

EUREKA COUNTY BOARD OF COMMISSIONERS

July 6, 2018

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 6, 2018. Present were Chairman J.J. Goicoechea; Vice Chairman Michael Sharkozy; Commissioner Fred Etchegaray; District Attorney, Ted Beutel (until needed in District Court); and Commissioner Clerk, Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance. The interactive video conferencing system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

APPROVAL OF AGENDA

Commissioner Sharkozy motioned to approve the agenda as posted; Commissioner Etchegaray seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Goicoechea called for public comments; there were none.

APPROVAL OF MINUTES

June 20, 2018: Commissioner Sharkozy motioned to approve minutes of the June 20, 2018, meeting; Commissioner Etchegaray seconded the motion; motion carried 3-0.

COUNTY COMPTROLLER

Payment of Expenditures: Expenditures were presented for approval by Comptroller, Maureen Garner. The total included a payment to Genesis Home Health, which needed approval by the Board since it exceeded the contract amount by \$620.00. Genesis contracts with Eureka County to provide skilled nursing visits to qualifying seniors and qualifying persons with disabilities. In past years, they have never come close to reaching the contract limit.

Commissioner Sharkozy motioned to authorize payment to Genesis Home Health Services for \$620.00 in excess of the contract amount of \$10,000.00 for Fiscal Year 2017-2018; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Commissioner Etchegaray motioned to approve expenditures in the amount of \$642,121.13 for accounts payable, \$351,044.92 for payroll, \$101,761.17 for a pass-through tax allocation to the State Controller, \$4,804.00 for a pass-through to the School District, \$714.19 for a pass-through to the Department of Taxation, \$650.00 for a pass-through to the Division of Minerals, and \$13,815.65 in Yucca Mountain expenditures, for a grand total of \$1,114,911.06. (Note: This total increased to \$1,115,761.06 later in the day when the Commissioners approved a grant in the amount of \$850.00.)

Fund Balances Report: The Board reviewed the report showing current fund balances.

COMMISSIONERS

Rural & Agriculture Council of America: A request was received from Rural & Agriculture Council of America for Eureka County to sign a letter to Senator Dean Heller expressing support for the Land & Water Conservation Fund. Chairman Goicoechea noted that he would not vote to support this.

Natural Resources Manager, Jake Tibbitts, briefly explained that the purpose of the fund is for the federal government to purchase more land and water rights. He added that Nevada is

the largest public lands state in the nation, and the federal government has challenges managing the resources they already have.

Commissioner Sharkozy motioned to deny the request from the Rural & Agriculture Council of America and to deny signing a letter supporting the Land & Water Conservation Fund; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Sagebrush Ecosystem Program: The Sagebrush Ecosystem Council will meet on July 17th. Chairman Goicoechea (also Chairman of the SEC) has been invited to Idaho to hear a presentation at the Governor's office on new science related to grazing and impacts. This data may be pertinent to the BLM Draft EIS (for the Nevada & Northeastern California Greater Sage-Grouse Resource Management Plan Amendment). Comments on the EIS are due August 2nd.

GRANT REQUEST TO ATTEND NATIONAL HIGH SCHOOL FINALS RODEO

Grant Supporting Chace Green: Chace Green appeared before the Commissioners and requested funding assistance for traveling and related costs to participate in the National High School Finals Rodeo in Rock Springs, Wyoming, July 15th-21st. He explained that he qualified fourth in the State for steer wrestling.

Commissioner Sharkozy motioned to grant \$850.00 to Chace Green, to be paid from Commissioners' grants, to help with traveling and related costs to attend the 2018 National High School Finals Rodeo. Commissioner Etchegaray seconded the motion. Motion carried 3-0. The Board requested that this expenditure be added to the days' total, so that a check could be issued in advance of the travel.

SENIOR CENTERS

Update Report: Senior Centers Program Director, Millie Oram, reported on activities at the Eureka Senior Center and Fannie Komp Senior Center. In June, Eureka served 705 meals and Crescent Valley served 459 meals. A total of \$2,520.40 was deposited for the month. The Eureka Senior Center continues preparing meals at the Opera House while the kitchen floor is being repaired. The \$5,000.00 Food Bank of Nevada grant was awarded, allowing purchase of a commercial freezer.

Fiscal Monitoring Reports: Nevada Aging & Disability Services Division conducted fiscal monitoring on the following grants: Transportation Services Grant #07-000-10-BC-17 for the period of July 1, 2016, through June 30, 2017; and Nutrition Services Grants #07-000-04-24-17, #07-000-07-13-17, #07-000-57-NX-17 for the period October 1, 2016, through September 30, 2017. The final report noted that all requirements of the grants were met.

Casual Worker III: A casual employee is retiring and Ms. Oram submitted a Hiring Freeze Waiver Justification requesting authorization to refill this budgeted position.

Commissioner Etchegaray motioned to authorize hiring a replacement Casual Worker III for the Eureka Senior Center; Commissioner Sharkozy seconded the motion; motion carried 3-0.

PUBLIC HEARING TO CONSIDER ORDINANCE

Notice: Notice was given that a public hearing would be held on July 6th to invite public comments and take action on an ordinance amending the 2014 Eureka County Code, by adding a new chapter to Title 4 (Licenses, Permits, Fees, & Taxes), to designate the Treasurer as the collector of personal property taxes pursuant to NRS 361.5606.

Public Hearing: Chairman Goicoechea opened the public hearing and invited comments on the proposed ordinance. No comments were forthcoming.

Adoption of Ordinance: Commissioner Etchegaray motioned to adopt the 2018 Personal Property Tax Collector Ordinance amending the 2014 Eureka County Code; Commissioner Sharkozy seconded the motion; motion carried 3-0.

ROAD DEPARTMENT

Report on Activities: Jayme Halpin, Road Equipment Operator III, reported on Road Department activities. The following roads were bladed in northern Eureka County: Geyser Road, Frenchie Flat, Stafford Canyon, and Rocky Canyon. Posts were set for a toddler swing at the Crescent Valley Town Park, but installation was delayed because of missing hardware. The following roads were bladed in southern Eureka County: Tonkin Road, Willow Road, Roberts Creek Road, 3C Road, Antelope Road, Fish Creek Summit, Allison Creek, and multiple roads in Diamond Valley. Crews are working on brush around roads in Spring Valley and Windfall Canyon.

PUBLIC WORKS

Public Works Update: Public Works Director, Ron Damele, reported on Public Works projects and activities. All utility systems are in good working order. Water will be off in Devil's Gate GID, District #1 and District #2, on July 9th for about two hours to extend the mainline west from Frontier Street.

Facilities: The insurance contractor should have floor repairs completed by the end of the month at the Eureka Senior Center; they are currently waiting on supplies. The annual grant was received for the visiteurekanevada.com website. The Eureka Swimming Pool had 225 swimmers over the holiday (July 3rd-5th). Missoula Children's Theater will be at the Opera House beginning July 16th, culminating with a performance by local children on July 21st.

EPA: The US Environmental Protection Agency and their contractor, Environmental Quality Management, ceased cleanup work in Eureka for the July 4th holiday and will resume on July 9th. Public Works has been meeting with EPA and EQM to review an Institutional Control Plan and a Soils Management Plan, with the goal of helping facilitate an end date for the cleanup project.

Fires: There was a structure fire in Crescent Valley on June 29th. The emergency call went out at 10:20 p.m. and the last unit left the scene at 6:30 a.m. the next morning. Responders included Volunteer Fire Departments from Crescent Valley and Beowawe, Carlin Volunteer Fire Department, and Barrick Cortez. Mr. Damele wished to recognize Carlin VFD and Barrick Cortez for responding, noting they were a "huge help". The Commissioners agreed that their help was appreciated and will acknowledge their efforts with a thank-you letter.

There were some wildland fires in the foothills in southern Eureka County on July 5th. Eureka VFD and BLM did a good job of catching them before a serious fire developed.

Respirator fit testing and training will be done at the Crescent Valley Fire Station on July 10th for the Crescent Valley and Beowawe volunteers.

Property Corner Search: In January, Dennis Cunningham proposed a land exchange between himself and the County where he would relinquish property under paved streets in exchange for abandonment of easements for roadways that were never built.

Mr. Damele obtained a proposal from Lumos & Associates to complete a property corner search on Mineral Street in Eureka for the subject parcels. Mr. Cunningham reviewed and signed the proposal, agreeing to equally share the surveying costs.

Commissioner Sharkozy motioned to accept the proposal from Lumos & Associates for professional surveying services for APNs 001-116-01, 012-117-01, 001-161-02 in Eureka, with the total cost of \$3,800.00 to be split equally by Eureka County and Dennis Cunningham. Commissioner Etchegaray seconded the motion. Motion carried 3-0.

FAIR BOARD

Letter of Resignation: The Fair Board received a letter of resignation from Rebecca Glocknitzer, who will be moving out of the area. Commissioner Etchegaray motioned to accept the resignation of Rebecca Glocknitzer from the Eureka County Fair Board, effective June 15th; Commissioner Sharkozy seconded the motion; motion carried 3-0.

PUBLIC HEARING – RECODIFICATION OF EUREKA COUNTY CODE

Notice: Notice was given that a public hearing would be held on July 6th to invite public comments and take action on a revision and codification of the County Code, to update the July 2014 codification as amended, pursuant to NRS 244.116 and NRS 244.117.

Public Hearing: Chairman Goicoechea opened the public hearing and invited public comments. Hearing none, he asked for public comments a second and a third time. No comments were forthcoming.

Adoption of Eureka County Code Ordinance (Recodification): Commissioner Sharkozy motioned to adopt the 2018 Eureka County Code Adoption Ordinance, an ordinance enacting a revision and codification of the general ordinances of Eureka County. Commissioner Etchegaray seconded the motion. Motion carried 3-0.

NATURAL RESOURCES

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities, including the following: a NACO Public Land & Natural Resource Subcommittee meeting on June 21st; the County Advisory Board to Manage Wildlife meeting the evening of June 21st; a Groundwater Management Plan meeting on June 26th to open signed petitions; and a small group meeting with Deputy Secretary of the Interior, David Bernhardt, in Carson City on June 28th, followed by the PILT (Payment in Lieu of Taxes) ceremony.

County's Op-Ed: At the NACO Public Land & Natural Resource Subcommittee meeting on June 21st, Mr. Tibbitts shared the County's op-ed (approved on June 20th for media distribution). The op-ed is meant to counteract the negative misinformation concerning Senator Heller's intent to introduce a bill for release of Wilderness Study Areas found unsuitable for designation.

Many counties expressed interest in signing on, but need formal approval from their respective Commissions. To date, formal co-signers include Elko, Humboldt, Churchill, and Lander Counties. The Board asked Mr. Tibbitts to wait another week before releasing the op-ed to allow additional time for interested counties to sign on.

Deputy Secretary Meeting: Mr. Tibbitts said the meeting with Deputy Secretary Bernhardt was quite worthwhile, and he felt Mr. Bernhardt made some substantial commitments. Discussion included the BLM's EIS for the proposed amendment to the Nevada & Northeastern California Greater Sage-Grouse Resource Management Plan, and ways to strengthen and insulate the EIS. The group discussed RS 2477 rights-of-way and Mr. Bernhardt was receptive to having the Department encourage cooperation from the BLM in the quiet title process for non-controversial roads.

Sage Grouse Issues: The NEPA process has begun on the US Forest Service's intent to amend their sage grouse land use plans. Supplemental Notice of Intent (to draft an EIS) was published in the Federal Register on June 20th and scoping comments are due by July 20th.

Mr. Tibbitts has been working with Jeremy Drew of Resource Concepts, Inc., on review of the BLM's EIS to amend their sage grouse plan, and will present draft comments for the Board's approval at the next meeting in advance of the August 2nd comment deadline.

Mr. Tibbitts also worked with Mr. Drew on review of the Adaptive Management Plan, Appendix D to the BLM's EIS. Their input will be provided to the Sagebrush Ecosystem Technical Team, and will be addressed at the July 17th meeting of the Sagebrush Ecosystem Council.

Monitoring Wells: Consulting Hydrogeologist, Dale Bugenig, and the US Geological Survey have detected some drawdown in the groundwater levels in Kobeh Valley, with no apparent cause. Monitoring in that area has been sporadic, so there is a lack of data. Mr. Tibbitts obtained a proposal from the USGS to add four wells to the existing groundwater monitoring program.

Total cost to manually monitor four wells at six week intervals is \$7,200.00 and the USGS will match about 45% of total costs, with the County paying no more than \$4,000.00. Mr. Tibbitts felt quarterly monitoring (12 week intervals) was sufficient, which would lower the actual cost.

Commissioner Etchegaray motioned to add monitoring of four wells in Kobeh Valley to the Hydrologic Monitoring Program Joint Funding Agreement with US Geological Survey, not to exceed \$4,000.00. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Prospect Mountain Project EA: Mr. Tibbitts prepared a comment letter to the BLM regarding the Gullsil, LLC, Prospect Mountain Project EA. The letter stated that Eureka County supports this project and is grateful for efforts put forth by the proponent to develop a strong working relationship with the County. Specific comments on the EA were concerning outstanding issues that the County would like to see addressed and were primarily related to water quantity, grazing resources, and access.

Commissioner Etchegaray motioned to send comments to the BLM on the Prospect Mountain Project EA; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Wild Horse Lawsuit: Mr. Tibbitts reported that a lawsuit has been filed to stop a BLM wild horse gather in Lincoln County. The suit was filed by American Wild Horse Campaign, The Cloud Foundation, Western Watersheds Project, and Laura Cunningham (an individual from Beatty). Any decisions about wild horses in the State of Nevada will impact Eureka County, and Mr. Tibbitts and Chairman Goicoechea both voiced concerns that this lawsuit is particularly troubling.

The wild horse advocacy groups characteristically challenge decisions regarding horses, but it is concerning that Western Watersheds Project, an avid anti-grazing group, seems to now be using this as an avenue to remove livestock from public lands. This lawsuit is asking that all permitted livestock be removed before any horses are removed.

The Chairman felt action may be required in the next couple of weeks, and the Board agreed to give direction that would allow the County to move forward, consistent with past actions, should that be necessary.

Commissioner Etchegaray motioned to direct Mr. Tibbitts to work with Chairman Goicoechea to track this recent lawsuit filed in United States District Court in Washington, DC, and to authorize County staff and officials to take steps up to, and including, intervention to join the case. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Wild Horse Issues: Acting State Director for Nevada BLM, Mike Courtney, is compiling a priority list of horse gathers. Mr. Tibbitts has requested current numbers from the BLM District Offices for horse populations. He hopes the data will induce Mr. Courtney to elevate problematic Herd Management Areas in Eureka County, particularly the Fish Creek HMA because NEPA analysis has already been done.

Mr. Tibbitts stated that horses in the Fish Creek HMA are already bunched up against the fence along the highway due to lack of water. Conditions are drastic and this is becoming a humane issue. With NEPA completed, an emergency horse gather could be done without delay.

Chairman Goicoechea remarked that the Pancake HMA was already out of water and an emergency water trap gather was planned to begin July 9th. Another gather was underway at Ferguson Spring in the Antelope Complex. The Chairman agreed with Mr. Tibbitts – the BLM needs to be informed about what is happening locally.

On July 14th, the Chairman (as State Veterinarian) will be speaking on the welfare of wild horses at the American Veterinary Medical Association Convention. He relayed that he intends to be very frank.

FOLLOW-UP ON PUBLIC HEARING TO CONSIDER NUISANCE

Background: In late 2016, a citizen filed a complaint alleging that accumulation of materials at a residential property in Eureka constituted a public nuisance. The County investigated the matter and conducted a public hearing on December 20, 2016, concerning 361 Ruby Hill Avenue and 61 Vandal Way. The public hearing resulted in an explanation from the property owners, Kirk & Sharlene Smith, that they had started a recycling business, but were committed to cleaning up the properties. Since that time, Mr. Smith has provided periodic updates regarding cleanup efforts.

Status of Cleanup: Mr. Smith returned for a subsequent update. He had contacted Pacific Steel & Recycling about having them haul the metal. They responded that they didn't have the equipment or manpower and even if they did, the costs would likely exceed any profits.

Mr. Smith hauled one 4,000+ lb. load on June 22nd, but metal prices have dropped to \$20.00-\$40.00 a ton (he was previously getting \$80.00 per ton). Due to this, the plan is to continue loading metal on a 24 ft. trailer and two smaller trailers, but nothing will be hauled until prices go back up. Mr. Smith offered to return in September to give another report on progress.

CORRESPONDENCE

Correspondence was received from: District Attorney, Ted Beutel (2); Natural Resources, Jake Tibbitts (2); Juvenile Probation & Class of 2018; Crescent Valley Town Advisory Board (2); William Bee Ririe (Eureka Clinic flyer); Kelly C. Brown, PLLC; MedX AirOne; Nevada Assoc. of Counties (2); Food Bank of Northern Nevada; Lumos & Assoc.; Allison MacKenzie Ltd.; Nevada Aging & Disability Services Div. (2); Nevada Republican Party; *Nevada Independent* article; Nevada Div. of Environmental Protection; Nevada Dept. of Taxation; Nevada Dept. of Transportation (2); Consumer Direct Care Network; Rural & Agriculture Council of America; Secretary of the Interior, Ryan Zinke; The Ohio State University; and US Court of Federal Claims.

Chairman Goicoechea publicly thanked Cole Mortensen, of NDOT, for the thank you letter following their June 20th visit, and particularly for his acknowledgement of the County's concerns.

Commissioner Sharkozy said residents should all be receiving information and membership cards by mail from MedX AirOne explaining membership in the Northern Nevada EMS Consortium.

PUBLIC COMMENT

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

ADJOURNMENT

Commissioner Sharkozy motioned to adjourn the meeting; Commissioner Etchegaray seconded the motion; the meeting was adjourned at 10:29 a.m.

Approved by vote of the Board this 20th day of July, 2018.

/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 July 6th, 2018, 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