

**EUREKA COUNTY BOARD OF COMMISSIONERS**  
**July 5, 2019**

STATE OF NEVADA            )  
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COUNTY OF EUREKA        )

**CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on July 5, 2019. Present were Chairman J.J. Goicoechea; Vice Chair Michael Sharkozy; Commissioner Rich McKay; 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 a portion of the meeting, but was eventually disconnected due to technical difficulties.

**APPROVAL OF AGENDA**

One item was removed from the Sheriff's section of the agenda. With that change, Commissioner McKay motioned to approve the agenda; Commissioner Sharkozy seconded the motion; motion carried 3-0.

**PUBLIC COMMENT**

Chairman Goicoechea opened the floor for public comments.

Eureka resident, Gary Link, stated he is a neighbor with Kirk & Sharlene Smith, who have an accumulation of garbage and trash on their property on Vandal Way and also park a garbage truck nearby. Mr. Link stated this has made the area unsanitary and unsightly, has caused a rodent and stray cat problem in the area, and will no doubt affect adjacent property values. Mr. Link (and other area residents) received a letter from the District Attorney in March that included a copy of a court order directing the Smiths to have the property cleaned by June 30, 2019, yet he has seen very little progress on the property, which has him concerned.

District Attorney Beutel responded that a hearing is scheduled in Justice Court on July 10<sup>th</sup> and is open to the public. He explained that the June 30<sup>th</sup> deadline was worked out in the plea agreement. It was made clear to the property owners that if cleanup is not accomplished, the County will ultimately step in and facilitate cleanup, which is a more expensive alternative. Costs will be billed back to the property owners as an assessment on the property tax bills.

There were no further public comments.

**APPROVAL OF MINUTES**

June 6, 2019: Commissioner Sharkozy motioned to approve minutes of the June 6, 2019, meeting; Commissioner McKay seconded the motion; motion carried 3-0.

June 21, 2019: The June 21<sup>st</sup> minutes were not available for approval.

**COUNTY COMPTROLLER**

Payment of Expenditures: Expenditures were presented for approval by Comptroller, Kim Todd. Ms. Todd noted that several invoices received from William Bee Ririe Hospital exceeded the six-month deadline, pursuant to NRS 354.200. The invoices were for inmate medical services and employee drug testing. Dates and amounts of the invoices are as follows: 08/14/18 for \$114.00; 08/31/18 for \$204.00; 11/07/18 for \$49.00; 12/10/18 for \$183.00; 12/10/18 for \$120.00; 12/14/18 for \$10.00; 12/14/18 for \$120.00; 12/26/18 for \$114.00; and 12/26/18 for \$160.00. These amounts were included in the totals for the day's expenditures.

Commissioner Sharkozy motioned to pay the late invoices, as read into the record, to William Bee Ririe Hospital; Commissioner McKay seconded the motion; motion carried 3-0. Since this was not the first occurrence of receiving late invoices from William Bee Ririe, the Board asked

that Ms. Todd send a letter notifying that invoices exceeding the six-month deadline will no longer be honored by Eureka County.

Commissioner Sharkozy motioned to approve expenditures in the amount of \$851,377.82 for accounts payable; \$320,006.62 for payroll, retiree, and insurance related expenses; \$109,078.45 for a pass-through tax allocation to the State Controller; \$7,155.91 for a pass-through to the School District; \$870.17 for a pass-through to the Department of Taxation; \$129.00 for a pass-through to Washoe County Sheriff's Office; and \$4,235.10 in Yucca Mountain expenses for a grand total of \$1,292,853.07. Commissioner McKay seconded the motion. Motion carried 3-0.

Fund Balance Report: The Board reviewed the current fund balances.

## **COMMISSIONERS**

Clinical Services Contract: District Attorney, Ted Beutel, is revising the clinical services contract to reflect changes recently provided by the Medical Clinics Advisory Committee. He is waiting on a proforma from William Bee Ririe showing reallocation of monies now that Duckwater Shoshone Tribe is no longer a party to the agreement. In the meantime, MCAC recommends continuing under the existing contract on a month-by-month basis.

Commissioner Sharkozy motioned to continue under the existing Fiscal Year 2018-2019 clinical services contract with William Bee Ririe Hospital on a month-by-month basis pending the new contract; Commissioner McKay seconded the motion; motion carried 3-0.

National Wild Horse & Burro Advisory Board: At the June 21<sup>st</sup> meeting the Commissioners approved a comment letter to the BLM's National Wild Horse & Burro Advisory Board. The letter stated Eureka County's support of all tools provided in the Wild & Free Roaming Horses & Burros Act, as amended, including sale or humane euthanasia for unadoptable excess horses.

There was an immediate response from some of the Advisory Board members questioning Eureka County's support of the recently proposed plan, "*The Path Forward for Management of BLM's Wild Horses & Burros.*"

Mr. Tibbitts clarified that the County will always support other options to get horse herds to Appropriate Management Levels without lethal management or unconditional sale. The proposed plan is the only solution being offered that models an achievable way to reduce numbers to manageable levels using nonlethal methods, and the County unequivocally supports the plan.

Commissioner McKay motioned to send a follow-up letter to the BLM's National Wild Horse & Burros Advisory Board reaffirming support of the proposed plan, "*The Path Forward for Management of BLM's Wild Horses & Burros.*" Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Sagebrush Ecosystem Program: The Sagebrush Ecosystem Council met on June 27<sup>th</sup> in Reno. The SEC is sending letters to mining entities that aren't complying with State regulations concerning mitigation. On December 7, 2018, Governor Sandoval signed an Executive Order establishing use of the Nevada Greater Sage-Grouse Conservation Plan & Credit System. Mines operating under a Record of Decision after December 7<sup>th</sup> must participate in the Conservation Credit System. This applies to all developers operating on State or federal lands.

## **SENIOR CENTERS**

Update Report: Senior Centers Program Director, Millie Oram, reported on activities at the Eureka and Fannie Komp Senior Centers. In June Eureka served 638 meals and Crescent Valley served 565 meals, resulting in fiscal year totals of 7,936 meals served in Eureka and 6,265 meals served in Crescent Valley. A total of \$5,728.00 was deposited in June. The highlight of the month was a trip to Carson City where the seniors rode the vintage train to Virginia City.

## **ROAD DEPARTMENT**

Report on Activities: Jayme Halpin, Road Equipment Operator III, reported on Road Department activities. In June, crews finished spraying roads with pre-emergent herbicide.

Magnesium chloride was applied to about 10 miles of Roberts Creek Road for dust suppression. More culverts were installed at Roberts Creek to handle the runoff. After two months of above-average rainfall, crews are reblading roads throughout the County and blading the roughest portions of outlying roads until the entire road can be addressed.

## **PUBLIC HEARING TO AMEND PERSONNEL POLICY**

**Notice:** Notice was given that a public hearing would be held on July 5<sup>th</sup> to hear public comments and take action on a resolution amending Section 7.5 of the Eureka County Personnel Policy regarding retiree health insurance premium subsidies. The resolution was proposed by the Commissioners on May 20<sup>th</sup>, circulated to all employees and retirees for comment, and available for public examination at the Clerk's office.

**Public Hearing:** Chairman Goicoechea opened the public hearing and invited questions or comments related to the proposed policy change. No comments were forthcoming.

**Adopt Resolution:** Commissioner Sharkozy motioned to adopt a resolution amending Eureka County Personnel Policy by changing Section 7.5, Retiree Health Insurance Premium Fund, to 7.5.1 to add clarifying language, and to add a new policy, Section 7.5.2, Retiree Health Reimbursement Plan. Commissioner McKay seconded the motion. Motion carried 3-0.

*Eureka, Nevada*

*Proposed May 20, 2019*

*Adopted July 5, 2019*

### **RESOLUTION**

#### **REGARDING AN AMENDMENT TO THE PERSONNEL POLICY ON RETIREE HEALTH INSURANCE REIMBURSEMENT PLAN**

WHEREAS, the Eureka County Personnel Policy in Section 7.5 provides for the administration and eligibility of the Retiree Health Insurance Premium Fund; and

WHEREAS, the Board of County Commissioners have determined a need to revise the health plan offered to county retirees as well as eligibility for the retiree health insurance subsidy currently offered;

NOW THEREFORE BE IT RESOLVED that Section 7.5 of the Eureka County Personnel Policy is amended pursuant to the procedure contained in the Eureka County Code, Title 2, Chapter 50, to read as follows:

#### **7.5 Retiree Health Insurance Premium Fund**

##### **7.5.1 Policy**

The retiree health insurance premium fund shall remain under the direct control of the Board of County Commissioners, who shall consider the direction provided by the Comptroller's Office for this fund and the benefits available from it, but the benefits payable from it are terminable at any time at the Board's discretion.

Benefits from the retiree health insurance premium fund are only available to persons currently receiving a subsidy and persons who retire into PERS directly from service with the Eureka County employer. Only persons employed by the employer on or before July 1, 2009, are eligible for this benefit. Person employed after July 1, 2009, or who leave employment and then later return after July 1, 2009, will never be eligible for the retiree health insurance subsidy.

**Retirees who have opted out of the County's Group Health Care Plan prior to July 1, 2019, and Choose to reinstate into the County's Group Health Insurance Care Plan (pursuant to NRS 287.0205) will not be eligible for retiree health insurance subsidy.**

##### **7.5.2 Retiree Health Reimbursement Plan**

**A Health Reimbursement Account (HRA) will be offered to retirees who meet the following criteria:**

- 1. Meet the subsidy eligibility requirements per criteria set forth in Section 7.5.1; and**
- 2. Are/or become Medicare eligible; and**

3. Are currently enrolled in County's Group Health Care Plan; and
4. Opt to waive the County's Group Health Care Plan medical coverage

Retirees who meet these criteria will have the option to enroll in the HRA plan and still be subsidy eligible. The subsidy amount available to them through the HRA will be the same as the subsidy amount available to eligible retirees were they to remain on the County's Group Health Insurance Care Plan.

Subsidies from the HRA will be issued as reimbursements for premiums only related to Medicare and any qualified Medicare Advantage or supplemental policies.

To receive a reimbursement, retirees must provide proof of enrollment, cost, and/or payment annually to the Comptroller's Office. Subsidy reimbursement amounts will not exceed eligibility criteria set forth in Section 7.4 of the Eureka County Personnel Policy, nor exceed the cost of a retiree's Medicare policies, regardless of the retiree's eligible subsidy amount.

Retirees enrolled in the HRA will have the option to keep the County's dental and/or vision plans.

The Retiree Health Reimbursement Plan shall remain under the direct control of the Board of County Commissioners, who shall consider the direction provided by the Comptroller's Office for this fund and the benefits available from it, but the benefits payable from it are terminable at the Board's discretion.

IT IS FURTHER RESOLVED that this change to the policy which will become effective July 5, 2019, was proposed on the 20<sup>th</sup> day of May, 2019, and was circulated to the Commissioners for their review and modification that same day; and

IT IS FURTHER RESOLVED that at the direction of the Commissioners, the Commissioner Clerk circulated this Resolution for review to all departments for distribution to County employees, requesting comment; and

IT IS FURTHER RESOLVED a public hearing was conducted on the 5<sup>th</sup> day of July, 2019, following publication in the *Eureka Sentinel* at least ten (10) days before the hearing; and

IT IS FURTHER RESOLVED at the public hearing, the Commissioners may adopt, reject, or adopt with revisions or amendments this proposed change to the Personnel Policy.

ADOPTED this 5<sup>th</sup> day of July, 2019.

/s/ J.J. Goicoechea, DVM  
Chair of the Board  
Eureka County Commissioners

Attest: /s/ Jackie Berg  
Commissioner Clerk

## **SHERIFF**

Quarterly Reports: Sheriff Jesse Watts provided quarterly reports showing Patrol, Detention, Communications/Dispatch, and Civil Service statistics for April, May, and June. These included 2,246 patrol incidents with 11 arrests, and 2,270 communication incidents for the quarter.

There were 13 new jail bookings and 14 inmates housed during the quarter, for a total of 172 inmate days. The Sheriff reported that the day started with five inmates, but one was released on bail early that morning. The Detention Facility report included results of the risk management audit concluded on May 1<sup>st</sup>. Overall results showed that staff and administration are moving in the appropriate direction to correct deficits and ensure proper care of inmates.

Staffing Update: A total of 22 FTEs (full-time equivalents) are allocated to the Sheriff's Office and 20 of the positions are currently filled, with three scheduled to start later in the month.

The two vacant positions are for Dispatch. A contingent offer for one position has been made pending background check, which will leave only one vacancy. Sheriff Watts described the various efforts to train, certify, and cross-train staff.

Introduction of Deputy: Sheriff Watts introduced Deputy Sheriff, Matthew Crimm, who is assigned to Detentions. Deputy Crimm said he is happy to return to Eureka where he attended four years of school, graduating from Eureka County High School, so he is familiar with the area and many of the people.

Employee of the Quarter: Sheriff Watts recognized Clara Bundy, in Communications, as Employee of the Quarter. She was nominated by several staff members who commented on her enthusiasm, smiling face, and excellent attitude. Ms. Bundy does not shy away from new tasks and recently presented “Below 100” safety sensitive training. More than one employee remarked on what a wonderful job she did.

Ms. Bundy modestly responded, “I’m just doing my job.”

Security Cameras: Two quotes were obtained to upgrade and enhance the surveillance security system at the Sheriff’s Office and Detention Facility. Sheriff Watts explained that there are currently only 16 cameras throughout the entire facility. The existing cameras will be upgraded and multiple new cameras will be added to eliminate blind spots that create high liability areas.

Commissioner Sharkozy motioned to approve a quote from Desert Hills Fire & Security Systems to upgrade the security camera surveillance system at the Sheriff’s Office and Detention Facility, for a not to exceed amount of \$45,000.00, to be paid from capital outlay in the Sheriff’s budget (010-034-55010-000). Commissioner McKay seconded the motion. Motion carried 3-0.

New Patrol Vehicles: Sheriff Watts indicated that the budget includes funds to purchase two new patrol vehicles. He obtained bids from Champion Chevrolet, utilizing Nevada State Purchasing Contract #8477, for a 1/2-ton pickup for Eureka and a 3/4-ton pickup for Crescent Valley. Vehicle Lighting Solutions, Inc., provided a quote to upfit the vehicles with lighting and other patrol modifications. The 1/2-ton pickup will replace the Sheriff’s vehicle, a 2011 model; and the 3/4-ton pickup will replace Sergeant Evertsen’s vehicle, a 2015 model with over 150,000 miles.

The Chairman inquired about the balance available in the Capital Projects Fund. The Sheriff explained that \$15,000.00 charged against the fund for RIMS software should be charged to machine maintenance in the Sheriff’s budget, and he requested that correction.

With that clarification, Commissioner Sharkozy motioned to approve purchasing and upfitting two patrol vehicles, not to exceed \$110,000.00, to be paid from monies budgeted for Sheriff’s vehicles in the Capital Projects Fund (042-140-55010-092). Commissioner McKay seconded the motion. Motion carried 3-0.

## **PUBLIC WORKS**

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

Utilities & Facilities: All utility systems are in good working order. Bids will be advertised beginning July 23<sup>rd</sup> and opened on August 6<sup>th</sup> for abatement and building demolition at 50 South Main Street in Eureka, property commonly known as the Klindt building. The contract will be for 60 days, split into two 30-day periods. The Eureka Senior Center will be vacated for the initial 30-day period, due to a shared wall with the structure, but will continue services by operating out of the Opera House.

The Utility Crew has been working on the lower ball field in Eureka to install a French drain to address a spring that has developed in left field. They are working diligently to have the area dry in time for the VFW Mid-Summer Classic Men’s Softball Tournament, which begins July 26<sup>th</sup>.

Fire Training: The Dunphy volunteer firemen completed Annual Red Card refresher training for wildland firefighting on June 28<sup>th</sup>.

Richmond Consolidated Slag Pile: EQM (Environmental Quality Management) is making good progress on the southern slag pile in Eureka and is ready to begin constructing the fence, which will take about two weeks, and will officially conclude the US EPA's presence in Eureka.

Commissioner McKay asked about the timeframe for implementation of the Eureka Smelter Site Institutional Control Plan.

Mr. Damele is working with Nevada Division of Environmental Protection to develop a fact sheet before work begins to implement the ICP. The NDEP person has other priorities until the end of August, so there will be a delay in distribution of the fact sheet and ultimate implementation of the soil controls.

Airport Snow Plow: A no-cost Change Order was issued for the Eureka Airport snowplow. A transfer case manufacturer delay would have extended delivery 45 days behind schedule, but the Change Order should allow delivery by August 16<sup>th</sup>.

Radio Repeater Upgrades: The radio upgrade project is complete for Fiscal Year 2018-2019, and planning will begin for Fiscal Year 2020-2021 upgrades.

Kobeh Valley Test Well Project: Public Works will work with Dale Bugenig, Consulting Hydrogeologist to prepare specifications to advertise a Request for Qualifications for the Kobeh Valley Test Well Project, as part of continued efforts to secure municipal water sources.

Commissioner Sharkozy motioned to authorize staff to prepare documents and specifications for the Kobeh Valley Test Well Project; Commissioner McKay seconded the motion; motion carried 3-0.

## **OLCESE WASTE SERVICES**

Implementation of New Household & Commercial Waste Collection Service: Rick Lake, Operations Manager for Olcese Waste Services, was in attendance to report on implementation of household and commercial waste collection services, which will be offered to all residents of Eureka County beginning August 1<sup>st</sup>.

Mr. Lake reported a new truck has been ordered and a back-up truck is being prepared. New carts and containers have been ordered and delivery and placement will begin around July 15<sup>th</sup>. Commercial containers will be delivered first, followed by residential carts. It will be the responsibility of Hoss Disposal to remove its containers.

Anyone signing up for new service by July 12<sup>th</sup> will receive free delivery of their residential or commercial cart or container. Customers can sign up by mail, online, or by calling the toll-free number. When carts are delivered a flyer will be placed under the lid with service dates and other pertinent information.

Mr. Lake is meeting with the School District later in the day, will attend the Eureka Business Network meeting on July 10<sup>th</sup> and will attend the Crescent Valley Town Advisory Board meeting on July 11<sup>th</sup>.

Public Works distributed notice of the new service with contact and sign-up information to all mailboxes in the County and to all County staff. Flyers and sign-up information are available at various locations in Eureka and Crescent Valley.

## **NATURAL RESOURCES**

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities and meetings. He thanked Commissioners Sharkozy and McKay for attending the meeting with BLM on July 2<sup>nd</sup> to discuss the Prospect Mountain Project Draft EA.

Mr. Tibbitts has selected a person to fill the vacant Department Assistant position. She will begin on July 15<sup>th</sup>, and Mr. Tibbitts will introduce her to the Board at a future meeting.

Society for Range Management: On June 27<sup>th</sup>, Mr. Tibbitts attended the summer meeting of the Nevada Section Society for Range Management, which included a tour of the Paradise Valley portion of the Martin Fire. He felt it was a very good meeting that included a range of people, including affected ranchers and rangeland scientists.

Triple B Complex Wild Horse Gather: The BLM, Elko and Ely Districts, will begin the Triple B Complex Wild Horse Gather on July 8<sup>th</sup>, which is expected to last 20-25 days. The Complex includes the east slope of the Diamond Mountains, so Eureka residents will likely see some activity in and around town from people involved or interested in the gather.

AML (Appropriate Management Level) for the Triple B Complex is 470 to 900 horses. The BLM estimates there are currently 3,400 horses in this HMA (Herd Management Area) and states that approximately 2,500 horses will remain following the gather. The overpopulation of these horses is causing drift into other areas, including Newark Valley and the Diamond Range onto the Eureka County side.

Mr. Tibbitts also informed that the Fish Creek HMA was included in the official gather schedule for September, which Eureka County has been advocating for a long time. BLM plans to gather 500 horses.

Chairman Goicoechea will tour the Fish Creek HMA and parts of the Triple B Complex on July 8<sup>th</sup> with a reporter from the *Washington Post*. She will be able to see the damage first-hand and understand why Eureka County is so concerned and works hard to protect natural resources.

Western Governors' Association: The Western Governors' Association held its annual meeting in Colorado June 10<sup>th</sup>-12<sup>th</sup> and selected this year's Chairman, Governor Doug Burgum of North Dakota. Each Chairman selects an initiative for their term and Governor Burgum has selected "Reimagining the Rural West." Details of the Initiative will be announced during a July 16<sup>th</sup> webinar, which Mr. Tibbitts plans to watch.

Fuel Breaks in the Great Basin: The public draft of the Programmatic EIS for Fuel Breaks in the Great Basin was released on June 21<sup>st</sup> with a 45-day comment period. Multiple workshops have been scheduled throughout the west, including one in Elko on July 16<sup>th</sup> (which Mr. Tibbitts will attend) and one in Ely on July 17<sup>th</sup>.

Barrick Sage-Grouse Bank Enabling Agreement: Mr. Tibbitts drafted a comment letter in response to the BLM's Environmental Assessment analyzing Barrick's Sage-Grouse Bank Enabling Agreement Public Land Project Plan. He thanked Barrick for providing the County a copy of the Plan over a year ago, and for some of the positive changes made to the draft after Barrick attended a Natural Resources Advisory Commission meeting to discuss the Plan.

The comment letter highlights the County's concerns and requests related to County roads, wild and feral horses, required mitigation, use of current rangeland science, and other issues. It recommends adding the State Conservation Credit System as an Alternative. The letter is supportive of the Plan and asks for close coordination with Eureka County.

Commissioner Sharkozy motioned to approve sending the letter to the BLM, Mount Lewis Field Office, commenting on the Barrick Nevada Sage-Grouse Bank Enabling Agreement Public Land Project Plan EA. Commissioner McKay seconded the motion. Motion carried 3-0.

## **CORRESPONDENCE**

Correspondence was received from: Notice of Legal Proceeding in Seventh Judicial District Court in Case No. CV1902-348; Public Works, Ron Damele (2); Eureka County High School; Nevada Assoc. of Counties; Kelly C. Brown, PLLC; Nevada Health Centers; Nevada Commission on Ethics; Eastern Sierra Trails Coalition; Nevada Dept. of Taxation; Nevada Dept. of Business & Industry; and US Dept. of the Interior-BLM (3).

## **PUBLIC COMMENT**

Chairman Goicoechea called for public comments; there were none.

## **ADJOURNMENT**

Commissioner Sharkozy motioned to adjourn the meeting; Commissioner McKay seconded the motion; the meeting was adjourned at 10:55 a.m.

Approved by vote of the Board this 19<sup>th</sup> day of July, 2019.

/s/ J.J. Goicoechea, DVM

J.J. Goicoechea, Chairman

*I, Jackie Berg, Commissioner Clerk, attest that these are a true, correct, and duly approved minutes of the July 5, 2019, meeting of the Board of Eureka County Commissioners.*

Jackie Berg

Jackie Berg, Commissioner Clerk

*I, Lisa Hoehne, Clerk Recorder 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.*

Lisa Hoehne

Lisa Hoehne, Clerk Recorder