeting that morning at the Crescent Valley Town Park.

Assessor, Michael Mears, publicly recognized Eureka Activities Coordinator, Cindy Beutel, for all of her hard work in bringing the circus to Eureka on June 4th. Ms. Beutel hopes they will return next year.

APPROVAL OF MINUTES

May 6, 2015: Commissioner Etchegaray motioned to approve minutes of the May 6, 2015, Commission meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0.

FINANCE & RECORDER/AUDITOR

Payment of Expenditures: Expenditures were presented for approval by Acting Recorder & Auditor, Tina Hubbard. Commissioner Etchegaray motioned to approve expenditures in the amount of \$247,926.06 for accounts payable, \$273,641.73 for May 20th payroll, \$396,146.27 for June 5th payroll, \$3,704,560.36 for a pass-through tax allocation to the School District, and \$4,379.95 for Yucca Mountain expenses, for a grand total of \$4,626,654.37; Commissioner Sharkozy seconded the motion; motion carried 3-0. (*Note: \$1,000.00 was added to this amount later in the day with a grant to Chace Green*).

Auditor's Report: The Board reviewed ending fund balances as presented on the Auditor's Report.

CLERK & TREASURER

District Court Minimum Accounting Standards: Clerk & Treasurer, Beverly Conley, explained that Minimum Accounting Standards were created by the Administrative Office of the Courts to provide courts with a policy defining requirements for the court's financial operations. Courts are mandated to update the MAS every two years. The related audit for District Court is scheduled for July and must be completed by December 2015.

COMMISSIONERS

Update Reports: Chairman Goicoechea attended the Nevada Association of Counties Board meeting in Carson City on May 22nd; while there, worked on some final pushes related to legislation; was in Battle Mountain on May 26th-27th related to the appeal process and negotiations on the Argenta Allotment; met with the District Attorney, Public Works Director, and representatives of Stantec Consulting Services, Inc., on June 2nd regarding the US Highway 50 property sold to Raines LLC; attended the SLAG Working Group meeting on June 3rd; and attended a meeting with department heads and Nevada POOL/PACT Human Resources representatives the morning of June 5th.

Commissioner Sharkozy and Commissioner Etchegaray attended the Joint Land Use Study luncheon at the Fallon Naval Air Station on June 1st. Commissioner Etchegaray attended a Recreation Board meeting on June 2nd.

Contract Extension – Abigail C. Johnson Consulting: During the May 18th meeting, a six-month contract extension to the professional services contract with Abigail C. Johnson Consulting was approved through December 31, 2015, with no net increase to the existing contract. Commissioner Etchegaray motioned to approve signing the letter extending the services of independent contractor, Abigail Johnson, as approved on May 18th; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Contract Modification – Benefit Intelligence Insurance Services: During the May 18th meeting, addendums to the Benefit Intelligence Insurance Services contracts (current and upcoming contracts) were approved for provision of additional services related to the clinical services contract with Nevada Health Centers, Inc. District Attorney, Ted Beutel, drafted a letter outlining these additional services. Commissioner Etchegaray motioned to sign the letter to John Carlson of Benefit Intelligence Insurance Services outlining modifications approved on May 18th to the current contract ending June 30, 2015, and the upcoming contract beginning July 1, 2015; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Medicaid Match Program Contract with State of Nevada: Commissioner Sharkozy motioned to approve a two-year Interlocal Contract between Public Agencies between Eureka County and Nevada Department of Health & Human Services through the Division of Health Care Financing & Policy and the Division of Welfare & Supportive Services for the Medicaid Match Program, effective July 1, 2015, through June 30, 2017. Commissioner Etchegaray seconded the motion. Motion carried 3-0.

Out-of-State Travel for Chairman: Chairman Goicoechea explained he has been attending meetings in relation to wild horse and sage grouse without charging the County, but for this one he has been asked to participate in a panel discussion that will include Eureka County's concerns and activities related to these issues. Commissioner Etchegaray motioned to authorize out-of-state travel for Chairman Goicoechea to travel to Salt Lake City on June 8th for a meeting and panel discussion related to wild horse and sage grouse issues; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Out-of-State Travel for Deputy DA: District Attorney, Ted Beutel, explained that an upcoming conference will meet nearly 30 credits of required legal education for the Deputy District Attorney. Commissioner Etchegaray motioned to approve out-of-state travel for the Deputy District Attorney, Jeff Slade, to attend the upcoming conference on prosecution practices in San Diego; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Resolution Supporting Commercial Water, Sewer, Storm Drain Connection: During a previous meeting, commercial 2-inch water and commercial class 3 sewer connections were approved for Raines LLC at 901 North Main Street in Eureka. There were several stipulations to approval and these were outlined in a resolution now before the Board for approval. Commissioner Etchegaray motioned to adopt the resolution to approve, with conditions, the request by Raines LLC for commercial water, sewer, and storm drain connections to serve APN

001-221-08 located at 901 North Main Street in Eureka; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Eureka, Nevada

June 5, 2015

**RESOLUTION OF THE BOARD OF EUREKA COUNTY COMMISSIONERS
TO APPROVE, WITH CONDITIONS, THE REQUEST BY RAINES LLC
FOR COMMERCIAL WATER, SEWER, AND STORM DRAIN CONNECTIONS,
DECLARING A DEADLINE FOR COMPLETION, AND REQUIRING
CONTINUOUS AND ONGOING MAINTENANCE**

WHEREAS, on May 18, 2015 RAINES LLC, care of (c/o) Scott Raine made application for water, sewer, and storm drain connections for a commercial shopping center at 901 North Main Street in Eureka, Nevada, APN 001-221-08, which is now an unimproved lot; and

WHEREAS, the application requests a commercial 2" water connection, a commercial Class 3 sewer connection, and connection with existing storm drain infrastructure designed, sized, and built to accommodate residential lots in the Eureka Canyon Subdivision; and

WHEREAS, the Board approved the application of RAINES LLC c/o Scott Raine with conditions, to be memorialized in a resolution and spread upon the minutes;

NOW THEREFORE BE IT RESOLVED the application of RAINES LLC c/o Scott Raine is approved subject to the following conditions, in that all of these conditions must be met in perpetuity by RAINES LLC, Scott Raine, or his or its successor(s) in interest, to continue to enjoy the benefits of the Board's approval:

1. This approval is withdrawn and terminated, and will be of no more force and effect, immediately after RAINES LLC, Scott Raine, or his or its successor(s) in interest fails or refuses to comply with any one or all of the conditions stated here in a timely manner; and
2. This approval, in any event, expires after December 31, 2015, if on that day RAINES LLC or Scott Raine have failed to complete construction of the commercial shopping center, or construction is delayed or terminated for any reason. In that event, this approval is withdrawn and RAINES LLC c/o Scott Raine may reapply for approval at their convenience; and
3. RAINES LLC c/o Scott Raine shall be required to pay a \$1,200.00 water connection fee, and a \$3,840.00 sewer connection fee, for a total of \$5,040.00; and this amount must be paid in advance; and
4. RAINES LLC, Scott Raine, or his or its successor(s) in interest, must comply with all the recommendations stated in the attached two page letter from Colin B. Hayes, General Manager of Development for Summit Engineering Corporation, to Ron Damele, Eureka County Public Works Director, dated April 30, 2015, and all the recommendations in that letter are conditions RAINES LLC, Scott Raine, or his or its successor(s) in interest must carry out in perpetuity for the continued approval of the application; and
5. This approval will be withdrawn for any one or more of the following reasons: failure to provide a letter stamped by the project engineer that the storm water system to be constructed on the site of 901 North Main Street, APN 001-221-08, was in fact constructed, installed, and is working in a manner consistent with the plans for the system; failure to properly maintain the on-site storm water system consistent with its design and capacity; failure to periodically inspect, clean and repair the on-site storm water system; and/or failure to obtain and maintain in a timely manner the required permit(s) from the state of Nevada for any part of the on-site storm water system.

RESOLVED THIS 5th day of June, 2015.

The Clerk is directed to provide a copy of this Resolution to RAINES LLC c/o Scott Raine, Eureka County Public Works Director Ron Damele, Eureka County District Attorney Ted Beutel, and to spread this Resolution in the minutes of the meeting held this 5th day of June, 2015.

Board of Eureka County Commissioners

/s/ JJ Goicoechea
JJ Goicoechea, Chairman

/s/ Mike Sharkozy
Mike Sharkozy, Vice Chair

/s/ Fred Etchegaray
Fred Etchegaray, Member

Attest: /s/ Beverly Conley
Clerk of the Board

Ongoing Budget Topics: In an effort to effectively and consistently address ongoing budget constraints, the Board discussed topics to be discussed during regular Commission meetings. They decided they would first take a look at fees throughout the County, and asked department heads to work on getting a list of current fees to the Budget Director before the next meeting.

Sagebrush Ecosystem Program: The Final EIS for the Nevada & Northeastern California Greater Sage-Grouse Proposed Land Use Plan Amendment has been released and is open for a 30-day comment period (being called a protest period). That will be followed by a 30-day Governor's Consistency Review, which is important due to the numerous discrepancies between the Final EIS and the Nevada State Plan (Alternative E). The Sagebrush Ecosystem Council will meet again on June 12th and the main topic of discussion will be the Governor's Consistency Review.

Legislative Updates: All pending legislation has been voted down or has passed and is on to the Governor's desk for signature or veto. **SB157**, to enact the State & Local Government Cooperation Act, passed and was signed by the Governor; it will become effective October 1st. **SB456**, revising provisions concerning control and preservation of certain accessory roads also passed. **SB95**, which will lower the requirements related to publication of the tax roll, passed. Other items of note: mandatory body cameras for law enforcement will not be required, and Primary Election dates will not be moved to an earlier time.

STEVENS BASIN & KOBEH VALLEY EXPLORATORY WELL DRILLING PROJECT

Bid Opening: A call for bids was given for the Stevens Basin & Kobeh Valley Exploratory Well Drilling Project, PWP No. EU-2015-188. No bids were forthcoming, either in person or by other means. Public Works Director, Ron Damele, explained that no contractors were in attendance at the mandatory pre-bid conference on May 28th, so no bids were expected.

Advertise Pursuant to NRS 332.148: Due to the failure to receive responsible and responsive bids, Commissioner Etchegaray motioned to direct staff to advertise pursuant to NRS 332.148. The motion was amended to note that funding for this project will be made from the current fiscal year (FY 2014-2015) utilizing funds not expended in the Robins Street Project. Commissioner Sharkozy seconded the motion as amended. Motion carried 3-0.

NEVADA PUBLIC AGENCY INSURANCE POOL

Renewal Proposal for Fiscal Year 2015-2016: Doug Smith of Nevada Public Agency Insurance Pool, and Lori Fordin of Gregory Insurance Agency, were in attendance to present the renewal proposal for the County's insurance policy. Mr. Smith provided a brief overview of coverage, noting they were able to reduce the Pool's property casual and workman's compensation coverage by 3-5%. They also negotiated better terms for the County's property coverage.

Eureka County saw an overall reduction from the previous fiscal year of ~\$70,000.00 due to several factors: the negotiated reductions, a decrease in payroll, a reduction in losses, a decrease in certain asset values, and other factors. The only thing not included in the present proposal was airport coverage. The airport proposals will be released shortly and will remain flat from the previous fiscal year.

Commissioner Etchegaray motioned to accept the insurance renewal proposal for Fiscal Year 2015-2016 from Nevada Public Agency Insurance Pool in the amount of \$190,777.24 and to approve payment from Fiscal Year 2015-2016 funds; Commissioner Sharkozy seconded the motion; motion carried 3-0.

SENIOR CENTERS

Update Report: Senior Center Director, Millie Oram, reported on activities at the Eureka Senior Center and Fannie Komp Senior Center. In May, Eureka served 802 meals and Crescent Valley served 573 meals. A total of \$7,713.95 was deposited for the month. June 10th will be the first senior dinner at the Fannie Komp Senior Center and Ms. Oram is hoping for a favorable response.

Amended Job Descriptions: Ms. Oram worked with Human Resources representatives from Nevada POOL/PACT and the District Attorney's office to make some necessary changes to current job descriptions. The Senior Centers Program Director will now manage both centers. The Senior Site Supervisor has taken on some additional responsibilities. The Cook at the Crescent Valley site will have some management responsibilities.

Commissioner Etchegaray motioned to approve the amended job description for Senior Centers Program Director; Commissioner Sharkozy seconded the motion; motion carried 3-0. Commissioner Etchegaray motioned to approve the amended job description for Senior Site Supervisor; Commissioner Sharkozy seconded the motion; motion carried 3-0. Commissioner Etchegaray motioned to approve the amended job description for Cook; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Authorization to Hire Kitchen Aide: The Board reviewed the Hiring Freeze Waiver Justification form for this replacement casual position at the Fannie Komp Senior Center. Ms. Oram explained this is the second casual vacancy at the Crescent Valley site. She did not request authorization to fill the first position, but this one is needed. Commissioner Etchegaray motioned to authorize hiring of a replacement casual Kitchen Aide for the Fannie Komp Senior Center; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Nutrition Grant Applications: Commissioner Etchegaray motioned to ratify grant application to Nevada Aging & Disability Services Division for Nutrition Grant #07-000-04-21-15 for home-delivered meals in the amount of \$22,659.00 with a County match of \$3,999.00; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Commissioner Etchegaray motioned to ratify grant application to Nevada Aging & Disability Services Division for Nutrition Grant #07-000-07-13-15 for congregate meals in the amount of \$17,043.00 with a County match of \$3,008.00; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Notification of Grant Award: Commissioner Etchegaray motioned to ratify accepting Notification of Grant Award from Nevada Aging & Disability Services Division for Nutrition Services Incentive Program Grant #07-000-57-NX-15 in the amount of \$7,289.00 with no match required; Commissioner Sharkozy seconded the motion; motion carried 3-0.

ROAD DEPARTMENT

Report on Activities: Road Superintendent, Raymond Hodson, reported on Road Department projects and activities. May Cleanup concluded with a lot of utilization, especially in the Crescent Valley area. Multiple roads have been bladed throughout Diamond Valley including

1st Street, Frontier Street, Collingwood Way, Salem Way, 3rd Street, 4th Street, the cutoff between County Road 101 and 3rd Street, the Mark Damele Road, and 6th Street. Other roads completed were the cutoff road at the Eureka Fairgrounds, dirt roads in Eureka, Hogpen Canyon, Antelope Road, Segura Road, Vanini Creek, Gable Canyon, and the Roberts Mountain area.

In northern Eureka County, roads bladed included Barth Road and Palisade Road as well as all connecting roads in the area, Maggie Creek Road, and most of the Rose Ranch Road. May Cleanup dominated much of the time for the northern crew.

Sweeping was done in Eureka following rains over the holiday. Crews helped prepare the Eureka Fairgrounds for the High School Rodeo on Memorial Day Weekend. Work continues on development of the Roberts Creek Gravel Pit. All Road Department employees attended the BLM equipment fire training in Eureka the previous week.

PUBLIC WORKS

Update on Public Works Projects: Public Works Director, Ron Damele, provided an update on recent activities. Justice Court Remodel: GML Architects has been engaged to work on the Justice Court Remodel. AA (administrative assessment) funds are being utilized for this project. Justice Court Vehicle: Public Works is assisting Justice Court in purchasing the vehicle to be used for court travel, specifically to travel weekly or as needed to Crescent Valley for Justice Court. Slag Working Group: A SLAG Working Group meeting was held on June 3rd and work related to drafting the EE/CA (Engineering Evaluation & Cost Analysis) for the Eureka Townsite cleanup is wrapping up. A detailed report will be given at the next Commission meeting. Water Management System: Installation of the water management system for the commercial fill stations will begin on June 8th and should take about a week. Red Card Training for Wildland Firefighting: Nevada Division of Forestry is offering an additional Red Card refresher class for wildland firefighting on June 27th in Elko. Radio Repeater Annual Inspections: The radio repeater annual inspections and tower certifications are close to being finished. One final task will be replacement of an obstruction light in the tower at Crescent Valley, which was damaged. ISO Inspections: ISO inspections were completed for both Eureka and Crescent Valley and both sites should maintain their favorable ratings.

MOU with Nye County: Mr. Damele noted that an MOU has been in place with Nye County since 2004. Nye County pays \$1,000.00 per year for Eureka County to maintain roads to the Segura Ranch, Martin Ranch, and Snowball Ranch. Commissioner Etchegaray motioned to renew the Memorandum of Understanding with Nye County for minimal maintenance and snow removal on specified roads; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Contract Extension with Transportation Impact Advisor: A request was received from Richard C. Moore, PE, to extend his contract, which provides transportation consulting related to the Yucca Mountain Project. Commissioner Etchegaray motioned to approve a six-month contract extension through December 31, 2015, with Richard C. Moore, PE, Transportation Impact Advisor, with no net increase to the contract amount. The motion was amended to authorize the Public Works Director to send a contract letter of extension to Mr. Moore. Commissioner Sharkozy seconded the motion as amended. Motion carried 3-0. This contract is paid from Yucca Mountain grant funds received from US Department of Energy for AULGs (Affected Units of Local Government).

PLANNING COMMISSION

Alternate Member Appointment: One letter of interest was received for the vacant alternate position on the Planning Commission. The Planning Commission also submitted a letter recommending appointment of this individual. Commissioner Etchegaray motioned to appoint Jim Ithurralde to the unexpired alternate member seat on the Planning Commission,

representing the County at large, through December 31, 2017. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

RESIGNATION OF JUSTICE OF THE PEACE, SUSAN FYE

Letter of Resignation: A letter of resignation dated May 7, 2015, with an effective date of June 30, 2015, was received from Justice of the Peace, Susan Fye. Commissioner Etchegaray motioned to accept the formal resignation of Justice of the Peace, Susan Fye, effective June 30, 2015; Commissioner Sharkozy seconded the motion; motion carried 3-0.

COUNTY ASSESSOR & IT NETWORK ANALYST SUPERVISOR

Amendment #1 to Contract with Nevada Department of Motor Vehicles: County Assessor, Michael Mears explained this contract amendment extends the DMV contract for two years. Eureka County receives a \$2.00 fee per transaction and these monies are deposited into the General Fund. The State provides the equipment and materials to conduct DMV business, but no reimbursement is received for staff time. The County provides this because it is a service to the public.

Commissioner Sharkozy motioned to approve and sign Amendment #1 to Interstate Interlocal Contract between the State of Nevada, Department of Motor Vehicles, and Eureka County Assessor, extending the DMV services contract through June 30, 2017. Commissioner Etchegaray seconded the motion. Motion carried 3-0.

Eureka County IT Functions: Mr. Mears and the Board discussed options to maintain and support Eureka County IT functions, including advertising for a replacement IT Network Analyst, requesting an RFP (request for proposals) for IT contract services, and/or formation of an IT maintenance and support process based on third party contractors working with key County staff. Mike Rebaleati joined the group for this discussion due to his expertise with the system.

Currently the County is working with Advanced Data Systems out of Carson City for IT support, which is billed monthly on an hourly basis. Much of the work is being done remotely, but the need for more on-site support is recognized.

Advertise for IT Network Analyst: The Fiscal Year 2015-2016 budget includes \$125,000.00 for wages and benefits for the IT Network Analyst position. Commissioner Etchegaray motioned to authorize Pooling Resources Inc. (Human Resources specialists through Nevada POOL/PACT) to advertise for the IT Network Analyst position at the budgeted salary. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Temporary IT Assistance: Mr. Mears is talking with other companies that provide IT services and may be able to negotiate services that are supplemental to those provided by Advanced Data Systems. Everyone agreed that an on-site person is the best solution, but this may be difficult to find at the budgeted amount. Mr. Rebaleati agreed to provide assistance, on a temporary basis, in facilitating a plan for overall IT/network maintenance and support, including working to facilitate some of the hands-on applications when he is available. An agreement will be worked out and placed on a future agenda.

NATURAL RESOURCES

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities. Mr. Tibbitts traveled to Carson City on May 19th for legislative hearings; attended the Diamond Natural Resources Protection & Conservation Association meeting on May 20th; the Executive Committee meeting of the Nevada Pinyon-Juniper Partnership held in Eureka on May 27th; participated in the Nevada Weed Management Association conference call on May 29th; and traveled to Fallon to attend the Naval Air Station Joint Land Use Study luncheon on June 1st.

Meeting Highlights: *Diamond Natural Resources Protection & Conservation Association:*

The main topic at the DNRPCA meeting was the Petition for Curtailment in Diamond Valley filed in the Seventh Judicial District Court on April 27th by Sadler Ranch, LLC (Petitioner), against Nevada State Engineer (Respondent). DNRPCA is moving forward with hiring counsel.

Weed Spraying: Contract weed spraying began on May 29th with Apex Pest Control and they have been putting in some long days.

Upcoming Meetings: Upcoming meetings include a meeting of the Coordination & Oversight Team for the Central Nevada Elk Plan on June 8th in Austin; oral arguments will be heard on June 9th and June 10th in Eureka County District Court on the Petitions for Curtailment in Diamond Valley filed by Sadler Ranch and Venturacci; presentation of the annual report on the Mount Hope 3M Plan the afternoon of June 10th to both the TAC (Technical Advisory Committee) and the WAC (Water Advisory Committee); a meeting of the Eureka Conservation District on June 10th; a Natural Resources Advisory Commission meeting the evening of June 10th; the Diamond Valley Groundwater Management Plan Workshop at the Opera House on June 11th; the County Advisory Board to Manage Wildlife meeting the evening of June 11th; the Central Nevada Regional Water Authority meeting in Ely on June 12th; a Diamond Natural Resources Protection & Conservation Association meeting on June 16th; the Barrick Ruby Hill Community Advisory Committee meeting on June 17th at the mine site; and the Nevada State Wildlife Commission meeting in Eureka on June 19th & 20th.

Pinyon Juniper Wildlife Enhancement Project: The pinyon-juniper cutters are here and are finishing up the first task of cutting 320 acres in the Diamond Mountains. The chippers are working to prepare 300 tons of material to be processed through the biochar unit which will arrive next week.

McEwen Mining Change Application: The State Engineer ruled on and granted the Change Application filed by McEwen Mining, which was protested by General Moly and supported by Eureka County.

BLM Fish Creek Herd Management Area: In relation to status of the BLM Fish Creek Herd Management Area wild horse gather and fertility control treatment, the BLM was granted an extension for their response to the County's Statement of Reasons filed for the Notice of Appeal.

Greater Sage-Grouse Land Use Plan Amendment Final EIS: The Nevada & Northeastern California Greater Sage-Grouse Proposed Land Use Plan Amendment Final EIS was released on May 28th and triggered a 30-day protest period. Mr. Tibbitts will prepare the County's comments and submit them for approval at the next meeting. The County submitted a letter to the Governor asking him to take full advantage of the 60-day Consistency Review.

BLM Decisions under Drought Management EAs: Most decisions under the Drought Management EAs compel the rancher to agree with the decision or have utilization severely cut with a Full Force & Effect decision. But during the last two weeks, two positive decisions have been issued allowing range improvements under the Drought EAs - water hauls and temporary fencing. Unfortunately, these are temporary in nature.

"Clean Water Rule" by US EPA and US Army Corps of Engineers: The US Environmental Protection Agency and US Army Corps of Engineers first proposed a rule known as WOTUS (Waters of the US), but withdrew it and recently re-proposed it as the Clean Water Rule, which was adopted and has already taken effect. Entities are already considering how they can best challenge this rule, whether through a legal challenge or legislation. Unfortunately, the way the rule was written, a legal challenge does not appear promising. The broad language in this Clean Water Rule will affect a multitude of waters and place them under the jurisdiction of the EPA and Army Corps of Engineers. Even a decision on jurisdictional waters is only temporary and can be revisited every five years. Mr. Tibbitts will continue to follow and keep the Commission posted on ramifications of this decision.

PUBLIC HEARING – EUREKA COUNTY CODE, TITLE 16, JUSTICE COURTS

Amendment to Justice Courts Ordinance: Notice was given that the Board of County Commissioners would hold a hearing to invite public comments and take action on a proposed ordinance amending 2014 Eureka County Code, Title 16, Eureka County Justice Courts. The proposed action will change the boundaries of Eureka Justice Court to include the entire County. Until this point, jurisdiction of the Beowawe Justice Court has been from the northern County line to essentially the JD Ranch Road, and jurisdiction of the Eureka County Justice Court has been essentially from the JD Ranch Road to the southern County line.

Chairman Goicoechea opened the hearing for comments. Dawn Gann, Chair of the Crescent Valley Town Advisory Board, submitted written comments requesting that the Deputy Court Clerk position in Crescent Valley remain filled.

Lisa Wolf felt the Justice of the Peace position in Beowawe should be filled since it is an elected position. She understood that other issues, such as financial, may have been considered when making this proposal. She hoped the northern court would remain active.

Chairman Goicoechea clarified that court will continue in the Crescent Valley/Beowawe area. It will be a combined court system represented by a single Justice of the Peace. Commissioner Etchegaray motioned to adopt the 2015 Eureka County Justice Court Ordinance for consolidation and unification of the Justice Courts within Eureka County. Chairman Goicoechea seconded the motion. Motion carried 2-1, with Commissioner Sharkozy voting in opposition.

EUREKA COUNTY JUSTICE COURT

Justice of Peace Salary: Pursuant to NRS 4.040(1), salaries for Justices of the Peace are set by the Board of County Commissioners. With adoption of the amended ordinance, Judge John Schweble will now serve as Justice of the Peace for the entire County. The Board asked for a salary recommendation. The current salary is approximately \$50,000.00 annually and Judge Schweble noted that since his duties will increase from part-time to basically full-time, he recommended absorbing the budgeted salary for the Beowawe Justice of the Peace without an increase in benefits.

The Board responded that other positions in the County had recently absorbed other positions and/or additional duties and 5% salary increases were given. After much discussion, Commissioner Sharkozy motioned to increase the salary for the Justice of the Peace by \$10,000.00 effective July 1, 2015. Chairman Goicoechea seconded the motion. Motion carried 3-0.

Court Staff Salaries & Wages: With unification of the court system, Judge Schweble and Justice Court Manager, Cindy Garcia, relayed the increased duties and responsibilities that will be experienced by members of the Justice Court staff. These include travel, extra hours, and other requirements to satisfy the Administrative Office of the Courts. Job descriptions will be adjusted as necessary and presented at a future meeting.

Commissioner Etchegaray motioned to increase wages of the Justice Court Manager and Deputy Court Clerk by 5% effective July 1, 2015; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Pro Tem Justices of the Peace: Judge Schweble explained that payments for pro tem Justices of the Peace are currently \$100.00 for a full day and \$50.00 for a half day. At one point it was double this amount and nobody recalled when or why it was reduced. Judge Schweble recommended that the rate be increased. A pro tem Justice of the Peace may occasionally be asked to travel to Crescent Valley and the current rate simply doesn't provide incentive.

Commissioner Etchegaray motioned to increase payments to pro tem Justice of the Peace to \$200.00 per full day and \$100.00 per half day effective July 1, 2015; Commissioner Sharkozy seconded the motion; motion carried 3-0.

GRANT REQUEST TO ATTEND NATIONAL JUNIOR HIGH FINALS RODEO

Request from Chace Green: Junior High student, Chace Green, appeared before the Commissioners to request financial assistance to attend the National Junior High Finals Rodeo in Des Moines, Iowa, from June 21st through June 27th. Mr. Green informed the Board that he recently competed at the State level and qualified third in the average with State points and year-end points, qualifying him to compete in National Finals in the Chute Dogging event. He compiled anticipated travel costs to attend the event, with an estimated total of \$2,165.46.

Chairman Goicoechea commended Chace for this accomplishment, stating he was “awfully proud” and was happy to see him attend this competition. Chairman Goicoechea motioned to grant \$1,000.00 towards travel costs for Chace Green to attend the 2015 National Junior High Finals Rodeo in Des Moines, Iowa, and that this grant be added to the day’s expenditures; Commissioner Sharkozy seconded the motion; motion carried 3-0.

CORRESPONDENCE

Correspondence was received from: Shara Green; District Attorney, Ted Beutel (4); Clerk & Treasurer, Beverly Conley (2); Justice of the Peace, John Schweble; Eureka County Planning Commission (2); Natural Resources Advisory Commission; Eureka County Recreation Board; Dale Hornickel; Eureka Business Network; Crescent Valley Town Advisory Board Chair, Dawn Gann; Crescent Valley Town Advisory Board (2); Abigail Johnson; Richard C. Moore, PE; Nevada Assoc. of Counties (2); Central Nevada Regional Water Authority; White Pine County Commission (2); Allison MacKenzie, Ltd.; Eide Bailly; Nevada POOL/PACT; Nevada Public Agency Insurance Pool; Nevada Aging & Disability Services Division (3); Nevada Cattlemen’s Assoc.; Nevada State High School/Junior High School Rodeo Assoc.; Nevada Commission on Peace Officers’ Standards & Training; Nevada Dept. of Business & Industry; Nevada Dept. of Agriculture; Nevada State Controller; Nevada Div. of Environmental Protection; Nevada Commission on Ethics; Lumos Insights newsletter; Southwest Gas Corporation; Mark Pollot, Esq.; Western Counties Alliance; US Senator, Dean Heller; Congressman Mark Amodei; US Dept. of the Interior-BLM (3); US Forest Service; and US Nuclear Waste Technical Review Board.

PUBLIC COMMENT

Chairman Goicoechea called for public comments. Sheriff Keith Logan commended his staff on their hard work stating they do a “phenomenal job,” which resulted in the positive audit recently conducted by the Nevada Commission on Peace Officers’ Standards & Training. Sheriff Logan invited everyone to attend Cops & Kids on June 18th in Crescent Valley and June 19th in Eureka. Lastly, the Sheriff said the Duckwater Tribe has approached him about a possible Memorandum of Understanding for providing emergency law enforcement, so something may be forthcoming in the future.

ADJOURNMENT

Commissioner Etchegaray motioned to adjourn the meeting; Commissioner Sharkozy seconded the motion; the meeting was adjourned at 12:28 p.m.

Approved by vote of the Board this 6th day of July, 2015.

/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 June 5, 2015, meeting of the Board of Eureka County Commissioners.

/s/ Jackie Berg
Jackie Berg, Executive Assistant

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