

# EUREKA COUNTY BOARD OF COMMISSIONERS

June 20, 2014

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 20, 2014. Present were Chairman J.J. Goicoechea; Vice Chairman Jim Ithurralde; Commissioner Michael Sharkozy; District Attorney Ted Beutel; and Executive Assistant, 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**

Chairman Goicoechea noted two deletions from the agenda: the Planning Commission section and the Eureka Airport capital improvements item under Public Works. With those changes, Commissioner Ithurralde motioned to approve the agenda; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **PUBLIC COMMENT**

Chairman Goicoechea opened the floor for public comments. Dwayne Knudsen, of Barrick Ruby Hill Mine, informed the Commissioners and the community that a test blast consisting of eight holes is scheduled at Ruby Hill Mine on the afternoon of June 23<sup>rd</sup> at approximately 3:30 to 4:00 p.m. The blasting will occur at the site of the failed highwall in the continued attempt to stabilize the slope. The drill holes are deep, so significant noise and vibration are not anticipated. A subsequent blast will be scheduled approximately two weeks after the June 23<sup>rd</sup> blast and the mine will notify the community and appropriate County officials prior to occurrence.

## **APPROVAL OF MINUTES**

May 19, 2014, Commission Meeting: Chairman Goicoechea corrected a name in the draft minutes. Commissioner Ithurralde motioned to approve the minutes of the May 19, 2014, Commission meeting as corrected; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **EUREKA COUNTY SHERIFF**

Schedule of Fees: Sheriff Ken Jones explained that the schedule of fees for the Sheriff's Office needs to be updated effective July 1<sup>st</sup> to reflect a minimal increase in State fees for fingerprinting. He explained that many of the fees are determined by statute. Commissioner Ithurralde motioned to accept the updated schedule of fees for the Eureka County Sheriff's Office effective July 1, 2014; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **BUDGET AUGMENTATION & TRANSFERS**

Fiscal Year 2013-2014: Budget Officer, Mike Rebaleati, reviewed the final budget transfers for the current fiscal year. Augments to the Agricultural Extension budget will support the Alternative Irrigation Study & Field Demonstration Project and the Biochar Field Study & Demonstration Project. Augments to the Eureka Town water/sewer budget will support the Robins Street Project. Notifications have been duly published in the *Eureka Sentinel*.

Commissioner Ithurralde motioned to augment the Agricultural Extension Fund in the amount of \$72,396.00 and to augment the Eureka Town Water/Sewer Fund in the amount of \$1,000,000.00 for Fiscal Year 2013-2014; Commissioner Sharkozy seconded the motion;

motion carried 3-0. Commissioner Ithurralde motioned to adopt the Budget Augmentation Resolution outlining these transfers; Commissioner Sharkozy seconded the motion; motion carried 3-0.

**BUDGET AUGMENTATION RESOLUTION  
RESOLUTION FOR AUGMENTATION OF THE 2013-2014 BUDGET OF EUREKA COUNTY**

WHEREAS, the revenues of the EUREKA COUNTY AGRICULTURAL EXTENSION FUND and EUREKA WATER/SEWER FUND were budgeted to be \$72,004 and \$1,205,100; and

WHEREAS, said Eureka County Agricultural Extension Fund sources are as follows:

<u>Source of Revenue</u>	<u>Original Budget</u>	<u>Available YTD</u>	<u>Excess Revenues</u>	<u>Augment Amount</u>
Beginning Fund Balance.....	\$1,039,335	\$1,096,990		
<i>Totals</i>	<i>\$1,039,335</i>	<i>\$1,096,990</i>	<i>\$57,655</i>	<i>\$57,655</i>

WHEREAS, said Eureka Town Water Sewer Fund sources are as follows:

<u>Source of Revenue</u>	<u>Original Budget</u>	<u>Available YTD</u>	<u>Excess Revenues</u>	<u>Augment Amount</u>
Grant from General Fund.....	\$1,000,000	\$2,000,000		
<i>Totals</i>	<i>\$1,000,000</i>	<i>\$2,000,000</i>	<i>\$1,000,000</i>	<i>\$1,000,000</i>

WHEREAS, there is a need to apply these unanticipated proceeds in the Eureka County Agricultural Extension Fund for UNR related project; and Eureka Town Water Sewer Fund for the completion of the Robins Street Improvement Project;

NOW THEREFORE, IT IS HEREBY RESOLVED, that Eureka County shall augment the FY 2014 expenditure budget for Eureka County Agricultural Fund budget \$244,000; and for Eureka Water Sewer Fund budget \$2,707,000;

THEREBY increasing appropriations from \$244,000 to \$301,655 in the Eureka County General Fund; and \$2,707,000 to \$3,707,000 in the Eureka County Water Sewer Fund;

IT IS FURTHER RESOLVED, that the Budget Director shall forward the necessary documents to the Department of Taxation, State of Nevada.

PASSED, ADOPTED, and APPROVED the 20<sup>th</sup> day of June, 2014.

AYES: Chairman Goicoechea  
Commissioner Ithurralde  
Commissioner Sharkozy  
 NAYS: None

By: /s/ Julian J. Goicoechea  
 Julian J. Goicoechea, Chairman of the Board

ATTEST: /s/ Beverly Conley  
 Beverly Conley, Clerk

**FINANCE**

Payment of Expenditures: Expenditures were presented for approval by Recorder & Auditor, Mike Rebaleati. Commissioner Ithurralde motioned to approve expenditures in the amount of \$361,711.92 for accounts payable and \$289,962.93 for payroll, for a grand total of \$651,674.85; Commissioner Sharkozy seconded the motion; motion carried 3-0. Commissioner Ithurralde motioned to approve Yucca Mountain expenditures in the amount of \$145.60; Commissioner Sharkozy seconded the motion; motion carried 3-0.

*(Note: Later in the day, additional expenditures totaling \$10,000.00 were approved – see Natural Resources item in these minutes entitled ‘Expenditure Approval’).*

Auditor’s Report: The Board reviewed the Auditor’s Report. Mr. Rebaleati noted that the augmentations were not yet reflected in the fund balances.

Network Switches: Mr. Rebaleati provided quotes from CDW for three different approaches for network switch replacement along with a three-year Smart Net contract. These switches have about a ten year life and the central switch, the hub of all network activity for County offices, is eight years old. Mr. Rebaleati recommended splitting the cost between the Capital Improvement Fund, the General Fund, and the Assessor's Technology Fund. Commissioner Ithurralde motioned to approve network switch replacement and a three-year Smart Net contract through CDW, not to exceed \$40,000.00 and to be paid from the three funds noted; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Cemetery Update Project: Wally Cuchine has agreed to assist the Recorder/Auditor's office by providing information and compiling data to update the records and maps for cemeteries within Eureka County. During the last meeting, the Board requested estimates related to computer, software, and travel expenses. Mr. Cuchine stated the computer and software package he will be purchasing is \$2,240.59. He does not intend to charge the County for mileage. Commissioner Ithurralde motioned to approve computer and software costs, not to exceed \$2,300.00, for Mr. Cuchine to provide assistance on the cemetery updates. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

## **COMMISSIONERS**

Update Reports: Commissioner Ithurralde attended the Eureka County Recreation Board meeting on June 12<sup>th</sup>; attended the Central Nevada Regional Water Authority meeting in Ely on June 13<sup>th</sup>, which included presentations by USDA Natural Resources Conservation Service and the Desert Research Institute; met with staff of Ruby Hill Mine regarding the scheduled blasting; attended the public hearing on the Eureka County Comprehensive Economic Development Strategy presented by Intertech Services Corporation in Eureka on June 19<sup>th</sup>; and attended the Liquor Board meeting the morning of June 20<sup>th</sup>.

Commissioner Sharkozy attended the quarterly meeting in Crescent Valley on June 16<sup>th</sup>; attended the Crescent Valley Firewise Committee meeting on June 18<sup>th</sup>; attended the public hearings on the Eureka County Comprehensive Economic Development Strategy presented by Intertech Services Corporation in Crescent Valley on June 18<sup>th</sup> and in Eureka on June 19<sup>th</sup>; participated in the Cops & Kids event in Crescent Valley on June 19<sup>th</sup>; and chaired the Eureka County Liquor Board meeting the morning of June 20<sup>th</sup>.

Chairman Goicoechea attended the quarterly meeting in Crescent Valley on June 16<sup>th</sup>; met with Nevada representatives of the US Fish & Wildlife Service, along with representatives of the livestock industry, in Elko on June 18<sup>th</sup> regarding sage grouse issues; had multiple phone calls to members of the Nevada Wildlife Commission; attended a meeting of the Central Committee of Nevada State Grazing Boards the evening of June 18<sup>th</sup>; attended a meeting of the Nevada State Board of Pharmacy on June 19<sup>th</sup>; participated earlier that morning with the Natural Resources Manager in a phone conference with Karen Budd-Falen, attorney from Cheyenne, Wyoming, regarding the petition to list the mustang under the Endangered Species Act; and attended the Liquor Board meeting earlier in the day.

The meeting with US Fish & Wildlife Service included Ted Koch, State Supervisor, and Lead Biologist, Steve Abel. Chairman Goicoechea made it clear to them that he felt the science used by USFWS in regards to sage grouse was cherry-picked. USFWS admitted their decisions are based on what they can defend in court. The Chairman cautioned that litigation may be imminent from the other side. At that meeting, Supervisor Koch stated that if the BLM cannot manage the wild horses, that is reason enough for him to recommend listing the sage grouse as a threatened species. Addressing the Commission meeting, Chairman Goicoechea felt this comment proved the ever increasing importance of the NACO lawsuit related to wild horses.

A presentation by Nevada Division of Minerals was given at the recent meeting of the Legislative Committee on Public Lands and Chairman Goicoechea is working to bring the same presentation to Eureka, possibly for the first meeting in August. It is also scheduled to be given

in Battle Mountain to the Lander County Commission in late July. (Later in the meeting, Chairman Goicoechea received confirmation that Dave Gaskin of Nevada Division of Environmental Protection and Rich Perry of Nevada Division of Minerals will give this presentation in Eureka during the August 6<sup>th</sup> Commission meeting at 1:00 p.m.).

Appointments to Medical Clinics Advisory Committee: Effective July 1<sup>st</sup> the Medical Clinics Advisory Committee will be reduced from a nine-member to a seven-member board and all members will be appointed or reappointed concurrent with that date. Four members were appointed at an earlier meeting. After reviewing additional letters of interest, Commissioner Ithurralde motioned to appoint Garney Damele and Maureen Torres to the two open seats representing County employees effective July 1<sup>st</sup>; Commissioner Sharkozy seconded the motion; motion carried 3-0. The only remaining seat is for a 'community member' and no letters of interest fitting that category were received.

Set Initial Terms for MCAC: The resolution reorganizing the Medical Clinics Advisory Committee (adopted February 20, 2014) notes that all members will serve two year terms, but in order to stagger the appointments some of the initial terms will be set for one year. Commissioner Sharkozy motioned to set the members' initial terms as follows: Garney Damele, one year; Maureen Torres, two years; John Brown, one year; Bob Stephenson, two years; Nona Kellerman, one year; and Melissa Fitzwater, two years. Commissioner Ithurralde seconded the motion. Motion carried 3-0.

Hiring Freeze Resolution: Mr. Rebaleati thanked the District Attorney for putting the hiring freeze and attrition information, presented in the last couple meetings, into a resolution format. He noted that since the County is stepping into unfamiliar territory, at least for the recent past, the resolution contains flexible language. Commissioner Ithurralde motioned to adopt the resolution outlining policies and procedures for implementation of an immediate hiring freeze to promote a reduction in workforce without layoffs. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Eureka, Nevada

June 20, 2014

## **RESOLUTION**

### **DECLARING REVENUE SHORTFALLS, INSTITUTING BUDGET CONSTRAINT THROUGH A HIRING FREEZE, AND PROMOTING A REDUCTION IN THE LABOR FORCE THROUGH ATTRITION**

WHEREAS, the COST TO Eureka County for employee wages, salaries, and benefits has nearly doubled over the previous ten (10) years and this cost now accounts for close to 70% of the Eureka county General Fund budget for Fiscal Year 2015; and

WHEREAS, the Board of Eureka County Commissioners previously established an attrition policy, in effect since July 1, 2010, which is in the Eureka County Personnel Policy Manual in Section 1 (Employment) under 1.A. (Scope: Attrition Policy); and

WHEREAS, due to the imminent removal from the State of Nevada Constitution of the Net Proceeds of Minerals tax, Eureka County will likely face a permanent reduction of more than 50% of its current revenue; and

WHEREAS, in addition to this severe downturn in net proceeds revenue, the consolidated tax revenues are declining; and

WHEREAS, the County's assessed valuation of real and personal property for purposes of taxation has peaked and is expected to start declining; and

WHEREAS, while County revenues continue to decrease, the Board recognizes there will be a need to examine the number of employees in the workforce; and

WHEREAS, the Board of Eureka County Commissioners have determined to manage revenue shortfalls in the near term through a reduction in the labor force through attrition rather than through layoffs; and

WHEREAS, the Board recognizes that if cost savings through attrition in the labor force do not reduce budget expenditures enough, other cost saving steps will be necessary;

NOW THEREFORE BE IT RESOLVED the Board of Eureka County Commissioners reinforces the attrition policy established by the Board on July 1, 2010, as written in the Personnel Policy Manual and declares there is a hiring freeze for all departments of Eureka County government; and

BE IT FURTHER RESOLVED the Board adopts the following policy:

**1. Hiring Freeze and Reduction in Labor Force**

A. The Board of County Commissioners will establish minimal staffing levels for each County department with the cooperation of department heads, both elected and appointed. Minimal staffing levels for each County department will be declared during Fiscal Year 2015, from July 1, 2014, to June 30, 2015, and these staffing levels will be attained by attrition, unless declared otherwise by later Resolution of the Board.

B. When a vacancy or open position, including casual, part-time or full-time employment, occurs in any department, the department head must meet with the Board of County Commissioners to discuss whether to refill the position. This process is outlined below and the department head must not fill the position unless the Board authorizes it in writing. This Policy will stay in effect until it is changed by the Board by another Resolution.

**2. Attrition**

When a vacancy or open position exists, the department head and the Board of County Commissioners must evaluate the need for the position and consider alternatives. At a minimum the issues to be considered are the following:

- A. Has the department fallen below minimal staffing levels (see 1.A. above)?
- B. Can the department be reorganized in a manner that results in a reduction of employees or employee expenditures?
- C. Should the position be filled by a part-time position with no benefits?
- D. Can the position be filled through job sharing with another department?
- E. Can the position be absorbed into the workload of the existing staff, or can work processes be streamlined or modified, resulting in no new hire?
- F. Are there investments or technological processes that would improve the efficiency of the department and make the position unnecessary?
- G. What public service will be suspended or eliminated if the position is not filled, and is that service so critical to provide to the public that spending down the County’s reserve funding to provide it is justified?

IT IS FURTHER RESOLVED when a vacancy or open position exists, the position shall not be filled unless the department head or elected official has received written approval using the attached form in an open and public meeting from the Board of County Commissioners. It is the responsibility of the requesting department head to demonstrate the benefit to Eureka County to fill the position. Elected officials and department heads May revisit the decision of the Board of County Commissioners to not fill a vacancy or open position during the annual budget meetings held each year between January and May.

IT IS FURTHER RESOLVED that this Resolution shall be effective upon adoption and shall remain in effect until further Resolution of the Board of Eureka County Commissioners.

IT IS FURTHER RESOLVED that the Executive Assistant of the Board shall distribute a copy of this Resolution to every department head and elected official within the County, with instructions to share it with all employees.

ADOPTED this 20<sup>th</sup> day of June, 2014.

Board of Eureka County Commissioners

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

/s/ J.P. Ithurrealde  
J.P. Ithurrealde, Vice Chair

/s/ Mike Sharkozy  
Mike Sharkozy, Member

ATTEST: /s/ Jackie Berg  
Executive Assistant

[NOTE: Hiring Freeze Waiver Justification form attached to original Resolution]

Reduction in Contracts: In further efforts to reduce expenditures, the Board discussed reducing contracts or elements thereof. Chairman Goicoechea felt each contract adjustment did not need to come back before the Board as long as the Budget Officer and affected department head were in agreement. Contracts up for renewal will continue to come before the Board for approval and signature. Commissioner Ithurralde motioned to give direction to the Budget Officer to work in conjunction with department heads to reduce or terminate any non-essential contracts and that any conflicts be brought before the Board to be resolved; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **SENIOR CENTERS**

Ice Machine for Fannie Komp Senior Center: Senior Center Site Director, Adell Panning, explained that every attempt has been made to salvage the current ice machine to no avail. She requested authorization to replace it and is working with Sysco to get a reduced price. Commissioner Sharkozy motioned to authorize a capital outlay to purchase a new ice machine for the Fannie Komp Senior Center, not to exceed \$1,700.00; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Appointment to Senior Centers Advisory Board: A letter of interest was received from Ethel Moss for the vacancy on the Senior Centers Advisory Board. Commissioner Ithurralde motioned to appoint Ethel Moss to the Senior Centers Advisory Board for the balance of the three year term; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **AMBULANCE & EMS**

Activity Report: EMS Coordinator, Mike Sullivan, reported on emergency services since his update the previous month. Eureka had 12 calls for service (60 year-to-date) and Crescent Valley had three calls for service (30 year-to-date). Continuing education training was held in Eureka on May 25<sup>th</sup> and June 2<sup>nd</sup> and in Crescent Valley on May 29<sup>th</sup> and June 12<sup>th</sup>. The next classes are scheduled in Eureka on June 30<sup>th</sup> and in Crescent Valley on June 26<sup>th</sup>.

Mr. Sullivan reported on various activities. The Department of Health mass casualty trailer was inspected and tires were changed. Standby coverage was provided for the High School Rodeo on May 24<sup>th</sup> and there were a couple of transports. He attended an EMS roundtable meeting in Elko on May 28<sup>th</sup> sponsored by Barrick Gold Corporation. The Jeep transferred from the Sheriff's Office has been marked, equipped, and is in service in Crescent Valley. A second AED (automated external defibrillator) has been placed with the Pine Valley VFD. Mr Sullivan met with safety personnel at Barrick Ruby Hill Mine on June 5<sup>th</sup> to discuss response and pre-planning. Nevada EMS has donated surplus training and response equipment. On June 12<sup>th</sup> he covered Crescent Valley while Cathy Wolf, EMT-2, was attending a class. Also on June 12<sup>th</sup>, he attended a Nevada Department of Transportation meeting regarding road construction scheduled this season. Mr. Sullivan and Michael Boharsik, EMT-2, met with safety personnel for Midway Gold's Pan Mine Project on June 18<sup>th</sup>. Mr. Sullivan attended the Committee on Emergency Medical Systems meeting via teleconference from Elko on June 19<sup>th</sup>. The rescue ambulance for Barrick Bald Mountain Mine has been permitted and will begin transporting.

Capital Outlay Purchases: The nitrous oxide units have been received; the two 12-lead ECG cardiac monitor defibrillators should be received within the week; the six AEDs (automated external defibrillators) for the Sheriff's Office are on order. Other than the AEDs, this equipment requires State approval to be placed into service and the paperwork has been prepared for the Medical Director's approval. Training will be conducted for all equipment.

## **PUBLIC WORKS**

Robins Street Improvements & Utility Upgrades Project: Public Works Director, Ron Damele, reported on the Robins Street Improvements & Utility Upgrades Project. Everything is

on schedule for the project and Phase 3 will begin on June 23<sup>rd</sup>. Utility work should be complete in about 30 days. Approximately 1,000 feet of pipe did not pass pressure tests and had to be removed and replaced. The pipe manufacturer and the pipe distributor are bearing the replacement costs. Final grading and paving of the streets will begin once utilities are complete.

Public Works Staffing Proposal: At the last two meetings, Mr. Damele reviewed three retirements that will occur in Public Works – two Road Department employees in Eureka and the Senior Administrative Assistant in Crescent Valley. Under the hiring freeze and attrition policy, these employees will not be replaced at this time. Hours at the Public Works office in Crescent Valley will be reduced from 40 hours to eight hours per week.

Crescent Valley resident, Lisa Wolf, commented on the importance of the Crescent Valley Town Center as the hub of the community, and emphasized the need for accessibility of an employee at the Public Works office. She felt that only having the office open for eight hours each week wasn't the best use of resources and employees and urged the County to consider other alternatives.

Chairman Goicoechea and Mr. Damele responded regarding what services will be provided. Public Works will be open from 10:00 a.m. to 2:00 p.m. on Tuesdays and Thursdays (effective November 1<sup>st</sup>); Public Works will remain accessible by phone when someone is not physically in the office; a drop box will be provided for payments; payments can be made online; the building will be open for meetings and other activities; and improved accessibility to meetings and people is provided with advanced technology and cell phones that were not available in earlier years. Chairman Goicoechea stated he appreciated Ms. Wolf's input and welcomed additional feedback.

Commissioner Sharkozy commented that a reduction to eight hours per week was more drastic than he would like to see and he felt the community needed more coverage.

Commissioner Ithuralde motioned to accept the reduced staffing proposal as presented by Public Works on June 6<sup>th</sup> and June 16<sup>th</sup>; Chairman Goicoechea seconded the motion; motion carried 2-1. Commissioner Sharkozy voted in opposition for the reasons stated.

Public Works Projects & Activities: Mr. Damele reported on various projects. AIRPORT LIGHTING RETROFIT PROJECT: Design plans and specifications for the Airport Lighting Retrofit Project should be complete by July. They expect bid award to take place the second meeting in August. This will be a 60 day project. COURTHOUSE HVAC PROJECT: The purchase order was issued for design of the Courthouse HVAC Project.

Eureka Swimming Pool; Pool Supervisor, Clint Tognotti, provided a written report on the Swimming Pool. There were 270 patrons in May and more are expected in June. The first week of swimming lessons has just concluded with 45 children enrolled. In addition to this, private lessons are provided for children attending summer school who cannot make the morning schedule. A Water Safety Instructor course was taught June 9<sup>th</sup>-12<sup>th</sup> with 11 participants. In addition to the written report, it was noted that Juvenile Probation has a program for Crescent Valley kids to be able to participate in the Elko swimming program.

## **CLERK & TREASURER**

Treasurer's Report: The Treasurer's Report for May was presented by Clerk & Treasurer, Beverly Conley. Ending balance for the month was \$52,494,227.11. The Point & Pay online payment processing service has been expanded to additional departments. Payments totaling approximately \$20,000.00 each month are made to the County utilizing this service. There is a small usage fee paid directly to Point & Pay by the customer.

## **COUNTY FACILITIES & ECONOMIC DEVELOPMENT**

Update Report: Cultural, Tourism, & Economic Development Director, Andrea Rossman, reported on activities at the Opera House, Sentinel Museum, and Economic Development. The Sentinel Museum had 547 visitors (who signed the guest book) for the past month.

Approximately the same number visited the Opera House. Public meetings were held in Crescent Valley on June 18<sup>th</sup> and in Eureka on June 19<sup>th</sup> to accept comments on the Eureka County Comprehensive Economic Development Strategy. Mike Baughman of Intertech Services Corporation was in attendance to provide an overview, answer questions, and accept comments.

Ms. Rossman provided a breakdown of expenses and revenues for the *Show What Ya Brung Car Show* over the past five years. The figures included the *Run What Ya Brung Drag Race* which began in 2012. The cumulative expense for five years totaled \$70,103.70 with revenues totaling \$68,641.00. Revenues included \$26,000.00 in grants from the Recreation Board.

Appointment to Economic Development Program Board: A letter of interest was received from Dwight Tompkins regarding the vacant alternate seat on the ECEDP. Commissioner Sharkozy motioned to appoint Dwight Tompkins as an alternate member representing northern Eureka County on the Economic Development Program Board; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **NATURAL RESOURCES**

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities. Along with the Chairman, Mr Tibbitts participated with folks throughout the western states in a conference call with Kent Holsinger, Holsinger Law, regarding the Endangered Species Act and Data Quality Act challenge on June 10<sup>th</sup>; traveled to Elko with Chairman Goicoechea on June 12<sup>th</sup> to attend the Legislative Committee on Public Lands meeting (a packet from Eureka County addressing multiple issues was distributed at that meeting, but the focus of the County's testimony was on Waters of the US, sage grouse, RS 2477 rights-of-way, and briefly touched on the US Drought Monitor); attended the Central Nevada Regional Water Authority meeting via teleconference on June 13<sup>th</sup>; attended the Eureka Conservation District meeting; and attended a scoping session on the proposed Diamond Valley Groundwater Management Plan at the Opera House on June 19<sup>th</sup>, which was facilitated by Steve Walker, Walker & Associates (Mr. Walker is contracted by the Eureka Conservation District);

Senior Department Assistant, Jessica Santoyo, attended the Crescent Valley Firewise Committee meeting on June 18<sup>th</sup>. Two new members to the Committee are Sondra Sharkozy and Nona Kellerman.

Central Nevada Regional Water Authority Meeting: Jason King, Nevada State Engineer, spoke during the Central Nevada Regional Water Authority meeting on June 13<sup>th</sup> and covered proposed legislation that will be coming out of his office to address some issues in water law. He will be hosting public 'listening sessions' throughout the State once the BDRs (bill draft requests) have been issued. A session is not scheduled in Eureka, but there will be opportunity to attend them in neighboring communities.

Chairman Goicoechea added that although the Division of Water Resources cautioned others against opening NRS Chapters 533 and 534 with proposed legislation, that is exactly what they are now introducing. Mr. Tibbitts confirmed that one proposed change will deal with interbasin transfers of water and what will trigger a surface water inventory.

The practice by the State Engineer of over-appropriating basins was also discussed by many at the CNRWA meeting.

Upcoming Meetings: Upcoming meetings include a co-meeting of the Mt. Hope 3M Plan WAC (Water Advisory Committee) and TAC (Technical Advisory Committee) on June 24<sup>th</sup> in the Annex/Administration Building; a Nevada State Conservation Commission meeting on June 25<sup>th</sup>; a NACO meeting on June 27<sup>th</sup>; a Nevada Land Management Task Force meeting on June 27<sup>th</sup>; and the oral arguments hearing on the Kobeh Valley Ranch water filings at the Nevada Supreme Court in Carson City on June 30<sup>th</sup>.

Wild Horse Issues: A petition has been submitted to US Department of the Interior and US Fish & Wildlife Service by wild horse groups to list a North American distinct population segment of wild horse under the US Endangered Species Act.

Pinyon Juniper Wildlife Enhancement Project: Mr. Tibbitts has been in the field with the pinyon-juniper cutters. More than 120 acres have been cut. They are working hard right now to take advantage of funds encumbered for the current fiscal year, which ends June 30<sup>th</sup>. Amaron Energy out of Salt Lake City is a little behind schedule, but expect to be here in August with the biochar unit. They will be here two weeks and will produce 25 tons of biochar utilizing a total of 100 tons of pinyon-juniper chips. A \$75,000.00 Conservation Innovation Grant is funding the bulk of this project.

Waters of the US: On June 6<sup>th</sup> the County sent a letter to the US Environmental Protection Agency and the US Army Corps of Engineers related to their proposed rule on the definition of Waters of the US Under the Clean Water Act. Among other options, the letter requested an extension of time on the comment period. Although the County's letter likely didn't reach them in time to influence their decision, a 90 day extension was granted on the comment period.

USFWS Proposed Critical Habitat Regulations: The comment period ends in July for the US Fish & Wildlife Service's proposed regulations broadening the definition for critical habitat for sage grouse, as well as a proposal to encumber *potential* habitat that is not currently critical habitat. Mr. Tibbitts is preparing a response to be considered at the next meeting.

USFS Proposed Directive: The US Forest Service has published a groundwater directive so that groundwater that originates and is used on forest lands would fall under Forest Service regulation. The Nevada State Engineer is taking an aggressive stand against this proposal and it will be important for Eureka County to support the position that water falls under the State's jurisdiction.

National Monument Designations: A few years ago a US Department of the Interior document, directed to President Obama, was leaked and this document identified multiple lands as potential national monuments. One of the areas is referred to as the 'heart of the Great Basin' and includes the Monitor Range, Toiyabe Range, and Toquima Range.

The American Antiquities Act of 1906 authorizes the President of the US to proclaim historic landmarks, national monuments, etc. The intent of this act was to set aside small areas of real historical significance, but it has been widely misused. Just a couple of weeks ago, President Obama designated one of the areas identified in the leaked DOI document as a national monument in New Mexico.

Mr. Tibbitts cautioned that a large portion of central Nevada is subject to this same threat. With the sage grouse issues overlapping these same portions of Nevada, it would not be surprising to find these areas a target right now.

Financial Rollout for Bi-State Sage Grouse: Chairman Goicoechea informed that the US Department of Agriculture is announcing a massive funding commitment of up to \$25.5 million over the next five to 10 years to save the bi-state population of the greater sage grouse. The BLM also announced a \$6.5 million commitment over the next 10 years towards this effort. Many of the funds will be issued for conservation efforts in voluntary partnership programs with ranchers, farmers, and other landowners. The Chairman noted that when you add these figures to what has already been spent, the calculated cost per bird is astronomical.

Response to Draft Proposed Plan of the Greater Sage-Grouse EIS: The Draft Proposed Plan of the Greater Sage-Grouse EIS was received on June 2<sup>nd</sup> with a comment deadline of June 13<sup>th</sup>. At the June 6<sup>th</sup> meeting, the Board directed Mr. Tibbitts to work with the Chairman to submit comments and bring them back for ratification at this meeting. Mr. Tibbitts provided copies of the letter addressed to the BLM. The letter refers the BLM to the 125 pages of comment (which were basically disregarded) submitted by Eureka County on the first draft. It

highlights the BLM's obligations under the Memorandum of Understanding and points out that Eureka County was never contacted to take part in the process as required.

Commissioner Ithurrealde motioned to ratify the response letter to the BLM on the Draft Proposed Plan Amendment of the Greater Sage Grouse EIS; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Membership Renewals: The Board discussed memberships with American Lands Council and Western Counties Alliance. Both groups are championing some important issues right now. ALC is taking the lead and is the conduit between western states on bringing public lands issues closer to home. WCA provides a multitude of information on various issues and was instrumental in facilitating the meeting between the County and Utah officials regarding RS 2477 rights-of-way. After some discussion, the Board felt the memberships were justified due to current issues, particularly wild horses, sage grouse, and RS 2477 rights-of-way. They agreed to pay the membership fees out of the current fiscal year's budget.

Commissioner Ithurrealde motioned to approve one year membership renewals with American Lands Council and Western Counties Alliance for \$5,000.00 each, to be paid from Fiscal Year 2013-2014; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Expenditure Approval: Commissioner Ithurrealde motioned to approve additional accounts payable for June 20, 2014, as follows: \$5,000.00 to American Lands Council and \$5,000.00 to Western Counties Alliance; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **RECESS FOR LUNCH**

The Board recessed for lunch from 11:50 a.m. to 1:00 p.m.

## **PUBLIC HEARING – EUREKA COUNTY CODE, TITLE 11, WELFARE & INDIGENT SERVICES**

2014 Public Guardian & Public Administrator's Office Ordinance: Notice was given that the Board of Eureka County Commissioners would hold a hearing at 1:00 p.m. on June 20, 2014, to invite public comment and take action on a proposed ordinance amending the 2006 Eureka County Code, Title 11, Welfare & Indigent Services, through revision, modification, and extension of Chapter 60, Public Guardian & Public Administrator's Office, by amending Section .010 to designate the Eureka County Clerk/Treasurer as the ex officio Public Guardian/Administrator.

Chairman Goicoechea opened the public hearing and invited comments on the proposed ordinance. There were no comments from staff or the public. Commissioner Ithurrealde motioned to adopt the 2014 Public Guardian & Public Administrator's Office Ordinance amending Eureka County Code, Title 11, Welfare & Indigent Services, Section .010; Commissioner Sharkozy seconded the motion; motion carried 3-0. The ordinance will become effective following the statutory advertising period.

## **RECODIFICATION OF EUREKA COUNTY CODE**

Propose Recodification: District Attorney Beutel explained that the purpose of codification or recodification of code is to incorporate all new ordinances adopted since the last codification (which occurred in March 2006 for Eureka County Code). Since this process must be done by ordinance, the same procedure of proposing an ordinance and holding a public hearing for adoption must be followed. Commissioner Ithurrealde motioned to propose an ordinance to recodify the Eureka County Code in order to incorporate all ordinances since the last recodification in March 2006; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Set Public Hearing: Commissioner Ithurrealde motioned to set a public hearing on July 7<sup>th</sup> at 1:00 p.m. to invite public comments and consider adopting an ordinance to recodify the Eureka County Code; Commissioner Sharkozy seconded the motion; motion carried 3-0.

**CORRESPONDENCE**

Correspondence was received from: Ethel Moss; Garney Damele; Maureen Torres; Dwight Tompkins; District Attorney, Ted Beutel; Economic Development Program Board (2); Crescent Valley Town Advisory Board; Haliburton Energy Services; White Pine County Commission; Allison, MacKenzie, Pavlakis, Wright & Fagan; Nevada Supreme Court; Rural Nevada Development Corp.; Nevada Dept. of Taxation; Nevada Div. of Minerals (2); Nevada Div. of Water Resources (2); Nevada State Emergency Operations Center; Nevada Div. of Environmental Protection; Senator Dean Heller; ICF International; Arcadis US; Western Counties Alliance; US Nuclear Waste Technical Review Board; and US Environmental Protection Agency.

**PUBLIC COMMENT**

Chairman Goicoechea called for public comments. Recorder/Auditor, Mike Rebaleati, stated he will be attending the next meeting of the Mining Oversight & Accountability Commission on June 26<sup>th</sup> in Carson City. If the opportunity arises, he will suggest changing net proceeds of minerals from a pre-payment system to a post-payment system.

**ADJOURNMENT**

Commissioner Sharkozy motioned to adjourn the meeting at 1:11 p.m.; Commissioner Ithurralde seconded the motion; motion carried 3-0.

*Approved by vote of the Board this 21<sup>st</sup> day of July, 2014.*

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

*I, Jackie Berg, Executive Assistant to the Board of Eureka County Commissioners, attest that these are a true, correct, and duly approved minutes of the June 20, 2014, 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 Executive Assistant of the Board.*

/s/ Beverly Conley  
Beverly Conley, Clerk & Treasurer