

EUREKA COUNTY BOARD OF COMMISSIONERS
Special Meeting - July 12, 2016

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 12, 2016. Present were Chairman J.J. Goicoechea; Vice Chairman Michael Sharkozy; Commissioner Fred Etchegaray; District Attorney, Ted Beutel; and Commissioner Clerk, Jackie Berg. The meeting was called to order at 10:00 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. Chairman Goicoechea expressed sorrow over the loss of two BLM firefighters who lost their lives in a crash near Denio on July 10th while returning from duty. The families of these two young men are in people's thoughts and prayers. The Chairman led everyone in a moment of silence to honor these extraordinary young men whose lives were dedicated to the service and protection of the people of Nevada.

COUNTY COMPTROLLER

Payment of Expenditures: Expenditures were presented for approval by Assistant Comptroller, Kim Todd. Commissioner Etchegaray motioned to approve expenditures in the amount of \$18,550.39 for accounts payable; Commissioner Sharkozy seconded the motion; motion carried 3-0.

FIRE DEPARTMENT QUARTERLY REPORTS

Eureka Fire Department: A written report for the Eureka Volunteer Fire Department was received from Chief Dan Brown. The third quarter of Fiscal Year 2015-2016 (January, February, March) included four responses: one vehicle fire and three other incidents. Training for the quarter included heavy engine pumps, fire hydrants, and hose usage.

The fourth quarter of (April, May, June) included seven responses: three fires, three motor vehicle accidents, and one medical assist. Training included rescue vehicle and tools, drafting wildland trucks, and radios.

Crescent Valley Fire Department: A written report for the Crescent Valley Volunteer Fire Department was received from Chief Walter Butler. The third quarter of FY 2015-216 (January, February, March) had no emergency responses. Walk-throughs were conducted with three local businesses to assess emergency entrances, access, power shut-offs, and location of any hazardous materials. The quarter ended with 12 active volunteers and two new volunteers on inactive status.

There were two emergency responses during the fourth quarter (April, May, June) consisting of one wildland fire and one medical assist. Training included the RT 130 refresher course and SCBA (self-contained breathing apparatus) fit testing. All fire engines were operationally tested and one minor problem was addressed. The quarter ended with eight active volunteers, two inactive volunteers, and one new applicant. Five volunteers either resigned or were removed from the active list. Assistant Chief, Richard Crum, resigned due to employment relocation. Rick Harding was elected as new Assistant Chief during the June meeting.

EUREKA COUNTY SHERIFF QUARTERLY REPORTS

Detention Facility: Sheriff Keith Logan reported that the Detention Facility had 14 new bookings, a total of 14 inmates, and 148 inmate days for the quarter covering January, February, and March.

The Detention Facility had 18 new bookings, a total of 19 inmates, and 277 inmate days for the quarter covering April, May, and June.

Patrol Statistics: The patrol statistics report showed a total of 2,304 incidents during the third quarter and a total of 2,642 incidents during the fourth quarter of Fiscal Year 2015-2016. These included calls for service, officer initiated incidents, traffic stops, building checks, vehicle/pedestrian checks, coroner reports, traffic accidents, arrests, citations, animal related calls, and other incidents or offenses.

JUSTICE COURT QUARTERLY REPORTS

Eureka County Justice Court: Eureka County Justice Court provided written reports showing that \$305.00 in court fees and \$133.75 in facility fees were collected for the third quarter (January February March). A total of \$465.00 in court fees and \$89.00 in facility fees were collected for the fourth quarter (April, May, June). These figures represent combined totals from both locations - Eureka and Beowawe/Crescent Valley.

CLERK QUARTERLY REPORTS

Clerk Quarterly Reports: Clerk & Treasurer, Beverly Conley, provided quarterly reports showing court and Clerk revenues. Total fees of \$5,112.49 were collected for January, February, and March; and total fees of \$3,275.88 were collected for April, May, and June.

RECORDER QUARTERLY REPORTS

Recorder Quarterly Reports: Recorder, Sara Simmons, provided written reports showing third quarter revenues of \$10,327.13, and fourth quarter revenues of \$52,711.55. Collections include recording fees, real property transfer tax, passports, and filing fees for mining claims. Many fees are collected on behalf of State or federal agencies.

TELEVISION DISTRICT QUARTERLY REPORT

TV District Quarterly Reports: Written reports were submitted by Dave Pastorino, President of the Television District, and Senior Department Assistant, Annie Kniefel. During the third quarter, the Television District worked closely with Summit Engineering to prepare for erection of the 40 feet tower extension purchased for Prospect Peak. The District entered into an agreement with Carlin Television District for use of the tower on Mary's Mountain. In February, the Argenta site suffered a major power outage causing the backup generator to run until all propane fuel was exhausted. Due to heavy snowfall, the tanks could not be refilled until spring.

During the fourth quarter, Television District Board members attended the annual National Translator Association Convention in Spokane, Washington, May 13th-15th. The District is considering hiring an engineer to address some major upcoming changes that were highlighted during the convention. Preparations continue for erection of the 40 feet tower extension for Prospect Peak. The associated agreement for lease of space on the tower should be updated in July. The Television District awarded a \$1,000.00 scholarship to local 2016 graduate, Brendan Mears, who plans to attend University of Nevada. Reno.

MEDICAL PROVIDER QUARTERLY REPORTS

Nevada Health Centers, Inc.: Nevada Health Centers submitted quarterly reports for the Eureka and Crescent Valley Medical Clinics detailing the following statistics. For the third quarter, 600 patients were seen by providers (physician, Nurse Practitioner, or Physician's Assistant) and

197 patients were seen by Medical Assistants in Eureka; and 123 patients were seen by a provider and 78 patients were seen by a Medical Assistant in Crescent Valley.

For the fourth quarter, 661 patients were seen by providers and 182 patients were seen by Medical Assistants in Eureka; and 160 patients were seen by a provider and 78 patients were seen by a Medical Assistant in Crescent Valley.

Rehab Services of Nevada: Written reports were received from Dr. Greg Barker, Physical Therapist and Director of Rehab Services of Nevada. There were 21 clinic days and 140 patient visits in Eureka during January, February, and March; total subsidy paid for this period was \$11,641.49. There were 24 clinic days and 189 patient visits in Eureka during April, May, and June; total subsidy paid for this period was \$11,544.56.

Eureka Dental Care: Daniel Norris, DDS, submitted the following statistics for Eureka Dental Care. During the third quarter there were 31 clinic days and 210 patients. During the fourth quarter there were 29 clinic days and 203 patients. Office hours are Mondays and Tuesdays from 8:00 a.m. to 5:00 p.m. and Wednesdays from 8:00 a.m. to 12:00 noon. Dr. Norris receives no County subsidy for his services. He has a lease agreement with the County for space at the Eureka Medical Clinic.

COMMISSIONERS

Nevada Rural Housing Authority: On June 27th, the Board signed a Settlement Agreement & Mutual Release between Nevada Rural Housing Authority and Eureka County to begin the process to consider return of the complete, right, title, and ownership of properties now held by Nevada Rural Housing Authority at the Eureka Canyon Subdivision.

In anticipation of transfer of ownership, the County facilitated an inspection of the property (townhome units), which was completed on June 28th by Armstrong Inspection Services, Inc., a subcontractor of GML Architects, LLC. The Board reviewed the General Inspection Reports and discussed the results with Public Works Director, Ron Damele. Mr. Damele reported that although multiple maintenance issues were found, the units were structurally sound and no major defects were identified.

Chairman Goicoechea indicated that the next step will be review of paperwork associated with the property and the County is awaiting this documentation from NRHA.

Advisory Questions for 2016 General Election Ballot: Requirements in State law related to Public Administrators and recent reduction in duties assigned to the Recorder's office, caused the Commissioners to consider whether a reorganization of duties between certain elected offices should be placed on the ballot in the form of advisory questions.

All financial, payroll, and auditing duties were moved from the County Recorder to the County Comptroller at the beginning of the calendar year, greatly reducing the workload of the Recorder's office. Public Administrator is identified as an elected position in Nevada Revised Statutes. Public Administrator and Public Guardian duties were placed under the Clerk & Treasurer by County ordinance, but in order to better meet the standard of law, the Public Guardian should be identified as an elected position.

The Commissioners discussed the option of joining Clerk and Recorder into a single elected position and joining Treasurer and Public Administrator into a single elected position (the Public Guardian duties would remain with the Treasurer as well). This would be a more equitable distribution of duties among the elected offices and existing staff.

After discussing the pros and cons, the Commissioners agreed that this issue should go before the voters. If the public agrees and votes in favor of the advisory questions, the Commissioners will begin the process of enacting these changes by ordinance and the changes would become effective with the 2018 election cycle (for terms beginning January 1, 2019).

Commissioner Etchegaray motioned to adopt resolutions to place Advisory Question Number One (combination of Clerk and Recorder) and Advisory Question Number Two

(combination of Treasurer and Public Guardian) on the 2016 General Election ballot; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Eureka, Nevada

July 12, 2016

RESOLUTION

TO PLACE ADVISORY QUESTION NUMBER ONE ON THE 2016 GENERAL ELECTION BALLOT FOR THE COMBINATION OF THE ELECTED POSITION OF RECORDER WITH THE POSITION OF CLERK IN ORDER TO MORE EFFICIENTLY SERVE THE CITIZENS OF EUREKA COUNTY

WHEREAS, tax revenue received by Eureka County continues to decline, and there is no expectation this decline will end anytime soon; and

WHEREAS, the Eureka County Board of Commissioners is committed to making local government as efficient as possible and to continue cutting back on the costs of government in response to this steady decline in revenue; and

WHEREAS, the Board of eureka County commissioners will strive to utilize each and every position in government to the fullest extent possible, and thereby reduce the costs of government; and

WHEREAS, while the number of personnel employed by Eureka County has been shrinking because of retirements, personnel leaving their positions, layoffs, and the combining or consolidation of positions, the number of County elected officials has remained relatively constant; and

WHEREAS, only one elected position has been recently eliminated, by the retirement of a Justice of the Peace and the combination of two Eureka County townships into one township, reducing the number of elected Justices of the Peace to one instead of two, by County ordinance passed June 5, 2015; and

WHEREAS, in order to combine additional elected positions, NRS 244.1507 requires the Board of County Commissioners to first ask the voters if they agree with the combination or consolidation, and only if a majority vote in favor of consolidation may the Board go forward and propose an ordinance to combine additional elected positions; and

WHEREAS, the Board must also determine that any proposed combination of offices will benefit the public, will not create any ethical, legal, or practical conflict of interest, and will not put powers and duties together into one position which are incompatible; and

WHEREAS, it is a fact the continuing decline in revenue is a direct result of the decline in economic activity in Eureka County, and this decline in economic activity has caused certain County elected officers to have reduced number of tasks which are necessary to accomplish each and every work week; and

WHEREAS, in order to use each position as efficiently as possible, the Board understands that similar job duties should be combined, even when these duties are now performed by separate elected officials, provided no conflict will be created by the combination;

NOW THEREFORE BE IT RESOLVED this advisory question shall appear on the November 2016 general election ballot for the voters of Eureka County to answer:

ADVISORY QUESTION NUMBER ONE:

This question is advisory only: May the duties of the elected Recorder be combined as one elected position with the Clerk, in the position of Clerk Recorder, beginning with the election of November 2018?

EXPLANATION

NRS 244.1507 allows the Board of Eureka County Commissioners to consolidate the responsibilities of the elected Recorder with another elected position if the voters approve Advisory Question Number One, and the Commissioners ask to assign the responsibilities of the elected position of Recorder to the Clerk, beginning two years from now, starting with the election in November 2018. This timeframe does not disturb the normal terms of office of the current elected officials, and this delay is required by state law.

NRS 247.010(1) allows the duties of Recorder to be combined, by the process outlined in NRS 244.1507 and this advisory question, with the duties of another elected official. NRS 249.010(3) declares the Clerk to also be the Treasurer, but permits this

arrangement to be altered by NRS 244.1507 and this advisory question. A “yes” vote permits the Board of county Commissioners to propose an ordinance to combine the two elected positions of Clerk and Recorder into one elected position to be known as the Clerk Recorder beginning at the election two years from now, in November 2018.

A “no” vote keeps the status quo and does not allow the Board of County Commissioners to consider combining or consolidating the offices named.

This question is purely advisory only and does not place any legal requirement on any local government, any member of local government, or any officer of Eureka County.

Argument in favor of a “yes” vote

The Recorder transacts the business of recording documents presented by persons requesting that service. The Recorder has no other duties; that position no longer serves as the County Auditor, as that job of financial investigation and reporting has been assigned to the comptroller. Business in the office of Recorder is down dramatically as a result of the lack of economic activity in Eureka County. There is not enough recording business available to keep the position of Recorder fully engaged at work every week. The duties of Clerk are similar to the clerical abilities necessary for the position of Recorder. Consolidation of these positions of Clerk and Recorder would benefit the public by reducing the cost of government by ensuring that service continues, would not create any ethical, legal, or practical conflict of interest, and would not put powers and duties together into one position which are incompatible. One elected official would do the work of two, without having to pay the one elected official any more money than what state law says is the Clerk’s salary.

Argument in favor of a “no” vote

Vote “no” because things are fine just the way they are and should never be changed. There is enough tax money to fund all local elected positions for now. The Recorder may not have a lot of work right now, but that may change once business picks up, and when it does, the work will be too much for the Clerk.

DIGEST

NRS 244.1507 guides a board of county commissioner’s opportunity to ask the voters for authority to consolidate local elected positions. NRS 247.010(1) allows for the position of elected Recorder to be consolidated. NRS 249.010(3) declares the Eureka County Clerk to be the ex officio Eureka County Treasurer, but permits this arrangement to be altered by NRS 244.1507 and this advisory question.

ANTICIPATED FINANCIAL EFFECT

The anticipated financial effect of a “yes” vote is a savings of the cost of the salary and benefits package for a separately elected Recorder, because a “yes” vote allows the Board of County Commissioners to combine the duties of Recorder with the duties of Clerk, and thereby eliminate the Recorder elected position. If these positions are combined with the elected Clerk position by a “yes” vote, the Clerk salary is not increased.

The anticipated financial effect of a “no” vote will be no cost savings; both the Recorder and the Clerk will continue to be separately elected and the Board will not be allowed to combine these two positions into one.

ADOPTED this 12th day of July, 2016.

BOARD OF EUREKA COUNTY COMMISSIONERS
COUNTY OF EUREKA, STATE OF NEVADA

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

/s/ Michael Sharkozy
Michael Sharkozy, Vice Chairman

/s/ Fred Etchegaray
Fred Etchegaray, Member

ATTEST: /s/ Beverly Conley
Beverly Conley, County Clerk

FOR THE COMBINATION OF THE ELECTED POSITION OF TREASURER WITH THE ELECTED POSITION OF PUBLIC ADMINISTRATOR AND APPOINTED POSITION OF PUBLIC GUARDIAN IN ORDER TO MORE EFFICIENTLY SERVE THE CITIZENS OF EUREKA COUNTY

WHEREAS, tax revenue received by Eureka County continues to decline, and there is no expectation this decline will end anytime soon; and

WHEREAS, the Eureka County Board of Commissioners is committed to making local government as efficient as possible and committed to continue cutting back on the costs of government in response to this steady decline in revenue; and

WHEREAS, the Board of Eureka County Commissioners will strive to utilize every position in government to the fullest extent possible, and thereby reduce the costs of government by reducing the number of personnel needed; and

WHEREAS, while the number of personnel employed by Eureka County has been shrinking because of retirements, personnel leaving their positions, layoffs, and the combining or consolidation of positions, the number of County elected officials has remained relatively constant; and

WHEREAS, only one elected position has been recently eliminated, by the retirement of a Justice of the Peace and the combination of two eureka County townships into one township, reducing the number of elected Justices of the Peace to one from two, by County ordinance passed June 5, 2015; and

WHEREAS, in order to combine additional elected positions, NRS 244.1507 requires the Board of County Commissioners to first ask the voters if they agree with the combination of consolidation, and only if a majority vote in favor of consolidation may the Board go forward and propose an ordinance to combine additional elected positions; and

WHEREAS, the Board must also determine that any proposed combination of offices will benefit the public, will not create any ethical, legal, or practical conflict of interest, and will not put powers and duties together into one position which are incompatible; and

WHEREAS, in order to use each position as efficiently as possible, the Board understands that similar job duties should be combined, even when these duties may now be performed by separately elected officials, provided no conflict will be created by the combination;

NOW THEREFORE BE IT RESOLVED this advisory question number two shall appear on the November 2016 general election ballot for the voters of Eureka County to answer:

ADVISORY QUESTION NUMBER TWO:

This question is advisory only: May the duties of both the elected Public Administrator and appointed Public Guardian be consolidated and combined into the one elected position of Treasurer, beginning with the election of November 2018?

EXPLANATION

NRS 244.1507 allows the Board of Eureka County Commissioners to combine the elected position of Treasurer with the duties of Public Administrator and Public Guardian if the voters approve this advisory question, and the Commissioners ask for authorization to combine these positions beginning at the election two years from now, in November 2018. This timeframe does not disturb the normal terms of office of current elected officials, and this delay is required by state law. NRS 249.010(3) declares the Clerk to also be the Treasurer, but permits this arrangement to be altered by NRS 244.1507 and this advisory question. NRS 253.010(1) states that a Public Administrator is an elected position unless altered by this process. NRS 253.150 allows a County Commission to assign Public Guardian duties, or designate an elected official to execute the powers and duties of Public Guardian by NRS 244.1507 and this advisory question.

A "no" vote keeps the status quo and does not allow the Board of county Commissioners to consider combining or consolidating the offices named.

This question is purely advisory only and does not place any legal requirement on any local government, any member of local government, or any officer of Eureka County.

Argument in favor of a "yes" vote

An elected Treasurer's job duties require a complete understanding of financial transactions, spreadsheets, public financial accounting and reporting. A Public Administrator and Public Guardian must also understand and be able to deal effectively and accurately with financial transactions and reporting requirements. State law allows for the election of a Public Administrator as a separate elected office, but eureka county does not have the tax revenue to support any additional elected positions. The only

way to prevent the position of Public Administrator from being elected in the future is by voting “yes” and letting the Board of County Commissioners propose an ordinance to combine the offices of Treasurer and Public Administrator once and for all. State law also allows for the Commissioners to change who will be the Public Guardian; a “yes” vote will permit the Board to pass an ordinance to place this job once and for all with the elected Treasurer. By a “yes” vote, anyone elected to the position of Treasurer beginning in November 2018 will be obligated to carry out the duties of Public Administrator and Public Guardian. The salary for these combined positions will not be more than what is listed for the salary of Treasurer in state law. This proposed consolidation of positions would benefit the public by reducing the cost of government but ensuring that service continues, would not create any ethical, legal, or practical conflict of interest, and would not put powers and duties together into one position which are incompatible.

Argument in favor of a “no” vote

Vote “no” because things are fine just the way they are and should not be changed. There is enough tax money to fund all local elected positions, and the possible addition of one more elected position (Public Administrator, if somebody decides to run for that position) won’t be that much additional money anyway. The Clerk already does the work of the Treasurer, and the Commissioners have already given that one elected position the Public Administrator and Public Guardian jobs, too. If a future Clerk does not want to do the Public Administrator or Public Guardian jobs, a future Board of County Commissioners can address the issue.

DIGEST

NRS 244.1507 guides a board of county commissioner’s opportunity to ask the voters for authority to consolidate local elected positions. NRS 249.010(3) declares the Eureka County Clerk to be the ex officio Eureka County Treasurer, but permits this arrangement to be altered by NRS 244.1507 and this advisory question. NRS 253.010(1) states that Public Administrators are elected unless altered by the process in NRS 244.1507. NRS 253.150 allows a county commission to assign Public Guardian duties, or designate by the process in NRS 244.1507 an elected official to execute the powers and duties of Public Guardian. Eureka County Code 11.60 identifies the Clerk as the Guardian and Administrator, but this ordinance does not prevent elections for Administrator or reassignment of Guardian duties.

ANTICIPATED FINANCIAL EFFECT

The anticipated financial effect of a “yes” vote is a savings of the cost of the salary of a separate Public Administrator and a separate Public Guardian. If these positions are combined with the elected Treasurer position by a “yes” vote, the Treasurer salary is not increased.

The anticipated financial effect of a “no” vote may be no cost savings, or at a time in the future the additional expense for funding a separately elected Public Administrator, if someone chooses to run for that office, and the cost of a separate Public Guardian, if a future Board of County Commissioners choose to allow it.

ADOPTED this 12th day of July, 2016.

BOARD OF EUREKA COUNTY COMMISSIONERS
COUNTY OF EUREKA, STATE OF NEVADA

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

/s/ Michael Sharkozy
Michael Sharkozy, Vice Chairman

/s/ Fred Etchegaray
Fred Etchegaray, Member

ATTEST: /s/ Beverly Conley
Beverly Conley, County Clerk

Letter Withdrawing from GBRDA: With Great Basin Regional Development Authority moving towards dissolution, the Commissioners voted on June 27th for Eureka County to withdraw their membership from this organization. Commissioner Sharkozy motioned to sign a letter to the Nevada Governor’s Office of Economic Development and to the Great Basin Regional Development Authority providing official notification of Eureka County’s withdrawal from GBRDA; Commissioner Etchegaray seconded the motion; motion carried 3-0.

PUBLIC WORKS

Updated Job Description: Public Works Director, Ron Damele, provided an updated job description for Utility Worker I in Crescent Valley. In relation to a previous discussion concerning lack of an on-site supervisor for the replacement Casual Crescent Valley Town Board Department Assistant, Mr. Damele suggested combining those duties with the existing position. This position is held by Kathy Kinkade, who already performs administrative functions for Public Works at the Crescent Valley Town Center. The job description was updated to reflect the additional duties.

Commissioner Sharkozy motioned to approve the updated Utility Worker I job description in order to incorporate clerical duties for the Crescent Valley Town Advisory Board, effective immediately; Commissioner Etchegaray seconded the motion; motion carried 3-0.

CORRESPONDENCE

Correspondence was received from: Connie Hicks; District Attorney, Ted Beutel (2); Natural Resources; Commissioner Clerk, Jackie Berg; Eureka County Television District (2); Eureka Owl Club; Nevada Assoc. of Counties; Northeastern Nevada Rural Development Authority; White Pine County; Churchill County; Cooperative Riparian Stewardship (2); Armstrong Inspection Services, Inc.; Care Flight of Nevada & California; Pooling Resources, Jeanne Greene; Nevada Div. of Public & Behavioral Health; Nevada Dept. of Transportation; North American Eagle, Ed Shadle; US Dept. of the Interior- BLM (2); and USDA Forest Service.

Chairman Goicoechea noted that he has received a couple of emails related to amendments offered on bills in Washington, DC. One is an amendment to the Department of Interior Appropriations Bill seeking to restrict funding for any sort of surgical sterilization of wild horses and burros. There are multiple other proposals, including an attempt to change how the Antiquities Act would apply, allowing it to be used for national monuments. The Chairman invited constituents to contact Congressman Hardy and Congressman Amodei, especially in relation to the wild horse issue.

PUBLIC COMMENT

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

ADJOURNMENT

Commissioner Etchegaray motioned to adjourn the meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0. The meeting was adjourned at 10:40 a.m.

Approved by vote of the Board this 5th day of August, 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 July 12, 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