

EUREKA COUNTY BOARD OF COMMISSIONERS

June 20, 2016

STATE OF NEVADA)
 :ss
COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on June 20, 2016. Present were Vice Chairman Michael Sharkozy; Commissioner Fred Etchegaray; District Attorney, Ted Beutel; and Commissioner Clerk, Jackie Berg. Chairman J.J. Goicoechea was absent to provide testimony in Washington, DC, on behalf of several groups, including Eureka County. 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 Etchegaray motioned to approve the agenda as posted; Commissioner Sharkozy seconded the motion; motion carried 2-0.

PUBLIC COMMENT

Vice Chair Sharkozy opened the floor for public comments. District Attorney Beutel reminded everyone of the special meeting on June 27th.

APPROVAL OF MINUTES

June 6, 2016: Commissioner Etchegaray motioned to approve minutes of the June 6, 2016, Commission meeting; Commissioner Sharkozy seconded the motion; motion carried 2-0.

COUNTY COMPTROLLER

Payment of Expenditures: Expenditures were presented for approval by County Comptroller, Tina Hubbard. Commissioner Etchegaray motioned to approve expenditures in the amount of \$227,240.59 for accounts payable, \$265,015.76 for payroll, \$2,278.00 for a pass through payment to the Division of Minerals; and \$1,096.26 for Yucca Mountain expenses, for a grand total of \$495,630.61. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

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

COMMISSIONERS

Update Reports: Commissioner Etchegaray traveled to Dyer on June 7th to attend a meeting of the Legislative Commission Subcommittee to Study Water. Commissioner Sharkozy participated in a Nevadaworks meeting in Reno on June 10th, and attended the Crescent Valley Volunteer Fire Department meeting on June 14th.

2016 General Election Ballot Question: Assembly Bill 191 was enacted during the 2015 Nevada Legislative Session and requires all counties, except Washoe and Clark, to place a question on the 2016 General Election ballot asking voters whether to authorize their Board of County Commissioners to impose increases to certain motor vehicle fuel taxes.

The language in the bill is convoluted and there has been much debate throughout the State whether a portion of the increase would be distributed to the respective counties. Nevada Association of Counties has studied the language at length and has assured the counties that they will receive a portion of the allocation.

Based on this information and discussion during the June 6th meeting, the Board agreed to two minor changes in Eureka County's draft ballot language: include reference to a county

distribution in the ballot question and remove the word 'forced' in the argument against passage (which stated that consumers would be 'forced' to purchase fuel outside their home county).

Commissioner Etchegaray motioned to approve Eureka County's ballot language related to AB191 with the two minor changes noted (this includes the ballot question, explanation, arguments in favor of passage, and arguments against passage). Commissioner Sharkozy seconded the motion. Motion carried 2-0.

Sagebrush Ecosystem Program & Nevada Greater Sage-Grouse Conservation Plan: Chairman Goicoechea was unavailable for an update, but information on sage grouse was provided during the Natural Resources portion of the meeting.

AMBULANCE & EMS

Activity Report: EMS Coordinator, Mike Sullivan, reported on activities since his last report on May 20th. Eureka had five calls for service (59 year-to-date) and Crescent Valley had three calls for service (27 year-to-date).

Continuing education training is scheduled in Eureka on June 27th and in Crescent Valley on June 30th. Configuration and deployment of the new electronic patient care recordkeeping program and software, from ImageTrend, will begin on June 27th. Several counties are using this software to replace the State's new electronic recordkeeping system, which received universal negative feedback.

Mr. Sullivan has been participating in workshops regarding proposed changes to Nevada Administrative Code 450B (regulations governing State licensed EMTs and ambulance services). Among the changes proposed are unprecedented increases to certain fees and fines charged by the Nevada Department of Health & Human Services. Mr. Sullivan will place an item on the next agenda asking the Board to oppose the proposed changes and to support funding of the State Emergency Medical Services Program by the State Legislature.

Mr. Sullivan traveled to Reno on May 31st for annual maintenance of the off-road rescue vehicle and to submit renewal application for the Ambulance Service Permit to the State EMS office. Training in the use of Narcan (an opiate overdose antidote) was conducted for Sheriff's Office personnel on June 8th. Mr. Sullivan participated in the EMS Advisory Committee meeting (via telephone) on June 10th, and participated in the practice emergency drill for the BLM's SEAT (Single Engine Air Tankers) Base for fire aviation at the Eureka Airport on June 16th.

NEVADA DEPARTMENT OF TRANSPORTATION

Introductions: Nevada Department of Transportation representatives, Rudy Malfabon (Director), Lee Bonner (Government Liaison), Kevin Lee (District Engineer), and several others were in attendance to present the annual work plan.

State Transportation Improvement Plan: As part of NDOT's planning process, there is a federal requirement that NDOT go before each County Commission to present the State Transportation Improvement Plan (STIP). Director Malfabon emphasized safety as NDOT's number one concern, explaining the Zero Fatalities campaign. Unfortunately, there were four fatalities in Eureka County in 2015 due to traffic accidents.

Funding: In December, Congress passed a long-term transportation bill entitled the FAST Act (Fixing America's Surface Transportation). This is good news, since a long-term funding plan enables NDOT to make decisions on larger projects that span several years.

AB191 Ballot Question: Mr. Malfabon briefly touched on the 2016 General Election ballot question that would allow County Commissions to impose increased taxes in their respective counties on certain motor vehicle fuels. The Department of Motor Vehicles estimated that Eureka County could benefit in up to \$4.5 million of additional road work over a ten year period.

Eureka County Short-Term Projects: Eureka County's 4-Year Work Program includes \$2.25 million in funding for Fiscal Year 2017, followed by an estimated \$2 million per each fiscal

year 2018 through 2020. Upcoming work includes close to 15 miles of chip and flush seal on State Route 278 near Henderson Creek, chip seal on 20 miles on SR 278 (Carlin Road and portions from Garden Pass to US Highway 50), box culvert extensions (one near Carlin and one near the Eureka Airport), chip seal on SR 766 at the Maggie Creek Road and the Newmont Mine Road, and installation of chain signs at Garden Pass.

Long-Range Projects: The long-range element mainly involves Interstate 80 due to the heavy amount of freight traffic it receives. NDOT is also looking at extending transportation routes between states; this includes extending Interstate 70 from Utah to California and extending Interstate 11 from the Arizona border. These larger transportation projects involve federal funding and are constructed over several years. Planning studies, environmental clearances, and public scoping are required and typically take several years to complete.

Acceptance of FY 2017 Work Program: Commissioner Etchegaray motioned to accept the proposed Fiscal Year 2017 Eureka County Work Program as presented by NDOT; Commissioner Sharkozy seconded the motion; motion carried 2-0.

PUBLIC WORKS

Projects & Activities: Road Superintendent, Raymond Hodson, provided an update on Public Works projects and activities on behalf of Public Works Director, Ron Damele.

May Cleanup: May Cleanup was successful and no problems were encountered. It does take substantial staff time, especially in Crescent Valley. Due to the broad categories of items accepted, it has become quite expensive. One invoice from Atlas Towing to haul items from Crescent Valley totaled \$14,467.40. An additional bill will be received from Atlas Towing for containers at the Crescent Valley Laydown Yard that were filled on the last Saturday of free dumping. Mr. Hodson suggested that the Board consider redefining parameters before next year's May Cleanup and Free Dump Days are scheduled.

Annual Repeater Maintenance: Annual repeater maintenance and radio reprogramming are underway. The mountaintop work is done and a couple of damaged antennas were replaced. So far, 87 of 323 radios in the County have been reprogrammed in order to coordinate with BLM's change in frequencies and to integrate the State EMS air to ground channel.

US Environmental Protection Agency: Public Works continues reviewing design aspects and working closely with EPA as they move forward with the repository on the south side of Ruby Hill Avenue in Eureka. Construction of the access road has begun.

Fire Issues: Mr. Hodson and Mr. Damele toured the Pioneer Pass area in northern Eureka County. This area is a huge fire hazard. The purpose of the tour was to coordinate a plan and to familiarize staff with the area in the event an emergency call is received in the middle of the night. Residents are working hard to create safe zones around their properties.

CLERK & TREASURER

Treasurer's Report: The Treasurer's Report for May was submitted by Clerk & Treasurer, Beverly Conley. Ending General Fund balance was \$14,480,385.85. Overall ending balance, including encumbered funds, was \$61,315,151.18.

Canvass Returns of the 2016 Primary Election: The Abstract of the 2016 Primary Election was presented by Ms. Conley. Voter turnout statewide was very low, but Eureka County had the highest turnout at 52.42%.

Commissioner Etchegaray motioned to approve the canvass and abstract of the vote for the 2016 Primary Election held June 14, 2016; Commissioner Sharkozy seconded the motion; motion carried 2-0.

Special Candidate Filing Period: Ms. Conley reported that a special candidate filing period will be open from June 20th through June 24th for Television District Seat 4A (due to the untimely passing of the sole candidate for that position).

**CANVASS and ABSTRACT
OF THE VOTE FOR EUREKA COUNTY, STATE OF NEVADA
2016 PRIMARY ELECTION HELD ON JUNE 14, 2016**

TOTAL NUMBER OF REGISTERED VOTERS	868
TOTAL NUMBER OF VOTES CAST	455
NUMBER OF VOTERS AT POLLS ON ELECTION DAY	122
NUMBER OF VOTERS FROM MAILING PRECINCTS	131
NUMBER OF ABSENTEE VOTERS	28
NUMBER OF EARLY VOTERS	174
PERCENTAGE OF VOTER TURNOUT	52.42%

EUREKA COUNTY SUMMARY REPORT

<u>Registration & Turnout</u>	868	Voters
Election Day Reporting Turnout	122	14.06%
Absentee Reporting Turnout	28	3.23%
Early Vote Reporting Turnout	174	20.05%
Mail-In Reporting Turnout	131	15.09%
Total...	455	52.42%

<u>Nonpartisan Reg. & Turnout</u>	149	Voters
Election Day Reporting Turnout	14	9.40%
Absentee Reporting Turnout	0	0.00%
Early Vote Reporting Turnout	16	10.74%
Mail-In Reporting Turnout	18	12.08%
Total...	48	32.21%

<u>Democrat Registration & Turnout</u>	106	Voters
Election Day Reporting Turnout	12	11.32%
Absentee Reporting Turnout	2	1.89%
Early Vote Reporting Turnout	25	23.58%
Mail-In Reporting Turnout	20	18.87%
Total...	59	55.66%

<u>Republican Registration & Turnout</u>	613	Voters
Election Day Reporting Turnout	96	15.66%
Absentee Reporting Turnout	26	4.24%
Early Vote Reporting Turnout	133	21.70%
Mail-In Reporting Turnout	93	15.17%
Total...	348	56.77%

<u>DEM-US Senator</u>	4/4	100.00%
Under Votes: 1		
Over Votes: 0		
CORTEZ MASTO, CATHERINE	33	56.90%
MAHENDRA, BOBBI	3	5.17%
O'BRIANT, LIDDO SUSAN	7	12.07%
RHEINHART, ALLEN	6	10.34%
NONE OF THESE CANDIDATES	9	15.52%
Total...	58	100.00%

<u>DEM-Rep in Congress, District 2</u>	4/4	100.00%
Under Votes: 15		
Over Votes: 0		
ALM, VANCE	8	18.18%
EVANS, H.D. "CHIP"	13	29.55%
SHEPHERD, RICK	23	52.27%
Total...	44	100.00%

<u>Univ. Board of Regents Dist 8</u>	4/4	100.00%
Under Votes: 113		
Over Votes: 0		
MCADOO, CATHY	342	100.00%
Total...	342	100.00%

<u>School Board Trustee Seat 1A</u>	4/4	100.00%
Under Votes: 15		
Over Votes: 0		
BURNHAM, ROBERT E.	225	51.14%
HICKS, DAVID W.	171	38.86%
IZZOLO, JAMES	44	10.00%
Total...	440	100.00%

<u>School Board Trustee Seat 1B</u>	4/4	100.00%
Under Votes: 21		
Over Votes: 0		
ANDERSON, BRANDI	97	22.35%
CONLEY, LYNN	275	63.36%
MARTIN, JORI	62	14.29%
Total...	434	100.00%

<u>School Board Trustee Seat 1B</u>	4/4	100.00%
Under Votes: 81		
Over Votes: 0		
FIORENZI, LEONARD	374	100.00%
Total...	374	100.00%

<u>Eureka County TV Dist, Seat 4A</u>	4/4	100.00%
Under Votes: 131		
Over Votes: 0		
PASTORINO, ERIC J.	324	100.00%
Total...	324	100.00%

<u>Eureka County TV Dist, Seat 4C</u>	4/4	100.00%
Under Votes: 107		
Over Votes: 0		
BROWN, ELDON R.	348	100.00%
Total...	348	100.00%

<u>Eureka County TV Dist, Seat 4D</u>	4/4	100.00%
Under Votes: 109		
Over Votes: 0		
BREITRICK, JAMES A.	346	100.00%
Total...	346	100.00%

An item will be placed on the June 27th agenda to formally relinquish the grant from Nevada Commission on Tourism and to send a letter of notification.

Calendar of Events: Ms. Beutel reviewed a calendar of upcoming activities and requested direction from the Board related to several of the events. The Sheriff's Office informed her that there won't be sufficient staff to cover the Motorcycle Rally in August. Commissioner Etchegaray motioned to direct Ms. Beutel, to the best of her ability, to send out cancellation notices for the Motorcycle Rally scheduled for August 20th; Commissioner Sharkozy seconded the motion; motion carried 2-0.

Due to her limited casual hours and number of volunteers available, Ms. Beutel felt it would be beneficial to reassign a couple of the events. She suggested that the Lion's Club might be interested in the Harvest Festival since they sell pumpkins during the event and the Opera House might be willing to organize the Christmas Tree Lighting.

Commissioner Etchegaray motioned to direct Ms. Beutel to approach the Lion's Club regarding their interest in the Harvest Festival and to consult with Public Works Director, Ron Damele, and Opera House staff regarding coordination of the Christmas Tree Lighting event; Commissioner Sharkozy seconded the motion; motion carried 2-0.

Grant Information: Ms. Beutel reviewed several grants that are pending or applications in the process of being submitted. She explained that most grants won't require a monetary match, but will simply require an in-kind match, which can be volunteer hours or hours contributed by staff or boards/committees invested in the events. Ms. Beutel requested direction on which grants she should continue to pursue.

Commissioner Etchegaray motioned to table direction related to grants, and any events specifically tied to grants, until the future of Economic Development is discussed at the June 27th meeting; Commissioner Sharkozy seconded the motion; motion carried 2-0.

MEDICAL CLINICS ADVISORY COMMITTEE

NVHC Quarterly Performance Audit: The Medical Clinics Advisory Committee met on June 8th to conduct the quarterly performance audit of Nevada Health Centers, Inc., for the period covering January, February, and March. Garney Damele, Chair of the MCAC, and NVHC agreed to a reconciled penalty amount of \$11,400.00, broken down as follows: \$7,800.00 for lack of a physician for 13 days at the Eureka Clinic (13 x \$600.00/day); \$2,400.00 for lack of a second provider for eight days at the Eureka Clinic (8 x \$300.00/day); and \$1,200.00 for lack of a provider at the Crescent Valley Clinic (4 x \$300.00/day).

Commissioner Etchegaray motioned to accept the Committee's recommendation to assess a nonperformance penalty of \$11,400.00 to Nevada Health Centers for the third quarter of Fiscal Year 2015-2016; Commissioner Sharkozy seconded the motion; motion carried 2-0.

CRESCENT VALLEY TOWN ADVISORY BOARD

Casual Crescent Valley Town Board Department Assistant: Nona Kellerman submitted a letter of resignation, along with an email, notifying of her plans to retire from her position effective August 15th. Commissioner Etchegaray motioned to accept the resignation of Nona Kellerman as Casual Crescent Valley Town Board Department Assistant, effective August 15, 2016; Commissioner Sharkozy seconded the motion; motion carried 2-0.

Hiring Freeze Waiver Justification: Dawn Gann, Chair of the Crescent Valley Town Advisory Board, completed the Hiring Freeze Waiver Justification form requesting authorization to fill the position. The Board wanted to consult contract Human Resources about who should be responsible for hiring this position. Commissioner Etchegaray motioned to table action related to recruitment and hiring of a replacement Casual Crescent Valley Town Board Department Assistant and to place this item on the June 27th agenda; Commissioner Sharkozy seconded the motion; motion carried 2-0.

NATURAL RESOURCES

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

Recent Meetings: Mr. Tibbitts and Commissioner Etchegaray attended the Legislative Commission Subcommittee to Study Water in Dyer on June 7th, where Mr. Tibbitts provided an update on the Diamond Valley water issues.

Mr. Tibbitts and Consulting Hydrogeologist, Dale Bugenig, attended a meeting regarding the Barrick Horse Canyon Cortez Unified Exploration Project on June 8th. The preliminary Environmental Assessment for HCCUEP is close to being finalized.

Other meetings included the Eureka Firewise Committee meeting on June 14th; the Planning Commission meeting on June 15th (for final review of the Draft Water Resource Master Plan); a Natural Resources Advisory Commission meeting the evening of June 15th; a County Advisory Board to Manage Wildlife meeting on June 16th; and a Central Nevada Regional Water Authority meeting in Ely on June 17th.

Upcoming Meetings: Upcoming meetings include a Crescent Valley Firewise Committee meeting on June 21st; a Groundwater Management Plan Advisory Board meeting on June 27th; and the Planning Commission public hearing on the Draft Water Resources Master Plan on August 1st.

American Vanadium's Gibellini Project: American Vanadium has filed for bankruptcy and requested withdrawal of permitting applications with the BLM for the Gibellini Project located near the Fish Creek Ranch.

BLM Oil & Gas Lease Sale: The Battle Mountain District BLM conducted their annual oil and gas lease sale on June 14th, successfully auctioning off land in Big Smoky Valley, west of Hickison Summit.

Tonkin Summit Communication Site Project EA: Mr. Tibbitts recently received notification from the Battle Mountain District BLM that the Environmental Assessment for the Tonkin Summit Communication Site Project, for installation of a new cellular tower in Eureka County, was approved. Although there are benefits related to this project, there are concerns because the proponent, Commnet of Nevada, LLC, applied for a right-of-way involving a County road.

Mr. Tibbitts had verbal communication with the BLM when this project was first being considered within Lander County. When the site location was changed to the second alternative in Eureka County, no representatives of the County were notified. A BLM letter, opening the 15-day public comment period, was issued but this letter was not received by Eureka County. A thorough review of all hard-copy and electronic mail to the Natural Resources' office and the Commissioners' office was conducted. Eureka County *only* received written communication from the BLM *after* the project EA was approved.

Mr. Tibbitts contacted the BLM regarding the County's concerns over not be given opportunity to comment on this EA, and the BLM has agreed to try to amend the right-of-way granted to Commnet in order to remove the portion containing the County road.

Sage Grouse Issues: Attorney for the plaintiffs (several rural Nevada counties, including Eureka County, and industry groups, led by Western Exploration, LLC) filed the *PLAINTIFFS' (1) OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGEMENT, (2) OPPOSITION TO INTERVENORS' CROSS MOTION FOR SUMMARY JUDGEMENT, AND (3) REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGEMENT* in the sage grouse case pending in US District Court in Nevada. Among other arguments, the Motion outlined areas of harm and potential safety hazards imposed on Eureka County through the Land Use Plan Amendments.

Notification was received from the attorney that additional funding will be required (Eureka County originally spent \$5,000.00). The Natural Resources Advisory Commission motioned to supply an additional \$5,000.00 from their budget, asking that the County match that amount. Commissioner Etchegaray motioned to authorize an additional \$10,000.00 for costs

related to sage grouse litigation in US District Court, with \$5,000.00 paid from the NRAC budget and \$5,000.00 paid from the Commissioners' budget; Commissioner Sharkozy seconded the motion; motion carried 2-0.

Legislative Interim Committee on Public Lands: The Legislative Interim Committee on Public Lands will meet in Elko on July 28th. Eureka County has been invited to participate and Mr. Tibbitts is preparing comments. These will be reviewed at a future meeting.

Weed District: Beginning in May, the contract weed sprayer spent a month targeting problem areas, primarily Eureka Canyon and portions of Diamond Valley, until the current year's funding ran out. The Weed District also supplied herbicide to the Road Department for treatment of paved roads. Once the new budget year begins July 1st, funds will be available to focus on weeds that respond to summer and fall treatment.

The BLM has committed \$35,000.00, to be paid in the upcoming fiscal year, under a program that provides reimbursement for treatments beneficial to BLM managed lands.

CARET Western Region Meeting: Mr. Tibbitts was appointed as a Nevada CARET (Council for Agricultural Research, Extension, & Teaching) delegate by the Dean of University of Nevada, Reno, College of Agriculture, Biotechnology, & Natural Resources (CABNR). He requested authorization for out-of-state travel to attend an upcoming meeting, noting that all travel, lodging, meals, and per diem expenses will be paid for by CABNR.

Commissioner Etchegaray motioned to authorize out-of-state travel for Mr. Tibbitts to attend the Council for Agricultural Research, Extension, & Teaching Western Region Meeting in Bozeman, Montana, July 11th-14th, with all expenses covered by the College of Agriculture, Biotechnology, & Natural Resources. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

CORRESPONDENCE

Correspondence was received from: Elsie Etchegaray; Nona Kellerman; Sadler Ranch, LLC; Assessor, Michael Mears; Clerk & Treasurer, Beverly Conley (2); Natural Resources, Jake Tibbitts (2); Payroll Specialist, Kim Todd; Public Works; Commissioner Clerk, Jackie Berg; Planning Commission; Economic Development Program Board; Natural Resources Advisory Commission; Medical Clinics Advisory Committee (2); Diamond Valley Weed District; Eureka Owl Club; Crescent Valley Town Advisory Board (4); Barrick Cortez, Inc.; Northeastern Nevada Regional Development Authority; McMullen McPhee & Co., LLC; Nevada Assoc. of Counties (4); Central Nevada Regional Water Authority; White Pine County (3); Allison, MacKenzie, Ltd.; Nevada Health Centers, Inc.; University Center for Economic Dev.; Nevada Div. of Water Resources; Nevada Dept. of Health, Division of Public & Behavioral Health; Nevada Div. of Environmental Protection; Nevada Dept. of Transportation (2); Nevada Dept. of Business & Industry; Nevada State Clearinghouse (2); The Business Advocate newsletter; Western Counties Alliance; US Environmental Protection Agency; US Forest Service, Humboldt-Toiyabe National Forest (3); US Senator, Dean Heller; and Arizona Dept. of Transportation.

PUBLIC COMMENT

Vice Chairman Sharkozy opened the floor for public comments. Lisa Wolf, Chairwoman of the Economic Development Program Board, apologized for any confusion over the monies recommended as matching funds for the signboard in Eureka, noting that the ECEDP Board was under the impression that all of the grant funds were available in the budget. Ms. Wolf added that she would support having Cindy Beutel return to her previous position as an assistant to Economic Development in order to work together on coordination of activities.

Sheriff Keith Logan wished all dads a belated Happy Father's Day. He invited everyone to the Cops & Kids events in Crescent Valley on June 23rd and in Eureka on June 24th.

ADJOURNMENT

Commissioner Etchegaray motioned to adjourn the meeting; Vice Chairman Sharkozy seconded the motion; motion carried 2-0. The meeting was adjourned at 12:15 p.m.

Approved by vote of the Board this 6th day of July, 2016.

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

I, Jackie Berg, Commissioner Clerk, attest that these are a true, correct, and duly approved minutes of the June 20, 2016, meeting of the Board of Eureka County Commissioners.

/s/ Jackie Berg
Jackie Berg, Commissioner Clerk

I, Beverly Conley, Clerk & Treasurer of Eureka County, acknowledge and accept the attached minutes as approved by the Board of Eureka County Commissioners and attested to by the Commissioner Clerk.

/s/ Beverly Conley
Beverly Conley, Clerk & Treasurer