

**EUREKA COUNTY BOARD OF COMMISSIONERS**  
**July 19, 2019**

STATE OF NEVADA            )  
  :ss  
COUNTY OF EUREKA        )

**CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on July 19, 2019. Present were Vice Chair Michael Sharkozy; Commissioner Rich McKay; and Commissioner Clerk, Jackie Berg. Chairman Goicoechea was absent under a subpoena to testify in court at Elko, Nevada. District Attorney, Ted Beutel, was present for a portion of the meeting, but left early for District Court. 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**

Three items were removed from the agenda: two under the Commissioners' section and one under the Natural Resources' section. Commissioner McKay motioned to approve the agenda with those changes. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

**PUBLIC COMMENT**

Vice Chair Sharkozy opened the floor for public comments; there were none.

**APPROVAL OF MINUTES**

June 21, 2019, and July 5, 2019: Commissioner McKay motioned to approve minutes of the June 21, 2019, meeting and minutes of the July 5, 2019, meeting; Commissioner Sharkozy seconded the motion; motion carried 2-0.

**COUNTY COMPTROLLER**

Payment of Expenditures: Expenditures were presented for approval by Comptroller, Kim Todd. Ms. Todd noted that the day's expenditures included a personal charge on a County credit card that has not yet been reimbursed by the employee, making it subject to an audit finding.

Commissioner McKay motioned to approve expenditures in the amount of \$489,442.10 for accounts payable; \$404,439.10 for payroll, retiree, and insurance related expenses; and \$79.95 in Yucca Mountain expenses for a grand total of \$893,961.15. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

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

**COMMISSIONERS**

Medicaid Match Contract: Commissioner McKay motioned to approve a two-year Interlocal Contract Between Public Agencies with Department of Health & Human Services through the Division of Health Care Financing & Policy and the Division of Welfare & Supportive Services for the Medicaid Match Program, retroactively effective July 1, 2019, through June 30, 2021. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

Letter Supporting Satellite Pharmacy: Andrew Bath, of Economy Drug in Ely, is going before the Nevada State Board of Pharmacy seeking authorization to operate a satellite pharmacy in Eureka. Commissioner McKay worked with staff to prepare a letter of support.

Commissioner McKay motioned to approve a letter to the Nevada State Board of Pharmacy supporting Andrew Bath's efforts to provide pharmacy services in Eureka via a satellite pharmacy of Economy Drug in Ely. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

Consider Reimbursing Lodging Expenses: A voucher was submitted requesting reimbursement of \$991.30 for an employee's lodging expenses. Sheriff Watts explained a new Deputy accepted a position in Crescent Valley, but upon arrival found the rental unsuitable and unlivable. Since there was an opening in Eureka and an opportunity to obtain housing in a reasonable period, the Deputy was offered the position in Eureka. Sheriff Watts said that Eureka County Personnel Policy 3.20.2 (Agency-Directed Transfer) states that an employee must be given 10 days' notice when transferred more than 30 miles from their current work location, so he felt the employee should be reimbursed for 10 days' of lodging.

Comptroller, Kim Todd, voiced her concerns and asked the Board to be consistent and fair when making decisions concerning employees and policy. She noted that there are other employees, not currently residing at their assigned work location, who are not being reimbursed for travel or lodging.

To avoid setting a precedent or making a decision inconsistent with policy, the Board agreed to table this item pending further examination of the circumstances and the County's policies and procedures.

## **SHERIFF**

Introductions of New Staff: Sheriff Jesse Watts stated that Deputy William Hoggard and Dispatcher Heather Peterson were not available and will be introduced at a future meeting.

National Night Out Proclamation: Sheriff Watts announced that the annual National Night Out event, intended to bring law enforcement and the community together, will be held on August 6<sup>th</sup> in Eureka and, for the first time, also in Crescent Valley.

Commissioner McKay motioned to proclaim August 6<sup>th</sup> as National Night Out for 2019; Commissioner Sharkozy seconded the motion; motion carried 2-0.

Propose 12-Hour Shifts: After researching federal labor requirements, Sheriff Watts proposed moving patrol and detention employees to 12-hour shifts on a 14-day schedule to improve coverage and decrease overtime. The Fair Labor Standards Act allows law enforcement employees to work schedules based on seven-day increments (i.e. 7, 14, 21, 28), with adjusted overtime thresholds. For example, an employee on a 14-day schedule will work 86 hours before accruing overtime. Sheriff Watts relayed that staff is in favor of this change and actually approached him with the proposal.

Comptroller, Kim Todd, agreed that this is a positive move for the County, but will require software reprogramming for overtime calculations, and will require the necessary steps to amend Personnel Policy. She advised that implementation should coincide with a PERS (Public Employees Retirement System) cycle to ensure proper calculation of retirement benefits. Ms. Todd and Sheriff Watts will work with the District Attorney to draft the appropriate changes to the Personnel Policy for the Board's consideration.

Commissioner McKay motioned to propose changing the Eureka County Personnel Policy to implement 12-hour shifts for Sheriff's Office patrol and detentions; Commissioner Sharkozy seconded the motion; motion carried 2-0. A resolution outlining the proposed Personnel Policy changes will be presented at a future meeting, then circulated to all employees, and finally considered for adoption at a public hearing.

Out-of-State Travel: Sheriff Watts was leaving Las Vegas recently when he received notice that some safety equipment was ready to be shipped from St. George, Utah. Instead of paying over \$200.00 in shipping costs, he detoured through St. George and picked up the equipment, which cost about \$60.00 in fuel.

Commissioner McKay motioned to ratify Sheriff Watts' out-of-state travel to St. George, Utah, on July 10<sup>th</sup>; Commissioner Sharkozy seconded the motion; motion carried 2-0.

## **AMBULANCE & EMS**

Report on Activities: EMS Director, Kenny Sanders, reported that there were a total of 13 ambulance runs in June. EMS recently gained one new Basic EMT and one certified driver. Three more drivers are working on certification. Mr. Sanders is organizing an EMR (Emergency Medical Responder) class and expects around 15 mine employees to attend. He continues planning for an EMT course sometime in the future.

Quarterly Report: The quarterly report showing federally mandated write-offs of Medicaid and Medicare account balances showed there were zero write-offs for April, May, and June.

## **IT / NETWORK**

Update Report: IT Director, Misty Rowley, reported on projects and activities.

Audio/Video Upgrades: The audio/video upgrades for the Commission Chambers and Crescent Valley Boardroom are installed. Quest will return later in the month to make final adjustments.

Fiber Project: NNE Construction completed the fiber project connecting the Fire Station, Ambulance Bay, and Sheriff's Office from the NDOT yard and the final walk through was completed earlier in the week. A quote will be obtained for NNE to return to terminate the old fiber and Ms. Rowley will work with a technician to complete the fiber patching sometime in August.

Firewalls: The WatchGuard high availability firewalls have been configured and installed.

Election Security: At the next meeting, the Clerk Recorder will present a contract with the US Department of Homeland Security to allow ongoing cybersecurity testing of the County's network. The Department is working with Secretaries of State across the country to identify vulnerabilities and ensure a secure election process.

Switches for State Network: The Sheriff's Office and the courts are dependent upon the State's network system. The County's fiber upgrade will allow the State to tie into the NDOT yard. The State is taking this opportunity to redesign its network and replace switches that are beyond end-of-life, and it is the County's responsibility to purchase the equipment.

Commissioner McKay motioned to purchase network switches to replace end-of-life equipment on the State network, which is utilized by County departments, for a not to exceed amount of \$30,000.00, utilizing monies budgeted for capital outlay in the Technology Support budget. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

## **FAIR BOARD**

Appointment: Fair Board Chair, Lynn Conley, stated that a letter of interest was received from Michaella Elicegui and the Fair Board feels she will be a good addition to the Board.

Commissioner McKay motioned to appoint Michaella Elicegui to the Fair Board for the remainder of a four-year term, expiring December 31, 2020. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

Resignation: Ms. Conley stated that Hallee DeChambeau is giving up her seat on the Board and resigning as independent contractor to spend more time with her family. She will continue through the end of September in these capacities to help wrap up this year's fair. The Fair Board is hoping to engage a new contractor to allow for training before Ms. DeChambeau leaves.

Commissioner McKay motioned to accept the resignation of Hallee DeChambeau as Fair Board member and as independent contractor to the Fair Board effective September 30, 2019; Commissioner Sharkozy seconded the motion; motion carried 2-0.

Solicit Proposals: Commissioner McKay motioned to authorize the Fair Board to seek proposals from an individual to provide clerical, administrative, and specialized services in relation

to the annual Eureka County Fair. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

## **TREASURER**

Treasurer's Report: The Treasurer's Report for June was submitted by Treasurer, Pernecia Johnson, showing an ending General Fund balance of \$29,514,842.84. Ms. Johnson plans to show a recap of interest and fees with the next report so the Board can see how well the County is doing with its investment company. She invited the Commissioners to reach out if there is anything they would like to see differently or in more detail.

## **CRESCENT VALLEY TOWN ADVISORY BOARD**

Crescent Valley Fun Days: Nona Kellerman, Chair of the Crescent Valley Town Advisory Board, requested a donation for the upcoming Crescent Valley Fun Days. Funds will be used to purchase food, drinks, supplies, and prizes, and any unused funds will be returned to the County.

Commissioner McKay motioned to authorize the Crescent Valley Town Advisory Board to utilize \$2,500.00 from the North End Activities Fund for Crescent Valley Fun Days scheduled for August 17<sup>th</sup>, with the check made out to Nona Kellerman. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

## **SENIOR CENTERS**

Hiring Freeze Waiver: *(Note: This item was taken out of order and acted on later in the day.)*

Senior Centers Program Director, Millie Oram, prepared a Hiring Freeze Waiver Justification for a vacancy in Crescent Valley due to an employee resignation.

Commissioner McKay motioned to waive the hiring freeze and authorize the Senior Centers Program Director to fill the vacant position of Casual Worker III at the Fannie Komp Senior Center. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

## **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 the next week, and opened and awarded 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. This will be a 60-day project completed in two phases.

Richmond Consolidated Slag Pile: EQM (Environmental Quality Management) has completed all work and fencing on the southern slag pile in Eureka. Commissioner McKay has heard positive comments regarding fencing on both slag piles.

Olcese Waste Services: Olcese has been delivering waste containers throughout the County and may begin collecting waste in late July, ahead of the scheduled start date of August 1<sup>st</sup>. Commissioner McKay thanked Mr. Damele for having a representative of Olcese Waste Services attend the Eureka Business Network meeting to answer questions.

Radio Repeaters: Public Works is working with the BLM to establish a new radio repeater site on the east side of Pine Valley, to eliminate some communication challenges in that area.

Wildland Fire: A couple hundred acres burned between Crescent Valley and Beowawe in a recent wildland fire. One of the County's heavy fire engines was damaged in the fire and is currently in the County Road Shop for some repairs.

Surplus Property Donation: Mr. Damele explained that McEwen Mining is in need of a vehicle that can transport someone from the mine site to meet an ambulance or to a helicopter landing zone. The County has a vehicle that it no longer uses and McEwen staff agrees that it would be suitable for this purpose.

Commissioner McKay motioned to declare Property No. 7365, a 2012 GMC Yukon, VIN 1GKS2HE76CR288568, surplus property pursuant to Eureka County Code, Title 3, Chapter 20, Section .130, and to approve donating it to McEwen Mining. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

Mainline Extension in Devil's Gate: An application for water service was submitted by Jim Filippini for APN 007-380-25. Mr. Damele explained that this will require a 2,000 ft. mainline extension from Devil's Gate GID. Mr. Filippini will need to secure a 600 ft. right-of-way, and plans must be drafted by an engineer and approved by the Bureau of Safe Drinking Water. Public Works would like to install facilities greater than needed by the applicant. Total estimated cost is \$58,000.00 and the applicant's share is approximately \$7,250.00.

Mr. Damele explained that, over the years, residents of this area have approached the Devil's Gate Board and the Commissioners several times requesting water service. He would like to plan a capital improvement project to install infrastructure capable of serving all residents in the area, to be funded during the next budget cycle. The applicant will have the option of paying to receive water service in the current fiscal year, or waiting until the next fiscal year when the County will fund a mainline extension to the entire area.

Commissioner McKay motioned to approve the application for residential water service to APN 007-380-25, involving a 2,000 ft. mainline extension, and to approve moving forward with planning a capital improvement project for a mainline extension to the entire area to be funded in the next fiscal year, and directed staff to move forward with plans and specifications as needed for either project. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

## **NATURAL RESOURCES**

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities and meetings. He introduced Magee Braswell, who began working in Natural Resources as the Department Assistant on July 15<sup>th</sup>.

NEPA Update: Mr. Tibbitts informed the Board that the US Forest Service is updating its NEPA regulations. He explained that there are general National Environmental Policy Act regulations under the Council for Environmental Quality, but each agency can adopt specific regulations. Mr. Tibbitts attended a kickoff webinar and the Board can expect future agenda items related to this.

Western Governors' Association: Mr. Tibbitts previously told the Board about the new Initiative of the Western Governors' Association – *Reimagining the Rural West*. He has since attended a webinar that introduced the three pillars of this Initiative: Opportunity, Connectivity, and Community. Through the Initiative WGA wants to create opportunities for telework so that youth and others can remain in their small communities but still be engaged and work all over the world. It not only has a focus on economic development, but on economic preservation. Mr. Tibbitts will keep the Board informed as he attends the webinar updates on the Initiative.

Upcoming Meetings: Nevada Department of Wildlife has scheduled a webinar on July 31<sup>st</sup> to provide an update on the Sage Grouse Initiative. It will include the most recent lek counts, which gives an idea how the bird is doing. The County Advisory Board to Manage Wildlife is meeting on August 1<sup>st</sup>. The US Navy is holding a meeting in Fallon on August 9<sup>th</sup> with Cooperating Agencies now that comments received on the public Draft EIS for the Fallon Range Training Complex Modernization have been reviewed.

Fuel Breaks in the Great Basin: Under NEPA the BLM, or other agencies, will often do a Programmatic EIS to analyze general impacts in an extended area, which helps streamline the NEPA process when considering site specific projects (which will require a Determination of NEPA Adequacy). The BLM's Programmatic EIS for Fuel Breaks in the Great Basin analyzes up to 11,000 miles of fuel breaks. The Great Basin covers a huge geographic area, spanning Oregon, Washington, Idaho, Utah, and essentially all of Nevada.

Fuel breaks can be done along any linear feature on the landscape including most types of roads, utility lines, etc. The purpose is to remove hazardous fuels to prevent wildfire that endangers valuable habitat, communities, and life and property.

Comments on the public Draft EIS are due August 5<sup>th</sup> and Mr. Tibbitts prepared comments based on Eureka County's input as a Cooperating Agency on the Administrative Draft EIS. He noted that the BLM addressed, or partially addressed, many of the previous comments and he did not add any new comments, but clarified or repeated some of the earlier comments.

Commissioner McKay motioned to approve sending comments to the BLM on the Draft Programmatic EIS for Fuel Breaks in the Great Basin; Commissioner Sharkozy seconded the motion; motion carried 2-0.

Proposed Programmatic EA for Dormant Season of Use: The Elko District BLM is seeking scoping comments on a proposed Programmatic EA for Dormant Season of Use for Management of Livestock Grazing. The BLM is analyzing ranchers' ability to graze livestock when plants have gone dormant. Rangeland science shows that when plants have gone through the annual life cycle and then go dormant, the nutrients have been drawn down into the roots and it doesn't damage the plant if it is grazed. This will not change a grazer's permit or season of use, but would allow for an additional grazing authorization during the dormant season.

Commissioner McKay motioned to approve sending scoping comments to the BLM, Elko District, in response to its proposed Programmatic EA for Dormant Season of Use for Management of Livestock Grazing, and authorized the Chairman to sign the letter outside of the meeting. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

Wild Horse Issues: At the last meeting, Mr. Tibbitts informed the Board that the Fish Creek HMA (Herd Management Area) was included in the BLM's official gather schedule for September, but unfortunately, due to holding space capacity and other issues, the BLM is now saying it can take no more than 500 horses.

The local BLM has no control over this, so Mr. Tibbitts spoke with Chairman Goicoechea and they feel the County needs to reach out to the State and national BLM officials to request that all excess horses be gathered and removed from the Fish Creek HMA, bringing it to low-end AML (Appropriate Management Level), and then apply fertility controls to manage the numbers.

Commissioner McKay motioned to authorize Mr. Tibbitts to make a formal request, on behalf of Eureka County, to the State BLM and national BLM asking to increase gather numbers in order to bring the Fish Creek HMA to low-end AML, including utilizing fertility controls for effective continued management of the HMA's horse population. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

Weed District Funding Agreement: Mr. Tibbitts explained that the County has a five-year agreement with the Battle Mountain BLM that extends through July 31, 2022, and provides funding for weed control (or purchase of related equipment and supplies) on BLM lands or areas that directly benefit the BLM. Occasionally, the BLM will have additional funds to augment the original amount, and the BLM forwarded paperwork to Natural Resources to add \$50,000.00 in funding to be used during the term of the agreement.

Commissioner McKay motioned to modify the current Weed District funding agreement with Battle Mountain BLM (Agreement L17AC002139) to accept an additional \$50,000.00; Commissioner Sharkozy seconded the motion; motion carried 2-0.

## **CORRESPONDENCE**

Correspondence was received from: District Attorney, Ted Beutel (2); Clerk Recorder, Lisa Hoehne; Comptroller, Kim Todd (3); Natural Resources, Jake Tibbitts (2); Medical Clinics Advisory Board; Recreation Board; Halle DeChambeau; Michaella EliceGUI; Amber Whelchel; Cindy Beutel; Television District (2); Crescent Valley town Advisory Board; Crescent Valley VFD; Nevada Assoc. of Counties; University Center for Economic Development; Rehab Services of Nevada; Nevada Labor

Commissioner; Nevada Dept. of Business & Industry; Senate Committee on Energy & Natural Resources; US Dept. of the Interior, BLM (3); US Navy; and US Environmental Protection Agency.

Commissioner Reports: Commissioner McKay attended the Northeastern Nevada Regional Development Authority CEDS (Comprehensive Economic Development Strategy) Workshop in Eureka on July 18<sup>th</sup>, which was facilitated by Dr. Frederick Steinmann from the University Center for Economic Development. It was fairly well attended with representation from the County, mines, and local businesses. The purpose was to edit and update the County's five-year CEDS. A follow-up workshop will be held in August.

Commissioners Sharkozy and McKay attended a dinner on July 14<sup>th</sup> in Las Vegas, which was hosted by Nevada Association of Counties for all County Commissioners in Nevada and 16 of the 17 counties were represented.

**PUBLIC COMMENT**

Vice Chair Sharkozy called for public comments.

Mike Worley, Environmental Manager for McEwen Mining, spoke on behalf of the mine, extending thanks and appreciation for donation of the GMC Yukon, which he stated will be put to very good use. He added that he has been talking with Commissioner McKay about giving the Commissioners a tour of the mine and he's working to set that up as soon as he can.

There were no further public comments.

**ADJOURNMENT**

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

*Approved by vote of the Board this 6<sup>th</sup> day of August, 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 19, 2019, meeting of the Board of Eureka County Commissioners.*

/s/ 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.*

/s/ Lisa Hoehne

Lisa Hoehne, Clerk Recorder