

**EUREKA COUNTY BOARD OF COMMISSIONERS**  
**August 5, 2016**

STATE OF NEVADA            )  
  :SS  
COUNTY OF EUREKA        )

**CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on August 5, 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 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**

The Economic Development item was removed from the agenda, as the advisory board has not yet accepted the letter of resignation. With that change, Commissioner Etchegaray motioned to approve the agenda; Commissioner Sharkozy seconded the motion; motion carried 3-0.

**PUBLIC COMMENT**

Chairman Goicoechea called for public comments. Commissioner Clerk, Jackie Berg, announced that Nevada Attorney General Laxalt is conducting a "road tour" across the State and will be in Eureka on September 6<sup>th</sup> in the Commissioners' Chambers of the County Courthouse from 4:30 to 5:30 p.m. The Attorney General extends a special invitation to local officials, but all members of the public are welcome.

**APPROVAL OF MINUTES**

July 12, 2016, and July 18, 2016: Commissioner Sharkozy motioned to approve minutes of the special meetings held on July 12, 2016, and July 18, 2016; Commissioner Etchegaray seconded the motion; motion carried 3-0.

**COUNTY COMPTROLLER**

Payment of Expenditures: Expenditures were presented for approval by County Comptroller, Tina Hubbard. Commissioner Etchegaray motioned to approve expenditures in the amount of \$311,100.01 for accounts payable, \$262,065.85 for the July 20<sup>th</sup> payroll, \$362,162.98 for the August 5<sup>th</sup> payroll, \$62,993.67 for a pass through tax allocation to the School District; \$4,346.62 for a pass through to the State Controller, \$2,160.00 for a pass through to the Department of Minerals, \$499.21 for a pass through to the Department of Taxation, and \$4,462.49 for Yucca Mountain expenses, for a grand total of \$1,009,790.83; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Timely Vouchers: Chairman Goicoechea encouraged County departments to ensure that vouchers are signed in a timely fashion. Vouchers from one elected office in particular are becoming quite delinquent and the Chairman didn't feel the Commissioners should be signing these on behalf of another elected official.

Fund Balances Report: The Board reviewed a print-out of current fund balances.

Resolution to Abolish Account: Assistant Comptroller, Kim Todd, explained that the original account established for Yucca Mountain funds was a non-interest bearing account. Accounting changes with the US Department of Energy in 2005 allowed monies received to become interest earning funds and a new account was created so the funds weren't co-mingled. The original account remained until those funds were exhausted. This has now been

accomplished and the Nevada Department of Taxation requires a resolution memorializing dissolution of the account.

Commissioner Etchegaray motioned to adopt a resolution abolishing Nuclear Waste-Yucca Mountain Fund 075; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Eureka, Nevada

August 5, 2016

RESOLUTION DISSOLVING YUCCA MOUNTAIN ACCOUNT  
PRIOR TO FEDERAL FISCAL YEAR 2005

WHEREAS, the Board of Eureka County Commissioners needs to dissolve a fund known as Nuclear Waste – Yucca Mountain (Fund 075);

WHEREAS, the funding for Nuclear Waste was moved to another fund in Federal Fiscal Year 2005 named Yucca Mountain Direct Payment FFY 05 (Fund 077);

WHEREAS, US Department of Energy rules and interpretations necessitated the establishment of a new fund for Yucca Mountain direct payment funding to Eureka County as an affected unit of local government beginning in FFY 2005;

WHEREAS, the Nuclear Waste-Yucca Mountain (Fund 075) account is no longer in use and no funds are available to be spent from this account;

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Board of Eureka County Commissioners are dissolving the fund known as Nuclear Waste – Yucca Mountain (Fund 075) and this fund will no longer be in use beginning with Fiscal Year 2016-2017.

ADOPTED this 5<sup>th</sup> day of August, 2016.

Board of Eureka County Commissioners  
County of Eureka, State of Nevada

By: /s/ J.J. Goicoechea  
J.J. Goicoechea, Chairman

By: /s/ Michael Sharkozy  
Michael Sharkozy, Member

By: /s/ Fred Etchegaray  
Fred Etchegaray, Member

ATTEST: /s/ Jackie Berg  
Jackie Berg, Clerk

RFP for Actuarial Services: Ms. Hubbard and Ms. Todd explained that pursuant to GASB (Government Accounting Standards Board) Statement No. 45, an actuarial report is required every three years, so their office prepared a Request for Proposals. The actuarial report will estimate the County's liability related to OPEB (other post-employment benefits). Commissioner Sharkozy motioned to authorize the Comptroller's office to issue the RFP for actuarial services; Commissioner Etchegaray seconded the motion; motion carried 3-0.

**COMMISSIONERS**

Update Reports: Commissioner Sharkozy attended a Senior Centers Advisory Board meeting on July 26<sup>th</sup> via interactive video from Crescent Valley; attended the Crescent Valley Firewise Committee meeting on July 26<sup>th</sup>; attended the Crescent Valley Volunteer Fire Department meeting on July 26<sup>th</sup>; participated in the Newmont Mining tour of their properties

near Carlin on July 27<sup>th</sup>; attended the AT&T informal meeting in Eureka on August 1<sup>st</sup>; and participated in a meeting in Carson City on August 3<sup>rd</sup> concerning State indigent funds.

Commissioner Etchegaray attended the Diamond Valley Groundwater Management Plan meeting on July 25<sup>th</sup>; attended the AT&T meeting in Eureka on August 1<sup>st</sup>; and participated in the Eureka County Investment Committee meeting on August 3<sup>rd</sup>.

Chairman Goicoechea attended a meeting on July 26<sup>th</sup> with Nevada Division of Forestry regarding fire response (along with other County representatives); participated in the Newmont Mine tour on July 27<sup>th</sup>; testified before the Legislative Interim Committee on Public Lands on July 28<sup>th</sup> in Elko; attended the AT&T meeting in Eureka on August 1<sup>st</sup>; participated in a NACO conference call the afternoon of August 1<sup>st</sup>; and met with Kaleb Froehlich, a representative of Cassidy & Associates from Washington, DC, in Eureka on August 2<sup>nd</sup> regarding legislation for conveyance of public lands.

Nevadaworks: In March, the Board approved the updated Cooperative Agreement for the Creation of Nevadaworks in order to reflect changes adopted with the Workforce Innovation & Opportunity Act of 2014. An amended agreement was recently submitted to the County for approval after some minor language changes were requested by the Nevada Attorney General's office. Commissioner Sharkozy motioned to sign the amended Cooperative Agreement for the Creation of Nevadaworks pursuant to the Workforce Innovation & Opportunity Act of 2014; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Nevada Rural Housing Authority: In anticipation of return of complete right, title, and ownership of properties located at the Eureka Canyon Subdivision, currently held by Nevada Rural Housing Authority, Eureka County completed physical inspection of the townhome units and is now in the process of reviewing related documentation (with assistance from outside counsel, Marvel & Marvel).

District Attorney, Ted Beutel, updated the Board on progress. The Settlement Agreement was signed on June 27<sup>th</sup>, which began a 45-day period allowing for inspection and evaluation of the property, with the ability to request additional time if needed. All documents have not yet been provided, and some that have been provided are redacted (certain information is obscured). Other documents provided have simply been 'sample' documents. Records are located in several locations, making obtention further burdensome.

Eureka County has the ability to elect not to proceed with acquisition and the Settlement Agreement will simply terminate. If all documents are not received by the deadline, Mr. Beutel recommended that the County request additional time to allow for full disclosure of all records.

Water Resources Master Plan: The Planning Commission held their public hearing on August 1<sup>st</sup> and motioned to approve the draft Water Resources Master Plan. The Planning Commission only received one comment, which did not require any modification to the draft. The Plan now requires final approval by the County Commission.

Commissioner Etchegaray motioned to set a public hearing at 1:00 p.m. on September 20<sup>th</sup> to receive public comments and consider adoption of the Eureka County Water Resources Master Plan; Commissioner Sharkozy seconded the motion; motion carried 3-0. *Note: The draft plan is available online at <http://www.co.eureka.nv.us/>.*

Sagebrush Ecosystem Program & Nevada Greater Sage-Grouse Conservation Plan: The Sagebrush Ecosystem Council received a letter from the US Fish & Wildlife Service requesting involvement in the Conservation Credit System and its implementation. The State has agreements with BLM and US Forest Service, but the USF&WS does not manage lands or sage grouse (since the species wasn't listed as an endangered or threatened). Chairman Goicoechea (who serves as Chairman of the SEC) is working on a response to the USF&WS.

Cancelled Meetings: The Chairman's presence has been requested at the next meeting of the Legislative Interim Committee on Public Lands and he offered his fellow Commissioners the option of cancelling the August 19<sup>th</sup> meeting or proceeding with two members.

Commissioner Etchegaray motioned to cancel the regular Commission meeting scheduled for August 19, 2016; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Special Meeting Scheduled: Commissioner Etchegaray motioned to schedule a special meeting beginning at 9:30 a.m. on August 18, 2016; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **SENIOR CENTERS**

Update Report: Senior Centers Program Director, Millie Oram, reported on activities at the Eureka Senior Center and Fannie Komp Senior Center. In July, Eureka served 851 meals and Crescent Valley served 530 meals. A total of \$12,635.14 was deposited for the month.

On August 6<sup>th</sup>, the van will take seniors to Ely for Arts in the Park and seniors will travel to Las Vegas on August 22<sup>nd</sup> for the Ms. Senior Nevada Pageant, which is a big hit every year.

## **CRESCENT VALLEY TOWN ADVISORY BOARD**

Free Dump Day: Chair of the Crescent Valley Town Advisory Board, Dawn Gann, requested a free dump day at the Crescent Valley Laydown Yard. One was granted the previous September and it was very successful. The Crescent Valley Firewise Committee has offered to donate \$1,000.00 towards costs, with the request that the free dump day be offered to all area residents (the previous year was limited to Crescent Valley Town residents). If approved, yard waste, furniture, white goods, tires, and car bodies will be accepted. Hazardous materials, household garbage, and dead animals will not be accepted.

Commissioner Sharkozy motioned to authorize a free dump day in October (exact date to be determined by Public Works) at the Crescent Valley Laydown Yard for all northern County residents; Commissioner Etchegaray seconded the motion; motion carried 3-0.

## **ROAD DEPARTMENT**

Report on Activities: Raymond Hodson, Assistant Public Works Director, reported on Road Department projects and activities. Diamond Valley roads have been bladed and crews have moved to Sadler Brown Road. The Tonkin Road is done and that blade has moved to the JD Ranch Road. Work has been done on roads in the Roberts Mountain area, including cutting trees that have fallen in the roadways due to the recent fire. Mr. Hodson reported that the combined effect from recent fires, pinyon-juniper thinning projects, and high precipitation this past winter, has caused a lot of water to spring up in the roadways making it tough for equipment to travel.

The sand/salt pile has been moved to a pit to allow for spreading and drying in preparation for winter.

Northern crews are finishing up the Barth Road and have bladed Cottonwood Canyon, McCluskey Creek Road, and other roads in the area.

Mr. Hodson attended a pre-construction meeting in Elko on August 2<sup>nd</sup> for the Nevada Department of Transportation project on State Route 278. A two-inch overlay will be placed on approximately 6.5 miles in Pine Valley. NDOT plans to start around August 22<sup>nd</sup> and the project will take about two weeks.

## **PUBLIC WORKS**

Projects & Activities: Assistant Public Works Director, Raymond Hodson, provided an update on Public Works projects and activities.

Crescent Valley Well Failure: Two wells went down in Crescent Valley on July 21<sup>st</sup> due to a power outage. Thanks to quick work by staff and Parsons Drilling, they were back up by the weekend. The majority of related costs will be covered by insurance since the power company was at fault.

Facilities: Crews are preparing the Eureka Fairgrounds for the upcoming County Fair on August 11<sup>th</sup>-14<sup>th</sup>. A lot of work has been done at the Courthouse on the boiler and work is being done with the thermostats to help regulate the air conditioning.

Fire Updates: A dozer, grader, and several engines were dispatched to the Pinto Creek Fire on July 21<sup>st</sup>. Equipment and personnel were released by the afternoon of July 22<sup>nd</sup> with no damage or injuries. Another fire occurred on August 4<sup>th</sup> – a haystack fire in Diamond Valley. Several engines, a water tender, and a grader responded to that fire.

Softball Tournament: The Annual VFW Mid-Summer Classic Men's Softball Tournament was held July 23<sup>rd</sup> & 24<sup>th</sup>. There were no major issues, but a child did get hit by a baseball, so the fence behind first base will be vertically extended. Commissioner Etchegaray suggested that the fence behind third base be extended as well.

Senior Administrative Assistant: The Board reviewed documentation supporting the need to fill a position in Public Works being vacated due to resignation. Commissioner Etchegaray motioned to authorize hiring of a Senior Administrative Assistant in Public Works; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **IT / NETWORK**

Computer & Technology Purchases: IT/Network Supervisor, Michael Mears, explained that he originally hoped to cover capital outlay purchases for replacement computers, monitors, etc., from the Technology Support budget, but several unknowns have cropped up this year. To address unknown costs, he is requesting that departments fund their own technology purchases when possible. If a department budget can't support the purchase, he will cover it with either the Technology Support budget or the Assessor's Technology Fund. Mr. Mears feels he will have a better estimate of costs by next budget year and can return to the original plan of funding these types of purchases from the Technology Support budget.

Regardless of which budget pays the expense, he would like to see all technology purchases handled by the IT/Network department. This will allow the County to obtain the best pricing available and will allow for accurate tracking of true technology costs.

Chairman Goicoechea agreed that Mr. Mears could manage the purchases as proposed in the current fiscal year, but commented that he preferred to see the Technology Support budget serve its original intent of funding all technology purchases and this will be the goal for future years. Regardless of funding source, the Board agreed that it makes sense for all technology purchases to go through the IT/Network department.

Commissioner Sharkozy motioned to direct Mr. Mears to issue a memo to all departments explaining that all technology purchases must go through the IT/Network department and, additionally, departments may be asked to assist with funding this fiscal year if their budgets allow. Commissioner Etchegaray seconded the motion. Motion carried 3-0.

## **EUREKA COUNTY SHERIFF**

Out-of-State Travel: Sheriff Keith Logan explained that two of his staff members, along with IT/Network Analyst, Misty Rowley, will attend the upcoming RIMS Users Conference in California, just over the State line. Commissioner Sharkozy motioned to authorize out-of-state travel for staff to attend the Sun Ridge Systems, Inc., RIMS Users Conference in South Lake Tahoe, October 10<sup>th</sup>-14<sup>th</sup>; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Dispatcher Position: The Board reviewed the Hiring Freeze Waiver Justification form supporting the need to fill a full-time Dispatcher position, due to the upcoming retirement of a long-time employee. Commissioner Etchegaray motioned to authorize hiring a replacement full-time Dispatcher for the Sheriff's Office; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **EUREKA COUNTY JUSTICE COURT**

Justices of the Peace Pro Tempore: Justice of the Peace, John Schweble, explained that the current Justice of the Peace Pro Tempore, Dorothy Rowley, will be unavailable for a temporary period. He requested authorization to name a second Pro Tempore, which must be done by resolution of the Board. Judge Schweble recommended Judge Dan Ward from Fallon.

The Board discussed several concerns, but eventually agreed there was a need for a back-up Justice of the Peace. District Attorney, Ted Beutel, assured the Board that the resolution can be modified at any time in the future. Commissioner Etchegaray motioned to adopt a resolution identifying substitute Justices of the Peace (Pro Tempore), identifying the per diem salary (at the current rate), and authorizing the Chairman to sign the resolution following the meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Eureka, Nevada

August 5, 2016

### **RESOLUTION**

#### **OF THE BOARD OF EUREKA COUNTY COMMISSIONERS IDENTIFYING THE SUBSTITUTE JUSTICE(S) OF THE PEACE (PRO TEMPORE) AND IDENTIFYING THE PER DIEM SALARY**

WHEREAS, NRS 4.032 states the Board of County Commissioners shall select a person or persons to serve as substitute justices of the peace; and

WHEREAS, NRS 4.032(3) states the justice of the peace pro tempore is entitled to receive a per diem salary set by the Board, and

WHEREAS, NRS 4.032(3) also states the "annual sum expended for salaries of justices of the peace pro tempore must not exceed the amount budgeted for that expense by the board of county commissioners";

NOW THEREFORE BE IT RESOLVED the Board of Eureka County Commissioners identify Dorothy Rowley and Dan Ward as Justices of the Peace Pro Tempore of the Eureka County Justice Court, and set the per diem salary at \$200 per day, and \$100 for one half of a day (4 hours or less). The annual sum expended for July 1 to June 30 for this per diem shall not exceed \$23,000.00, the amount budgeted for that expense by the Board. This Resolution is effective August 5, 2016, and may be modified by a subsequent Resolution at any time by the Board.

Adopted this 5<sup>th</sup> day of August, 2016.

/s/ J.J. Goicoechea

Chair of the Board

Eureka County Commissioners

ATTEST: /s/ Jackie Berg

Commissioner Clerk

## **EUREKA ACTIVITIES**

Matching Grant Funds: Eureka Activities Coordinator, Cindy Beutel, requested direction regarding obtaining matching funds for grants in order to advertise in Nevada Magazine and True West Magazine. Ms. Beutel identified marketing funds in the Economic Development budget that might be available. After a lengthy discussion, everyone agreed it would be beneficial to work together with the Opera House, when possible, to publish joint ads and make best use of advertising dollars. The Board asked that Ms. Beutel obtain a recommendation from the Economic Development Program Board before the Commissioners would authorize use of any monies from that budget.

Update on Activities: Ms. Beutel reported that the hot air balloon rides were a big hit over the past weekend. Nearly 80 people showed up each day and had a great time, although Saturday's rides had to be cancelled due to weather. The balloonists will return next July.

A new exhibit, with a western theme, is now on display in the Gallery Hall of the Courthouse. It replaces the latest exhibit, which honored local artists.

## **NATURAL RESOURCES**

Report on Activities: Natural Resources Manager, Jake Tibbitts, was absent in order to attend the Humboldt River Basin Water Authority in Winnemucca. In his stead, Chairman Goicoechea offered a brief update on Natural Resource activities and noted that Mr. Tibbitts will provide a full update at the next meeting.

Sage Grouse Issues: The plaintiffs submitted final paperwork, including another declaration from Eureka County, in the sage grouse litigation pending in US District Court in Nevada. (The plaintiffs/appellants, led by Western Exploration, LLC, include several rural Nevada counties and industry groups). Earlier this week, the federal agencies also had multiple submissions, so outside counsel is in the process of reviewing the new data.

Legislative Commission Subcommittee to Study Water: Eureka County is preparing recommendations and requests for the Legislative Commission Subcommittee to Study Water to consider at their upcoming work session on August 26<sup>th</sup>. The number one request that will be made of the Subcommittee is related to designation of the Diamond Valley Basin as a Critical Management Area and the need for legislation to address this issue going forward.

Commissioner Etchegaray motioned to authorize Natural Resources Manager, Jake Tibbitts, to work with Consulting Hydrogeologist, Dale Bugenig, and Chairman Goicoechea to finalize the recommendations and requests for presentation to the Legislative Commission Subcommittee to Study Water at their work session on August 26<sup>th</sup> and, additionally, that Mr. Tibbitts garner input from Mr. Bugenig, Chairman Goicoechea, and Commissioner Etchegaray in order to create a preliminary BDR (bill draft request) for submission to the Subcommittee and its Chairman (Senator Pete Goicoechea). Commissioner Sharkozy seconded the motion. Motion carried 3-0.

## **CORRESPONDENCE**

Correspondence was received from: Connie Hicks (2); Michael Caldwell; District Attorney, Ted Beutel (3); Sheriff's Office; Assessor, Michael Mears; Clerk & Treasurer, Beverly Conley (2); Natural Resources, Jake Tibbitts (3); IT/Network Analyst, Misty Rowley; Planning Commission; Economic Development Program Board; Television District; Eureka County School District; Eureka Owl Club (2); Nevada Assoc. of Counties (2); White Pine County (3); Northeastern Nevada Regional Development Authority; Humboldt River Basin Water Authority; Central Nevada Regional Water Authority; Marvel & Marvel; Nevadaworks; Nevada Div. of Water Resources; Nevada Appeal; Allison, MacKenzie, Ltd.; Las Vegas Review Journal; Nevada Legislative Counsel Bureau; Nevada Div. of Child & Family Services; Nevada Div. of Environmental Protection (2); Nevada Supreme Court/AOC; Nevada Dept. of Transportation; Nevada POOL/PACT; Nevada State Climate Office; Nevada Deferred Compensation; The Advocate; Crowdfunding; Nevada State Clearinghouse (4); Watershed Connections newsletter; US Dept. of the Interior-BLM; US Bankruptcy Court; USDA Forest Service (4); American Lands Council (5); David King (2); and Business & Legal Resources.

## **PUBLIC COMMENT**

Commissioner Goicoechea opened the floor for public comments. Commissioner Sharkozy commented that Mike Caldwell did a terrific job of facilitating the Crescent Valley Annual Car Show in July and had more than 70 vehicles registered. It was noted that he returned over half of the activities funds allocated for the event.

An email received in correspondence referenced a Zika infestation in Florida, so Chairman Goicoechea (who serves as State Veterinarian for the Nevada Department of Agriculture) provided an update. In testing of mosquito pools throughout the State, there have been some positive results for encephalitis in other areas (not Eureka County), as well as a horse that tested positive for West Nile virus. These results are not alarming or out of the ordinary.

The Chairman reported that the BLM will bait and water trap wild horses from neighboring HMAs (Herd Management Areas), but they have only been authorized to remove 30 horses.

Sheriff Logan noted that he will be meeting with other Sheriffs throughout the region regarding the Homeland Security working group, annual grants, and related matters.

Future Agenda Items: Chairman Goicoechea stated a concerning issue has been brought to his attention. Staff in the Recorder's office has had earned leave approved and then revoked at the last minute. He requested that an item be placed on the next agenda to inquire why the elected official is not managing staff time and providing office coverage so that hourly staff may utilize their earned time off.

### **ADJOURNMENT**

The meeting was adjourned at 11:45 a.m.

*Approved by vote of the Board this 18<sup>th</sup> day of August, 2016.*

---

J.J. Goicoechea, Chairman

*I, Jackie Berg, Commissioner Clerk, attest that these are a true, correct, and duly approved minutes of the August 5, 2016, meeting of the Board of Eureka County Commissioners.*

---

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.*

---

Beverly Conley, Clerk & Treasurer