

EUREKA COUNTY BOARD OF COMMISSIONERS

July 21, 2014

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 21, 2014. Present were Chairman J.J. Goicoechea; Vice Chairman Jim Ithurralde; Commissioner Michael Sharkozy; District Attorney Ted Beutel; and Executive Assistant, 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

Minutes of the July 7th Commission meeting were removed from the agenda. With that change, Commissioner Ithurralde motioned to approve the agenda; Commissioner Sharkozy seconded the motion; motion carried 3-0.

PUBLIC COMMENT

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

APPROVAL OF MINUTES

June 20, 2014, Commission Meeting: Commissioner Ithurralde motioned to approve the minutes of the June 20, 2014, Commission meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0.

FINANCE

Payment of Expenditures: Expenditures were presented for approval by Recorder & Auditor, Mike Rebaleati. Commissioner Ithurralde motioned to approve expenditures in the amount of \$279,322.90 for Fiscal Year 2013-2014 accounts payable, \$202,762.27 for Fiscal Year 2014-2015 accounts payable, \$319,690.50 for payroll, and \$335,223.48 for a pass-through tax allocation to the School District, for a grand total of \$1,136,999.15; Commissioner Sharkozy seconded the motion; motion carried 3-0. It was noted that the Nevada State Public Defender fees of \$12,937.00 per quarter for Fiscal Year 2014-2015 were paid in full (\$51,748.00). There were no Yucca Mountain expenses.

Auditor's Report: The Board reviewed current fund balances on the Auditor's Report. Later that day, transfers were made from the General Fund to the Eureka Water & Sewer Fund and Mr. Rebaleati provided an amended report.

COMMISSIONERS

Update Reports: All Board members participated in the Liquor Board meeting earlier in the day. All Commissioners also participated in the in Crescent Valley Fun Days and the Crescent Valley Town Park Rededication on July 19th.

Commissioner Sharkozy attended the Crescent Valley Volunteer Fire Department meeting on July 8th; attended the Crescent Valley Town Advisory Board meeting on July 14th; and participated in the Search & Rescue meeting on July 14th.

Commissioner Ithurralde, along with Bob Stephenson, met with the District Attorney on July 14th; and has been preparing for the 28th Annual VFW Mid-Summer Classic Men's Softball Tournament scheduled for July 26th & 27th.

Chairman Goicoechea participated by phone in the Public Lands Council meeting on July 8th, where the Council approved participating in the Western Energy Alliance lawsuit in opposition to the National Technical Team and Conservation Objective Team reports on sage grouse; traveled to Carson City on July 10th to Chair the Sagebrush Ecosystem Council meeting to finalize the State Plan (Strategic Plan for Conservation of Greater Sage-Grouse in Nevada, which is Alternative E in the Nevada & Northeastern California Greater Sage-Grouse Administrative Draft EIS); attended the Eureka Volunteer Fire Department meeting on July 15th; met with representatives of the Nevada Department of Conservation & Natural Resources on the morning of July 18th; attended the Nevada Association of Counties meeting on July 18th regarding the Reid/Heller proposed legislation; followed by the Nevada Land Management Task Force meeting on July 18th to complete the AB227 report for submission to the Legislative Committee on Public Lands.

Co-Sponsorship of Annual NACO Conference: Eureka County has been asked to co-sponsor the Annual Nevada Association of Counties Conference with White Pine and Lincoln Counties. The conference will be held in Ely and is scheduled in November following the election. Commissioner Ithurralde motioned that Eureka County co-sponsor the 2014 NACO Conference and contribute up to \$5,000.00 to be allocated where needed as conference plans are finalized; Commissioner Sharkozy seconded the motion; motion carried 3-0. As member of the NACO Board of Directors, Commissioner Ithurralde will act as liaison with the other sponsoring counties.

Change Meeting Date: At request of the Chairman due to a scheduling conflict, Commissioner Ithurralde motioned to change the August 20th Commission meeting to August 19, 2014; Commissioner Sharkozy seconded the motion; motion carried 3-0. This change will be duly advertised.

SENIOR CENTERS

Contract Renewals: Senior Center Site Directors, Millie Oram, reported that home nursing services and home aide services have been going very well under the existing contracts. She met with Budget Officer, Mike Rebaleati, and they recommend renewing the contracts with no changes.

Genesis Home Health Services: Commissioner Ithurralde motioned to renew the contract with Genesis Home Health Services, Inc., for Fiscal Year 2014-2015, not to exceed \$20,000.00; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Consumer Direct Personal Care: Commissioner Ithurralde motioned to renew the contract with Consumer Direct Personal Care, LLC, (dba Better@Home) for Fiscal Year 2014-2015, not to exceed \$24,000.00, and authorized the Chairman to sign it outside of the meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0.

EUREKA COUNTY 4H PROGRAM

4H Market Animals & 2014 County Fair: 4H Program Assistant, Hallee Wilker, and 4H students, Heather Lacovara, Shane Lacovara, Michael Lacovara, Witz Bailey, Joe Bailey, and Marcia Brown invited the Commissioners to attend the Livestock Show on August 8th at 8:00 a.m. and the Livestock Sale on August 9th at 1:00 p.m. during the upcoming Eureka County Fair. Each student reported on the feeding, care, and conditioning of their animals and answered several questions from the Board. Animals for sale will include lambs, pigs, a ewe and possibly turkeys.

PUBLIC WORKS

Public Works Projects & Activities: Public Works Director, Ron Damele, reported on various projects. MUNICIPAL WELL FAILURE IN CRESCENT VALLEY: One of the municipal wells in Crescent Valley failed due to an electrical issue, resulting in an industrial pump having to be replaced. Watering was temporarily suspended at the Crescent Valley Town Park and the

Elementary School while this was resolved. EUREKA LIBRARY: A water leak was discovered in the concrete foundation slab at the Eureka Library. Since this is an insurance issue, Belfor Property Restoration is on site to facilitate the repairs. Elko-Lander-Eureka County Library System decided to close the library until repairs are complete, which should be within the week.

Robins Street Improvements & Utility Upgrades Project: All utilities for the Robins Street Project are complete (water, sewer, storm drains) and residents are connected to the new systems. The retaining wall near the Swimming Pool is complete. Grading is underway and pulverization of the street material will take place the following week in preparation for paving. If the project stays on schedule, paving should begin on August 11th and will take about five days.

Mt. Wheeler Power Line: Mt. Wheeler Power has requested permission to install a main power transmission line within the County right-of-way along County Road M-103 (US Highway 50/Duckwater Road, commonly called Fish Creek Road), within T16N, R53E. The road is approximately 11.3 miles long. The County maintains the road and holds a prescriptive right-of-way due to its existence prior to 1976.

The power line will provide electricity to both Midway Gold mine projects currently under development (Pan Project and Gold Rock Project), as well as the American Vanadium Gibellini Project. Public Works has met with Mt. Wheeler Power on site and is comfortable with their construction plan.

Commissioner Ithurralde commented this is a benefit to infrastructure within Eureka County and motioned to authorize Mt. Wheeler Power to utilize approximately 11.3 miles of County Road M-103 right-of-way for installation of a main power transmission line; Commissioner Sharkozy seconded the motion; motion carried 3-0.

AMBULANCE & EMS

Activity Report: EMS Coordinator, Mike Sullivan, reported on emergency services since his update the previous month. Eureka had 10 calls for service (70 year-to-date) and Crescent Valley had three calls for service (33 year-to-date). Continuing education training was held in Eureka on June 30th and July 14th and in Crescent Valley on June 26th and July 10th. The next classes are scheduled in Eureka on July 28th and in Crescent Valley on July 31st.

Mr. Sullivan reported on various activities. On June 26th he delivered the protocol change letter from the Medical Director to the Nevada State EMS; the protocol changes were approved July 2nd and are now in effect. Mr. Sullivan attended the Nevada Project Heartbeat Board of Directors' meeting in Reno on July 7th; met with incoming Eureka County School District Superintendent, Dr. Greg Wieman, on July 16th (discussions included new EpiPen® legislation and additional AEDs for the new gymnasium); and participated in a 'train the trainer' class for the 12-lead EKG units on July 16th. On July 14th a State EMS representative conducted the yearly ambulance inspections; no problems were noted other than the high temperature in the Ambulance Bay which can have a detrimental effect on stored medications. Mr. Sullivan notified the Board of major price increases for IV and irrigation fluids; this will have an impact on his budget since these are commonly used supplies.

Physician Director Agreement: Commissioner Ithurralde motioned to approve a one-year Physician Director Agreement for Eureka County emergency services, with a stipend of \$400.00 per month; Commissioner Sharkozy seconded the motion; motion carried 3-0. The duties of the Medical Director appointed under this agreement are outlined in NRS 450B.120 and 450B.200. Robert Stefanko, MD, will continue to serve as Eureka County's Medical Director.

COUNTY FACILITIES & ECONOMIC DEVELOPMENT

Update Report: Cultural, Tourism, & Economic Development Director, Andrea Rossman, reported on activities at the Opera House, Sentinel Museum, and Economic Development. Local mining companies and contractors are utilizing the Opera House on a regular basis. A \$2,500.00 marketing grant was received from Nevada Commission on Tourism. The next meeting of the Economic Development Program Board is July 31st. Great Basin Regional

Development Authority will meet at the Opera House on August 12th. Country/western artist, Pipp Gillette will perform at the Opera House on August 1st.

Economic Development Department Assistant, Cindy Beutel, reported on the Relay for Life event on July 18th and the upcoming Arts in the Park event. Relay for Life raises funds and awareness for cancer research. Eureka did a 12-hour event with nearly 125 participants who raised about \$15,000.00 for American Cancer Society. Arts in the Park will take place on July 26th at the Eureka Town Park with 20 vendors. The festivities will begin with a Meet & Greet with the balloonists at the Jackson House Saloon on the evening of July 25th. Hot air balloons will launch early on July 26th from the Eureka Airport. Rides will be given at no charge. Suburban propane is donating the propane for the balloons.

CLERK & TREASURER

Treasurer's Report: The Treasurer's Report for May was presented by Clerk & Treasurer, Beverly Conley. Ending balance for the month was \$51,040,484.54. The first quarter installment for real property taxes is due August 18th.

Clerk Quarterly Report: Clerk and District Court fees collected for the quarter (April, May, and June) totaled \$3,391.00.

FIRE DEPARTMENT QUARTERLY REPORTS

Eureka Fire Department: A written report was submitted by Chief Dan Brown for the quarter ending June 30, 2014. Eureka Volunteer Fire Department responded to four incidents consisting of a carbon monoxide alarm, smoke at a business on Main Street, and two vehicle accidents. Training included Wildland Fire Red Card Training, SCBA (self-contained breathing apparatus) testing and fitting, saw training, and apparatus pumping.

Crescent Valley Fire Department: Chief Rick Harding provided a written report for the quarter. Crescent Valley Volunteer Fire Department responded to one incident which turned out to be an unauthorized controlled burn. There are currently 13 members and one applicant member. Training consisted of PPE (personal protective equipment) fitting, Annual Wildland Refresher, initial attack and size-up for wildland fires, LCES (lookouts, communications, escape routes, and safety zones), wildland fire behavior, pumping operations, and foam application.

EUREKA COUNTY SHERIFF QUARTERLY REPORT

Detention Facility: Undersheriff Keith Logan reported that the Detention Facility had 31 inmates and 339 inmate days for the quarter. The facility is in good condition and there are no issues to report. A patrol statistics report was included, showing a total of 2,582 incidents for the quarter. This includes calls, traffic stops, citations, accidents, criminal offenses, drug violations, animal calls, registration checks, etc.

JUSTICE COURT QUARTERLY REPORTS

Eureka Justice Court: Eureka Justice Court collected \$378.75 in fees for the quarter.

Beowawe Justice Court: Beowawe Justice Court collected \$419.50 for the quarter.

TELEVISION DISTRICT QUARTERLY REPORT

Quarterly Report: A written report was submitted by Dave Pastorino, President of the Television District, and Department Assistant, Annie Kniefel. Three members attended the National Translator Association Annual Meeting & Convention May 16th-18th in Park City, Utah. Topics included the future of translators and LPTV (low power television) with the potential loss of television channels for broadband use.

MEDICAL PROVIDER QUARTERLY REPORTS

Nevada Health Centers, Inc.: Nevada Health Centers submitted an update on the Eureka and Crescent Valley Clinics. Patient visits for the quarter were 748 in Eureka and 171 in

Crescent Valley. Medical and support staffing levels were maintained for the quarter. Blood lead level testing began at the Eureka Clinic in October 2013; to date 43 patients have been screened. The NVHC Mammovan visited Crescent Valley on June 24th; a visit to Eureka had to be rescheduled due to an unexpected mechanical problem. Through meetings with the Commissioners and the Medical Clinics Advisory Committee, the contract for Fiscal Year 2014-2015 was finalized.

Effective June 17th, David Memmoli, APRN, resigned from Nevada Health Centers. Dr. Michael Wells has also tendered his resignation with a final date yet to be determined. NVHC is working hard to secure replacement providers. Temporary provider coverage will be supplied with NVHC employed provider, Tatiana Warner, and contracted provider, Steve Erickson.

Rehab Services of Nevada: A written report was received from Greg Barker, Physical Therapist and Director of Rehab Services of Nevada. There were 26 clinic days and 152 patient visits in Eureka for the quarter.

Clay Poplin, LCSW, LLC: The contract with Clay Poplin, LCSW, for counseling services ended on June 30, 2014. Mr. Poplin has since moved out of state.

Eureka Dental Care: Dan Norris, DDS, submitted the following statistics for Eureka Dental Care: there were 39 clinic days and 301 patient visits for the quarter. Dr. Norris receives no County subsidy for his services. He has a lease agreement with the County for space at the Eureka Medical Clinic.

NATURAL RESOURCES

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities. Mr. Tibbitts participated in the Nevada Pinyon-Juniper Partnership Executive Committee meeting on July 8th; attended the Natural Resources Advisory Commission meeting on July 9th, with Elko BLM representatives at the meeting and Battle Mountain BLM representatives on the phone; attended the Sagebrush Ecosystem Council meeting via phone on July 10th; traveled to Carson City on July 14th to meet with the US Geological Survey regarding extending the period under the Joint Funding Agreement for submission of the report entitled, *Characterization of Water Quality & Groundwater Budgets for the Diamond Valley Flow System*; attended the Pinyon-Juniper Partnership Conference in Sparks on July 15th-17th; attended the Nevada Association of Counties meeting on July 18th; and attended the Nevada Land Management Task Force meeting also on July 18th.

Pinyon-Juniper Partnership Conference: The theme of the Pinyon-Juniper Partnership Conference (held in conjunction with the Eastern Nevada Landscape Coalition) was pairing industry utilization with landscape restoration. Leading experts spoke on pinyon-juniper research. There are different phases of tree growth. Phase 1 is scattered trees with a predominantly sagebrush landscape; Phase 2 is a co-dominance of half trees, half sagebrush; and in Phase 3 trees have surpassed all other growth to the point of eliminating or significantly reducing those perennial species. Each year 150,000 acres of pinyon-juniper in the Great Basin transitions into the next phase. To stay ahead of this trend, more than 150,000 acres of treatment is needed each year.

Upcoming Meetings: Upcoming meetings include the Boulder Valley & Maggie Creek Monitoring Plans meeting in Carson City on July 22nd; the Crescent Valley Firewise Committee meeting on July 23rd; a meeting of the Legislative Committee on Public Lands on August 1st in Ely; and a Diamond Natural Resources Protection & Conservation Association meeting on August 5th. The State Engineer is hosting several 'listening sessions' across Nevada related to proposed water legislation - to be held July 29th in Elko and July 30th in Ely, among other locations, with a final session in Carson City at the Nevada Division of Water Resources sometime in August.

Willow Creek Fire Wildfire Management & Livestock Closure: A letter was received from the BLM on July 7th (dated July 3rd) informing of the final closure decision related to the Willow Creek Fire, which occurred just over a year ago south of Eureka towards Fish Creek. The BLM

issued a public letter related to this on April 24th with a 15-day comment period, but no County offices or officials were included in the distribution. After some research by the BLM, they acknowledged that in their efforts to streamline notification, Eureka County was inadvertently omitted. Mr. Tibbitts and Chairman Goicoechea discussed this with Battle Mountain District Manager, Doug Furtado, and he has offered to rescind the decision and reopen the public consultation period; or the County can move forward with an appeal, which they would likely win on the notification issue.

Current policy on the Battle Mountain District Resource Management Plan allows for closure of burned areas for two growing seasons *or* until objectives have been met (and many of the objectives are subjective). The BLM is categorizing Willow Creek as a post wildfire ES&R (emergency stabilization and rehabilitation) which calls for prompt action. One growing season has passed with no rehabilitative actions by the BLM, which should have already taken place if this is truly an emergency. Mr. Tibbitts described other requirements that go along with an ES&R including vegetation requirements, livestock restrictions, and imposed inaccessibility to water sources. The agency can arbitrarily use these restrictions to keep a grazing permittee off an allotment for multiple years. Based on this, there are a lot of points Eureka County needs to comment on.

Commissioner Ithurrealde motioned to request that District Manager of the Battle Mountain BLM rescind the Willow Creek Fire Closure decision and reopen the comment period, due to lack of notification to Eureka County; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Petition to List Wild Horses Under Endangered Species Act: A petition was submitted in June to the US Department of the Interior and the US Fish & Wildlife Service entitled, *Petition to List a North American Distinct Population Segment of Wild Horse (Equus caballus) under the US Endangered Species Act*. Petitioners are Friends of Animals and The Cloud Foundation. The petition claims that wild horses have their own distinct genetic makeup which separates them from other horse populations.

Mr. Tibbitts has contacted some of the groups that are offering comments or opinions, including the National Horse & Burro Rangeland Management Coalition, which is working with multiple groups. He has reached out to Senator Heller's office and Congressman Amodei's office. Congressman Morgan Griffith of Virginia has been a proponent in addressing shortfalls in the Endangered Species Act, focusing on the waste of taxpayer dollars and the agency's time and resources expended due to frivolous petitions, appeals, etc., and he is working with the Wildlife Society to formulate a response. Upon completion, they will be reaching out for partners to sign onto their response.

Commissioner Ithurrealde motioned to authorize Natural Resources to review and provide input and for Eureka County to partner on the Congressman Griffith/Wildlife Society response to the Wild Horse Petition and for Eureka County to take the lead on garnering western support; Commissioner Sharkozy seconded the motion; motion carried 3-0.

US Forest Service Proposed Groundwater Resource Management: At the last meeting, Mr. Tibbitts explained that the Clean Water Act delegates authority for water quality, best management practices, and non-point source pollution to the states; but the US Forest Service is moving forward with designating its own best management practices for water quality on the forest, usurping federal regulations and state laws.

The proposal states that the USFS "...should apply federal reserved water rights to groundwater as well as surface water to meet federal purposes..." It states that the proposed directive does not trigger Executive Order 13121, signed in 1999, dictating that additional steps are triggered when action is proposed where there are blurred lines between federal administration/management and state administration/management. The management proposal includes a lot of vague language and it is simply not within USFS jurisdiction.

The Western Governors' Association submitted a letter citing case law that reiterated the exclusive nature of state authority in managing groundwater resources. The State Engineer's

office is very concerned and will be weighing in on this as well. The Natural Resources Advisory Commission voted to provide comment. Mr. Tibbitts has received input from industry and will incorporate that into detailed comment that will be sent on behalf of Eureka County. Comments are due by August 4th.

Commissioner Ithurralde motioned to respond in opposition to the US Forest Service's proposed directive on Groundwater Resource Management and authorized the Chairman to sign the response outside of the meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Nevada Land Management Task Force: The Nevada Land Management Task Force is reaching the end of its duties under Assembly Bill 227, with the final report nearly complete (A Report of the Nevada Land Management Task Force to the Nevada Interim Legislative Committee on Public Lands: Congressional Transfer of Public Lands to the State of Nevada).

Eureka County has provided input along the way, feeling that transfer of certain lands would be beneficial. The proposal is a phased process and Phase 1 is lands already identified for disposal by the federal government. Subsequent phases cover all other lands. Chairman Goicoechea commented it would be a victory to get Phase 1 lands, or even a portion of those. Phase 1 lands in Eureka County include some along US Highway 50 and checkerboard land along the railroad in northern Eureka County.

Commissioner Ithurralde motioned to reaffirm support of the report prepared by the Nevada Land Management Task Force for the State to acquire authority over certain public lands currently managed by the federal government, which will be submitted to the Legislative Committee on Public Lands on August 1st; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Nevada Sagebrush Landscape Conservation & Economic Development Act: The second discussion draft of the Nevada Sagebrush Landscape Conservation & Economic Development Act proposed by Senators Harry Reid and Dean Heller has been released, with comments requested by August 15th. Mr. Tibbitts briefly reviewed changes in the second draft. There are some positive changes, but the bill still contains a concerning wilderness component, which is directly in opposition with Eureka County's Master Plan and Eureka County Code, Title 9, Natural Resources & Land Use. The IRAs (inventoried roadless areas) specific to forest were taken off the table, so Eureka County gained back those lands that were in the original version. The revised draft includes required land disposals; within five years of enactment, the BLM must offer for sale a minimum of 15,000 acres in the following counties: Churchill, Elko, Eureka, Humboldt, Lander, Nye, and Pershing. A map clearly identifying the lands referenced in this legislation has been requested.

Commissioner Ithurralde motioned to table a response to the latest discussion draft of the Nevada Sagebrush Landscape Conservation & Economic Development Act proposed by Senators Reid and Heller; Commissioner Sharkozy seconded the motion; motion carried 3-0.

CORRESPONDENCE

Correspondence was received from: District Attorney, Ted Beutel; Administrative Legal Secretary, Toni Wright; Undersheriff Keith Logan; Clerk & Treasurer, Beverly Conley; Executive Assistant, Jackie Berg (7); Senior Center Site Director, Adell Panning; Eureka County Economic Development Program; Health Insurance Committee; Local Emergency Planning Committee; Eureka County Television District; Crescent Valley Town Advisory Board (2); Crescent Valley Activities Program; Crescent Valley Emergency Fund; Nevada Assoc. of Counties (2); White Pine County Commission; Allison, MacKenzie, Pavlakis, Wright & Fagan, Ltd.; Nevada Div. of Water Resources; Nevada Council for the Prevention of Domestic Violence; Nevada Div. of Minerals; Nevada Dept. of Transportation; Nevada State Public Defender; Nevada Dept. of Business & Industry; Nevada Dept. of Taxation; Nevada Lawyer article; and National Assoc. of Counties.

PUBLIC COMMENT

Chairman Goicoechea called for public comments. Clerk & Treasurer, Beverly Conley, asked that the Board consider proposing an ordinance to help clean up the registry of Fictitious Firm Names by removing inactive names following notification and a six month response period, and by requiring a mandatory renewal every five years with an associated fee of \$20.00. The Board agreed to place this on the next agenda.

Undersheriff Keith Logan reminded everyone of the blast at Ruby Hill Mine scheduled at approximately noon that day. This was the blast previously delayed from July 15th.

ADJOURNMENT

Commissioner Ithurralde motioned to adjourn the meeting; Commissioner Sharkozy seconded the motion; the meeting was adjourned at 11:34 a.m.

Approved by vote of the Board this 6th day of August, 2014.

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

I, Jackie Berg, Executive Assistant to the Board of Eureka County Commissioners, attest that these are a true, correct, and duly approved minutes of the July 21, 2014, meeting of the Board of Eureka County Commissioners.

/s/ Jackie Berg
Jackie Berg, Executive Assistant

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 Executive Assistant of the Board.

/s/ Beverly Conley
Beverly Conley, Clerk & Treasurer