

**EUREKA COUNTY BOARD OF COMMISSIONERS**  
**August 6, 2019**

STATE OF NEVADA            )  
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COUNTY OF EUREKA        )

**CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on August 6, 2019. Present were Chairman J.J. Goicoechea; Vice Chair Michael Sharkozy; Commissioner Rich McKay; 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**

An item was removed from the Commissioners' section of the agenda pending a response on a personnel matter. Commissioner Sharkozy motioned to approve the agenda with that change; Commissioner McKay seconded the motion; motion carried 3-0.

**PUBLIC COMMENT**

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

**APPROVAL OF MINUTES**

July 19, 2019: Commissioner Sharkozy motioned to approve minutes of the July 19, 2019, meeting; Commissioner McKay seconded the motion; motion carried 2-0. Chairman Goicoechea abstained from the vote since he was absent from that meeting.

**COUNTY COMPTROLLER**

Payment of Expenditures: Expenditures were presented for approval by Comptroller, Kim Todd. Commissioner Sharkozy motioned to approve expenditures in the amount of \$343,037.74 for accounts payable; \$325,027.72 for payroll, retiree, and insurance related expenses; \$123,098.56 for a pass-through tax allocation to the School District; \$278,982.00 for a pass-through to the State Controller; \$836.55 for a pass-through to the Nevada Department of Taxation; \$105.00 for a pass-through to Washoe County; and \$10,756.38 in Yucca Mountain expenses for a grand total of \$1,081,843.95. Commissioner McKay seconded the motion. Motion carried 3-0.

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

Fraud Prevention & Reporting Policy: Ms. Todd presented a draft Fraud Prevention & Reporting Policy. Ms. Todd is currently updating the Eureka Personnel Policy to incorporate recent legislative changes and she recommended that the fraud policy be added as part of this update.

Commissioner Sharkozy motioned to implement a Fraud Prevention & Reporting Policy to be incorporated into the Eureka County Personnel Policy; Commissioner McKay seconded the motion; motion carried 3-0. A public hearing will be scheduled for the Commissioners to consider and formally adopt all changes to the Personnel Policy.

**COMMISSIONERS**

Testimony in Washington, DC: Chairman Goicoechea recently accepted an invitation to testify before the Senate Committee on Energy & Natural Resources' Subcommittee on Public Lands, Forests & Mining at its July 16<sup>th</sup> hearing to examine the BLM's Wild Horse & Burro Program. The Chairman felt that, overall, the hearing went well; although it got a little off track

towards the end when the ASPCA objected to spaying pregnant mares. Proponents of the recent proposal (which include the ASPCA), "*The Path Forward for Management of BLM's Wild Horses & Burros*," have made it clear that the plan does not include spaying pregnant mares.

Senator Mike Lee of Utah, Chairman of the Subcommittee, has asked Chairman Goicoechea to provide additional feedback. Chairman Goicoechea also received an invitation for a one-on-one meeting with US Department of the Interior Secretary David Bernhardt.

Chairman Goicoechea noted that the biggest hurdle for implementing the proposal will be funding. The Department of the Interior needs to ask for upwards of \$100 million. The House approved \$7 million for a pilot program, and the proposal is currently before the Senate.

To provide additional perspective on the issue, Chairman Goicoechea explained that, as of March, there are more than 88,000 BLM horses on the range and over half of those (47,000) are in Nevada. These numbers do not include feral, stray, tribal, or other horses.

Commissioner Sharkozy motioned to ratify the Chairman's attendance and testimony before the Senate Committee on Energy & Natural Resources' Subcommittee on Public Lands, Forests & Mining on Tuesday, July 16<sup>th</sup> in Washington, DC. Commissioner McKay seconded the motion. Motion carried 3-0.

Consider Reimbursing Lodging Expenses: This item was tabled at the last meeting to allow further review of the County's policies. Sheriff Watts explained that 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, the Deputy was transferred. Sheriff Watts felt this was an agency directed transfer, which requires 10 days' notice per policy. In lieu of notice, he asked that the employee be reimbursed for 10 days of lodging.

The Commissioners referenced County policy and debated whether an actual transfer occurred since the employee did not work a single shift in Crescent Valley. The Comptroller's office confirmed that no transfer paperwork had been provided for the personnel file. The Commissioners agreed to consider the reimbursement request if the Sheriff could produce documentation supporting a transfer.

Later in the meeting, the Board reviewed a Personnel Order from the Sheriff's Office stating that the Deputy was assigned to Eureka effective May 6<sup>th</sup>, but there was no specific documentation concerning a transfer. Commissioner Sharkozy motioned to deny a voucher request to reimburse an employee's lodging expenses, in the amount of \$991.30, related to employment in Eureka. Commissioner McKay seconded the motion. Motion carried 3-0.

MCAC Resignation: Commissioner McKay motioned to accept the resignation of Amber Whelchel from the Medical Clinics Advisory Committee; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Sagebrush Ecosystem Program: Chairman Goicoechea stated that legal notice was published on August 2<sup>nd</sup> that the USDA Forest Service had issued its Greater Sage-grouse Proposed Land Management Plan Amendments and Final Environmental Impact Statement for the Intermountain and Rocky Mountain Regions.

## **IT / NETWORK**

Update Report: IT Director, Misty Rowley, reported on projects and activities, which included planning for the second phase of the fiber upgrade; converting desktop computers to Windows 10 (Windows 7 will not be supported beyond 2019); working with the State to upgrade capabilities at the Sheriff's Substation in Crescent Valley (to allow fingerprinting); and working with Quest to fine-tune the new audio/video equipment in the Commission Chambers and Crescent Valley Boardroom.

Upcoming Projects: Upcoming projects include programming T1 switches; working with BCT in August to clean out some data closets; working with Express Internet to identify and label equipment in Crescent Valley; and replacing the Commissioners' dinosaur laptops with Microsoft Surface Pros.

## **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 758 meals and Crescent Valley served 596 meals. A total of \$9,307.00 was deposited for the month. The seniors are enjoying the seasonal dinners.

Nutrition Grant Applications: Commissioner McKay motioned ratify grant application to Nevada Aging & Disability Services Division for Nutrition Grant #07-000-04-24-19 for home-delivered meals, in the amount of \$22,659.00, with a match of \$3,999.00. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Commissioner Sharkozy motioned to ratify grant application to Nevada Aging & Disability Services Division for Nutrition Grant #07-000-07-1X-19 for congregate meals, in the amount of \$17,043.00, with a match of \$3,008.00. Commissioner McKay seconded the motion. Motion carried 3-0.

## **SHERIFF**

Introductions of New Staff: Sheriff Jesse Watts introduced Deputy William Hoggard and Deputy Nicholas Collins (both in Crescent Valley) and Dispatcher Heather Peterson.

National Night Out: The Sheriff reminded and invited everyone to National Night Out that afternoon/evening at the Eureka Fire Station and the Crescent Valley Town Park, noting that this is the first year the event has been scheduled in Crescent Valley.

Fee Schedule: Sheriff Watts explained that the County charges \$5.00 to issue a Solicitor/Canvasser ID Card (for door-to-door sellers) and a Work ID Card (food & beverage handlers permit). Fingerprints are taken and simply placed in a file. He recommended implementing a new practice of sending the fingerprints to the State for a background check. To offset the State and FBI fees, of \$41.50, he suggested increasing the card fees to \$46.50.

The Board agreed. Since fees for the Work ID Card are outlined in County Code, Sheriff Watts will work on paperwork to amend the Ordinance.

Out-of-State Travel: Commissioner Sharkozy motioned to approve out-of-state travel for Sergeant Jeri Sanders to travel to Seattle, Washington, for the CIT International Conference on August 24<sup>th</sup>-29<sup>th</sup>. Commissioner McKay seconded the motion. Motion carried 3-0.

Out-of-State Travel: Commissioner McKay motioned to approve out-of-state travel for Sheriff Watts and Undersheriff Clark to travel to Washington, DC, for the FAIR Conference, September 24<sup>th</sup>-27<sup>th</sup>. Commissioner Sharkozy seconded the motion. Motion carried 3-0. Travel expenses will be paid by the Federation for American Immigration Reform.

## **AMBULANCE & EMS**

Out-of-State Travel: Commissioner Sharkozy motioned to approve out-of-state travel for EMS Director, Kenny Sanders, to travel to Seattle, Washington, for the CIT International Conference on August 24<sup>th</sup>-29<sup>th</sup>. Commissioner McKay seconded the motion. Motion carried 3-0.

## **ASSESSOR**

Hiring Freeze Waiver: Assessor, Michael Mears, explained that Amber Whelchel has accepted a permanent position with the Army and he requested authorization to fill her position, which will become vacant on September 19<sup>th</sup>. This position is currently budgeted in the Assessor's Tech Fund as support for the software conversions.

Comptroller, Kim Todd, noted that Ms. Whelchel may exercise her rights under USERRA (Uniformed Services Employment & Reemployment Rights Act), a federal act that protects an individual's right to return to their civilian job within a certain timeframe after military service.

Commissioner McKay motioned to waive the hiring freeze and authorize the Assessor to hire an Appraiser I; Commissioner Sharkozy seconded the motion; motion carried 3-0.

**PUBLIC GUARDIAN / PUBLIC ADMINISTRATOR**

Resolution Adopting Fee Schedule: Treasurer & Public Guardian/Public Administrator, Pernecia Johnson, presented a resolution establishing a fee schedule for Public Guardian and Public Administrator services. To this date, the office has not collected fees for these services unless approved by the court.

District Attorney Beutel explained that the Public Guardian should be the guardian of last resort. Unfortunately, families with the capacity and financial ability to care for their own are often willing to abandon this responsibility when the Public Guardian will do it for free. The fee schedule is not intended to be a revenue source, but will help deter misuse of these services. Fees are required only if financial resources exist, which in some cases may be from an estate.

Commissioner Sharkozy motioned to adopt a resolution establishing the fee schedule for Eureka County Public Guardian/Public Administrator; Commissioner McKay seconded the motion; motion carried 3-0.

Eureka, Nevada

August 6, 2019

**RESOLUTION  
TO ADOPT A NEW FEE SCHEDULE FOR  
EUREKA PUBLIC GUARDIAN / PUBLIC ADMINISTRATOR SERVICES**

WHEREAS, the Board of County Commissioners wish to adopt a new fee schedule for the Eureka County Public Guardian/Public Administrator; and

WHEREAS, Eureka County is dedicated to reviewing income and expenses from time to time in order to make appropriate adjustments as needed; and

WHEREAS, the Eureka County Commissioners reviews and approves the new fee schedule on August 6, 2019, and approves implementation to begin immediately;

NOW THEREFORE BE IT RESOLVED by the Board of Eureka County Commissioners that:

The new fee schedule will be as follows:

**EUREKA COUNTY PUBLIC GUARDIAN / PUBLIC ADMINISTRATOR FEE SCHEDULE**

**HOURLY RATES FOR STAFF:**

|                                      |                   |
|--------------------------------------|-------------------|
| Public Guardian/Public Administrator | \$100.00 per hour |
| Administrative Support               | \$50.00 per hour  |
| District Attorney                    | \$200.00 per hour |
| Administrative Legal Secretary       | \$100.00 per hour |

**TRAVEL, LODGING, AND ESTATE EXPENSES:**

|           |                  |
|-----------|------------------|
| Mileage   | \$0.535 per mile |
| Lodging   | Actual Charge    |
| Airfare   | Actual Charge    |
| Locksmith | Actual Charge    |

**POSTAGE AND PACKING:**

|          |                                      |
|----------|--------------------------------------|
| Postage  | Actual Charge                        |
| Packing  | \$5.00 per box plus \$50.00 per hour |
| Supplies | Actual Charge                        |

*\*Note: in hardship cases, fees may be waived by Public Guardian/Public Administrator.*

Adopted this 6<sup>th</sup> day of August, 2019.

/s/ J.J. Goicoechea, DVM

J.J. Goicoechea, Chairman

Eureka County Commissioners

/s/ Michael Sharkozy

Michael Sharkozy, Vice Chairman  
Eureka County Commissioners

/s/ Rich McKay

Rich McKay, Member  
Eureka County Commissioners

Attest: /s/ Jackie Berg

Jackie Berg, Commissioner Clerk

## **ROAD DEPARTMENT**

**Report on Activities:** Raymond Hodson, Assistant Public Works Director, reported on Road Department activities. Blades are making another pass on Diamond Valley roads and are nearly done. Crews bladed the Baumann/Fiorenzi Road and up over Newark Pass. A lot of time has been spent on the JD Ranch Road making good use of the Barrick water trucks. Roads around the Buckhorn and Horse Canyon area had to be redone after a fire caused an excessive amount of traffic in the area. The Roberts Creek Road is in good shape, so crews are going to pull out of that area for a while.

Northern crews bladed Rose Ranch Road, Dry Hills Road, Frenchie Flats, Geothermal Road, over the top of Cottonwood, and from Sheep Creek to Buckhorn; the blade will now move on to McCluskey Road and Tonkin Summit.

Car counters have been placed on Roberts Creek Road, 3 Bars Road, and Henderson Pass. Other roads will be counted in the future. Mr. Hodson will compare the counts to baseline numbers obtained at an earlier date. This will help gauge the increase in traffic caused by mine and exploration activities.

## **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. Utility crews were busy preparing the ball fields and fairgrounds for the VFW Mid-Summer Classic Men's Softball Tournament and the Eureka County Fair.

**New Repeater Site:** Mr. Damele and Mr. Hodson toured the area in eastern Pine Valley planned for the new BLM radio repeater site. To test how the site will improve communications, the County's mobile repeater will be placed in the area for a time.

**Wildland Fire:** About 1200 acres burned in the recent fire near Buckhorn. Multiple County resources and volunteers responded. The area was evacuated as a precaution, but fortunately the fire did not spread up Horse Canyon.

The heavy engine damaged in the Panning Fire has been repaired and is being returned to Crescent Valley.

**Mutual Aid Agreement:** Eureka County and White Pine County provide each other mutual aid for fire response and emergency medical response. Public Works is working with White Pine on a mutual aid agreement to outline extra assistance for the Cold Creek VFD.

**Hazard Mitigation Plan:** The Multi-Jurisdictional Hazard Mitigation Plan for Eureka County and White Pine County, which was funded by the State, was accepted by FEMA and will be presented at the next meeting for Board approval.

**Kobeh Valley Test Well Project:** Mr. Damele explained that the Kobeh Valley Test Well Project will require specialized experience and equipment, so he and Consulting Hydrogeologist,

Dale Bugenig, recommend pre-qualifying the well drillers who will bid on this project (pursuant to NRS 338.1377 through NRS 338.139).

Commissioner McKay motioned to adopt criteria for qualification of bidders for the Kobeh Valley Test Well Project; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Peterbilt Semi-Tractor: Mr. Damele requested authorization to purchase a new semi-tractor, which will pull the new water trailer. He noted the advantage of utilizing a Sourcewell Contract to make this purchase – allowing the County to buy equipment with a list price of \$228,000.00 for less than \$143,000.00.

Commissioner Sharkozy motioned to approve purchasing a new and complete 2019 Peterbilt Semi-Tractor utilizing Sourcewell Contract #081-716-PMC, for an amount not to exceed \$142,790.00, paid from Road Department capital outlay (020-106-55010-000). Commissioner McKay seconded the motion. Motion carried 3-0.

Klindt Building Demolition Project: Lumos & Associates prepared a time and materials quote for testing and inspections related to demolition of the Klindt Building. Mr. Damele explained that specialized services are required for this project due to the presence of hazardous materials, such as lead and asbestos, and because the building is structurally sensitive due to the shared wall with the Eureka Senior Center.

Commissioner McKay motioned to approve the proposal from Lumos & Associates for materials testing and special inspections for the Klindt Building Demolition Project, not to exceed \$41,250.00, to be paid from Building Reserve capital outlay (040-130-55010-000). Commissioner Sharkozy seconded the motion. Motion carried 3-0.

## **CRESCENT VALLEY TOWN ADVISORY BOARD**

NACO Conference: NACO provides training during its annual conference and P.O.W.E.R. Orientation training is needed by two CVTAB members – Nona Kellerman (Part II) and Charles Bledsoe (Part I).

Commissioner Sharkozy motioned to approve a request from the Crescent Valley Town Advisory Board for two members to attend the Nevada Association of Counties Annual Conference in Sparks in September, including travel and lodging costs for two nights. Commissioner McKay seconded the motion. Motion carried 3-0.

## **NATURAL RESOURCES**

Report on Activities: Due to travel delays, Natural Resources Manager, Jake Tibbitts, was not in attendance and will provide his report at the next meeting.

NEPA Regulations: Mr. Tibbitts has been reviewing the Forest Service's proposed revisions to its National Environmental Policy Act regulations. In an email, he noted there are a few points the County may wish to comment on and comments are due August 12<sup>th</sup>.

Commissioner McKay motioned to approve a response to the US Forest Service on proposed revisions to its NEPA regulations and authorized the Chairman to sign the response outside of the meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Wild Horse Issues: Mr. Tibbitts prepared a comment letter to BLM officials thanking them for adding the Fish Creek Herd Management Area to the gather schedule for September, but urging that more than 500 be gathered. Since the letter was originally drafted, Mr. Tibbitts and the Chairman have had several conversations with the BLM regarding its inability to gather more horses due to limited holding capacity, and the BLM has committed to gathering 550 horses. The comment letter will be updated to reflect these recent conversations with the BLM.

Commissioner Sharkozy motioned to send the letter to the BLM concerning the 2019 Fish Creek HMA gather and authorized the Chairman to sign it outside of the meeting; Commissioner McKay seconded the motion; motion carried 3-0.

## **CORRESPONDENCE**

Correspondence was received from: Connie Hicks; McEwen Mining; District Attorney, Ted Beutel; Comptroller, Kim Todd; Treasurer & Public Guardian/Administrator, Pernecia Johnson; Natural Resources Manager, Jake Tibbitts (2); County Advisory Board to Manage Wildlife; Amber Whelchel; White Pine County; Nevada Assoc. of Counties (2); Frontier Nevada Healthcare Providers; Kelly Brown, PLLC; Senator Catherine Cortez Masto; Nevada Aging & Disability Services Div. (2); Nevada Dept. of Taxation; Nevada Div. of Environmental Protection; Nevada Div. of Water Resources; Your Choice Behavioral Services; US Dept. of the Interior, BLM (2); US Forest Service; and White House Office of Intergovernmental Affairs.

**Commissioner Reports:** Commissioner McKay has been meeting with developers to promote interest in the County-owned lots, but is hearing mixed results. Developers are concerned about a lack of return on their investment and the lack of local tradespeople, such as plumbers and electricians.

Chairman Goicoechea reported that he and Mr. Tibbitts would be attending a meeting that evening (August 6<sup>th</sup>) in Elko for an update from Nevada Gold Mines (the Barrick and Newmont Nevada joint venture), which will also be attended by Governor Sisolak.

## **BID OPENING – KLINDT BUILDING DEMO**

**Notice:** Notice was given that sealed bids for the Klindt Building Demo would be received on or before 11:00 a.m. on August 6<sup>th</sup> and publicly opened and read at 11:00 a.m. during the regular meeting of the Eureka County Board of Commissioners.

**Final Call for Bids:** Two bids were delivered to the Board, and at 11:00 a.m. Chairman Goicoechea made a final call for bids.

**Open Bids:** Ron Damele and Mike Bennett, of Lumos & Associates, opened the bids and noted the required elements received with each bid as listed on the bid submittal checklist. The first bid was from Olcese Construction with a total base bid of \$564,600.00. The second bid was from Bruce Purves Construction with a total base bid of \$824,802.00.

**Bid Review:** Mr. Damele and Mr. Bennett will review the bids in detail and return at 1:30 p.m. to make a recommendation for bid award.

## **PUBLIC COMMENT**

Chairman Goicoechea opened the floor to give an opportunity for comments to anyone who may not wish to return for the afternoon session of the meeting. There were no comments.

## **RECESS**

The Board recessed from 11:05 a.m. to 1:30 p.m.

## **BID AWARD – KLINDT BUILDING DEMO**

**Bid Tabulation Results:** Mr. Bennett and Mr. Damele provided the Board with the bid tabulation showing that both bidders calculated the base bids correctly, supplied all required documents, and have no active exclusions on the federal debarment list. The engineer's estimate for the project was \$575,000.00 and the low bid came in just under the estimate.

**Bid Award:** Commissioner McKay motioned to award the contract for the Klindt Building Demolition Project to the lowest responsive bidder, Olcese Construction, with a base bid of \$564,600.00; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **PUBLIC COMMENT**

Chairman Goicoechea called for public comments; there were none.

**ADJOURNMENT**

Commissioner McKay motioned to adjourn the meeting; Commissioner Sharkozy seconded the motion; the meeting was adjourned at 1:36 p.m.

*Approved by vote of the Board this 6<sup>th</sup> day of September, 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 August 6, 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