

# EUREKA COUNTY BOARD OF COMMISSIONERS

August 20, 2010

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 20, 2010. Present were Chairman Leonard Fiorenzi, Vice Chair Jim Ithurralde, Member Mike Page, District Attorney Theodore Beutel, and Clerk & Treasurer Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance. The interactive video conference system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

## **APPROVAL OF AGENDA**

Chairman Fiorenzi noted that the County Assessor item would be heard immediately following public comment. The first item under Public Works, Annual Operating Plans for the Fire Departments, was tabled to the next agenda. Commissioner Page motioned to approve the agenda with those changes; Commissioner Ithurralde seconded the motion; motion carried 3-0.

## **PUBLIC COMMENT**

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

## **EUREKA COUNTY ASSESSOR**

Correction to APN 003-141-21: Certain changes to the tax roll require authorization by the Board of County Commissioners. An error was found in the square footage calculation of the home on parcel #003-141-21 and pursuant to NRS 361.768 County Assessor, Michael Mears, requested the Board to enter an order into the record directing the County Treasurer to issue an amended tax bill. Commissioner Page motioned to direct the Treasurer to reduce the assessed value for APN 003-141-21 from \$57,168.00 to \$42,268.00 for the 2010-2011 tax year and to issue an amended tax bill; Commissioner Ithurralde seconded the motion; motion carried 3-0.

## **COUNTY FACILITIES & ECONOMIC DEVELOPMENT**

Update Report: Cultural, Tourism & Economic Development Director, Wally Cuchine, reported on activities for the past month.

Reprint of Eureka Walking/Driving Tour Brochure: Mr. Cuchine reported that the current year's budget included funds to reprint the Eureka Walking/Driving Tour brochure. The previous printer is no longer in business, so it will be a completely new brochure. Commissioner Ithurralde motioned to approve reprinting of the Eureka Walking/Driving Tour brochure in the amount of \$12,700.00 plus additional shipping; Commissioner Page seconded the motion; motion carried 3-0.

Industrial Coffee Urn for Opera House: Mr. Cuchine requested approval to replace the coffee machine at the Opera House which has been in service for 17 years and no longer works properly. Commissioner Ithurralde motioned to approve purchase of an industrial automatic coffee urn for the Eureka Opera House, not to exceed \$3,000.00 which includes shipping; Commissioner Page seconded the motion; motion carried 3-0.

## **FINANCE**

Payment of Expenditures: Expenditures were presented for approval by Recorder & Auditor, Mike Rebaleati. Chairman Fiorenzi noted that he would not vote on any Public Guardian invoices due to his family relationship with the Deputy Public Guardian. Commissioner Ithurralde motioned to approve County expenditures in the amount of \$660,442.66 (\$254,935.67 for

payroll and \$405,506.99 for accounts payable); Commissioner Page seconded the motion; motion carried 3-0. Commissioner Page motioned to approve Yucca Mountain expenditures in the amount of \$20,538.30; Commissioner Ithurralde seconded the motion; motion carried 3-0. Yucca Mountain expenditures are paid from a U.S. Department of Energy grant provided to local governments of counties that are affected or will be affected by the Yucca Mountain project.

Auditor's Report: The Commissioners reviewed the Auditor's Report which was provided to them in an electronic format.

Update on Phone System: Mr. Rebaleati informed that AT&T has finally agreed to install a PRI circuit in Ely, which will enable the County's new phone system to become fully operational. Installation should be complete by October 1<sup>st</sup>. Due to this, AT&T will no longer need reconfigure the Centrex lines to accommodate certain features of the new phone system.

## **PUBLIC GUARDIAN**

Out-of-State Travel: Chairman Fiorenzi declined to participate in this item since he is related to the Deputy Public Guardian and turned this portion of the proceedings over to Vice Chairman, Jim Ithurralde. Public Guardian, Mike Rebaleati, explained that Deputy Public Guardian, Necie Johnson, needed to travel to Burley, Idaho, to participate in development of a care plan for a Eureka County ward recently moved there from an Elko care facility. Commissioner Page motioned to approve out-of-state travel for the Deputy Public Guardian to travel the Burley, Idaho, related to the care of a County ward; Commissioner Ithurralde seconded the motion; motion carried 2-0. Chairman Fiorenzi abstained.

## **REQUEST FOR PERIODIC ROAD CLOSURE**

Temporary Closure of a Portion of Buel Street: Mike Rebaleati explained that he plans to do some construction in September and October on one of his lots in Eureka. He requested authorization to close Buel Street (portion between Silver Street and Mineral Street) for two days of construction, approximately five hours each day, sometime during September and October. He will limit the closure to weekend days and daylight hours. Commissioner Ithurralde motioned to authorize temporary closure of a portion of Buel Street in the town of Eureka between Silver and Mineral Streets sometime in September and October to allow for construction, as long as proper signage is in place; Commissioner Page seconded the motion; motion carried 3-0.

## **COMMISSIONERS**

Update Reports: Commissioner Page reported he has been on vacation and has only attended the Commissioner meetings. Commissioner Ithurralde attended the special meeting with Nevada Rural Housing on August 12<sup>th</sup>, and also met a couple times with the District Attorney. Chairman Fiorenzi attended the special meeting on August 12<sup>th</sup>, and met with Eureka Moly on August 19<sup>th</sup>.

Advisory Question #1 for 2010 General Election Ballot: District Attorney, Ted Beutel, explained that the deadline for submitting ballot language to the Clerk had passed, but the Board made a minor change to the language at the August 6<sup>th</sup> meeting to clarify that the School District had not yet gifted any property to the County. The amended resolution will officially place the revised language on the ballot. Commissioner Ithurralde motioned to adopt the 1<sup>st</sup> Revised Resolution placing language for Advisory Question #1, regarding the old elementary school building renovation, on the 2010 General Election ballot; Commissioner Page seconded the motion; motion carried 3-0.

REGARDING THE OLD EUREKA ELEMENTARY SCHOOL

WHEREAS, on May 20, 2010, the Commissioners conducted a joint meeting with the Eureka County School Trustees and the Commissioners directed that pursuant to NRS 293.481 an advisory question should be put to the voters asking whether to spend County revenue to improve the old elementary school; and

WHEREAS, the Commissioners appointed two committees of three to develop ballot language. The committee in favor included Gary McCuin, Steve Zimmerman, and Mike Rebaleati. The committee opposed included Anne Kniefel, Ben Zunino, and Leonard Fiorenzi; and

WHEREAS, by vote conducted June 17, 2010, the School Trustees agreed to consider giving the entirety of APN 001-063-04 and APN 001-064-03 to the County for purposes of creating a community recreation center. These parcels include the old elementary school building, adjacent t park, tennis court, gymnasium, amphitheater, and an area for parking; and

WHEREAS, the ballot language committees met June 28, 2010, and formulated ballot language, and were informed to be available July 6, 2010, when the Board of County Commissioners considered the initial version of this resolution; and

WHEREAS, on July 6, 2010, the initial version of this resolution was approved by the Commissioners; and

WHEREAS, by letter dated July 21, 2010 the Eureka County School Trustees informed the Commissioners of the School’s desire to consider giving the land described in the advisory question and to work out the details once the results of the vote on the advisory question are known; and

WHEREAS, on August 6, 2010, in response to the July 21, 2010 letter the Commissioners amended the advisory question by replacing the words “offered to give” with the words “considered giving” in the first sentence of the question;

NOW THEREFORE BE IT RESOLVED this advisory question shall appear on the November 2010 general election ballot for the citizens of Eureka County to consider:

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**EUREKA COUNTY ADVISORY BALLOT QUESTION NO. 1**

This question is advisory only: This question concerns the old Eureka elementary school building, adjacent park, tennis court, gymnasium, amphitheater, and an area for parking now owned by the Eureka County School District, encompassing all of APN 001—63-04 and APN 001-064-03, which the District has considered giving to Eureka county. Do you support incurring an expense of not more than \$10,000,000 for the purpose of improving the old elementary school and surrounding area in Eureka, Nevada for a community recreation center?

**EXPLANATION**

A “yes” vote supports the expenditure of not more than \$10,000,000 for the purpose of improving the old elementary school and surrounding area.

A “no” vote rejects the expenditure of money for that purpose.

**Argument in Support of Advisory Question No. 1**

Voting yes for this advisory question will require no tax increase for construction or operation. The effect on County fund balances will be minimal. The anticipated expense should be much less than \$10,000,000 based on the construction of the recently built fire house. The source of funding will be a portion of the excess net proceeds of mine tax. This will allow restoration of the last publicly owned historical structure and the redevelopment of a depressed area. Access will be available for all age groups of the local community to a multi-purpose recreational, technology, and learning center.

**Rebuttal to Argument in Support of Advisory Question No. 1**

Operation will be funded through future tax increase. This is rehab construction which is extremely higher than new construction. Net proceeds income is committed in the budget without excess. If building is considered historical, rehab costs will triple. Southern County residents will be the only users of this facility.

**Argument Against Advisory Question No. 1**

Maintenance is estimated to be at least \$250,000 per year. Current or future boards may need to raise taxes and/or cut other programs to support the community recreation center. The recreation center is primarily for the Townsite of Eureka, but the entire County will pay for construction and upkeep. No other School District land is available for future needed expansion. The building has asbestos that would need to be abated. There are

underground tanks that have to be removed. This will increase County costs; more County employees will be needed to run and maintain the building and property.

**Rebuttal to Argument Against Advisory Question No. 1**

No tax increase or program cuts are necessary due to record high fund balances. 70% of County population will benefit. Only a portion of existing School acreage is being utilized. Removing underground tanks and asbestos is required and beneficial. Relocating other County offices will minimize the need for additional employees.

**Description of Anticipated Financial Effect**

The expense proposed of not more than \$10,000,000 would be paid for with County general fund monies. The Board of Eureka County Commissioners does not expect that incurring the expense will require the levy or imposition of a new tax or fee or the increase in an existing tax or fee.

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IT IS FURTHER RESOLVED, the result of the voting on this advisory question does not place any legal requirement on the governing body, any member of the governing body or any officer of the political subdivision.

ADOPTED this 20<sup>th</sup> day of August, 2010.

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

By: /s/ Leonard Fiorenzi  
Leonard Fiorenzi, Chairman

ATTEST: /s/ Jackie Berg  
Jackie Berg, Eureka County Clerk

**Resolution Regarding Agreement with American Medflight:** The Board recently approved an agreement with American Medflight for air ambulance services, which is pending American Medflight's signature. Mr. Beutel explained that the resolution describes who is responsible for reporting to American Medflight as outlined in the agreement. Commissioner Ithurralde motioned to adopt the Resolution to Carry Out the Air Ambulance Services Agreement with American Medflight; Commissioner Page seconded the motion; motion carried 3-0.

Eureka, Nevada

August 20, 2010

**RESOLUTION  
OF THE BOARD OF EUREKA COUNTY COMMISSIONERS TO  
CARRY OUT THE AIR AMBULANCE SERVICE AGREEMENT**

WHEREAS, in a written agreement dated August 6, 2010, the Board of Eureka County Commissioners agreed to sign an Air Ambulance Services Agreement with American MedFlight; and

WHEREAS, the Agreement provides for an air ambulance stationed at the Eureka Airport four days per month; and

WHEREAS, in return there are reporting requirements placed on Eureka County to American MedFlight;

NOW THEREFORE BE IT RESOLVED the EMS Coordinator shall prepare a regular report to American MedFlight to provide American MedFlight the information necessary to carry out the Air Ambulance Services Agreement.

ADOPTED this 20<sup>th</sup> day of August, 2010.

/s/ Leonard Fiorenzi  
Leonard J. Fiorenzi, Chair  
Eureka County Board of Commissioners

ATTEST: /s/ Jackie Berg  
Eureka County Clerk

Change Meeting Date: Commissioner Ithurralde motioned to change the regularly schedule Commissioner meeting from Friday, November 19, 2010, to Monday, November 22, 2010, in order to accommodate the NACO annual conference; Commissioner Page seconded the motion; motion carried 3-0. Notification of this meeting change will be published in the newspaper.

BLM Property Across From Eureka Canyon Subdivision: The County is interested in obtaining some parcels of BLM land adjacent to Highway 50 and across from the Eureka Canyon Subdivision site. Public Works Director, Ron Damele, provided a map of the area and noted there are current mining claims on the property that would have to be relinquished before the BLM would consider transfer of the property. Commissioner Ithurralde motioned to authorize Public Works to look into the possibility of acquiring BLM property adjacent to Highway 50, which is the remaining portion of the section which is partially within the Eureka townsite, for possible commercial or other development of the property. Commissioner Page seconded the motion. Motion carried 3-0.

General Updates Regarding Mt. Hope Mine EIS and NEPA Process: Chairman Fiorenzi met with Eureka Moly General Manager, Tim Arnold, on August 19<sup>th</sup> to go over the news release regarding their recent agreement with the Diamond Valley Producer's Cooperative. The Board withheld comment until they have an opportunity to review the actual agreement.

## **AMBULANCE & EMS**

Update Report: EMS Coordinator, Mike Sullivan, reported on emergency services since the last report on July 20<sup>th</sup>. Eureka had 13 calls for service (90 year-to-date) and Crescent Valley had two calls for service (67 year-to-date). Year-to-date calls County-wide totaled 157, an increase of 31 over last year at the same time. Volunteer staffing levels remain stable. Continuing education training is now being provided twice a month at each location, and is scheduled in Eureka for August 30<sup>th</sup> and September 6<sup>th</sup> and in Crescent Valley on August 26<sup>th</sup> and September 10<sup>th</sup>. Cortez Mine received its ambulance permit and is now transporting patients from the minesite to the hospital, which is reducing calls for the Crescent Valley ambulance. On July 20<sup>th</sup> Eureka volunteers responded to a drill at Ruby Hill Mine.

Mr. Sullivan distributed several defibrillators provided from the Mt. Wheeler Power grant. Three were provided to the School District for distribution to the elementary schools, and one was delivered to the Crescent Valley Volunteer Fire Department. The first round of training included in the grant was conducted on August 19<sup>th</sup> at the Eureka High School for 17 district employees. An aggressive campaign has been started to recruit volunteers to the ambulance service, with four applications received in Eureka and two in Crescent Valley.

## **SWIMMING POOL**

Update Report: Cindy Adams, Parks, Recreation & Facilities Director, provided an update on pool activities. There were a total of 1,142 swimmers for the month. In addition to the regular activities, Juvenile Probation held a back-to-school party, and members of the Bike & Build organization used the facility. The second set of swimming lessons had 33 students. The 38.5 hour lifeguarding course had 12 students and wrapped up on August 19<sup>th</sup>. Several student employees have left to return to college. The summer ended with no accidents at the pool.

## **NEVADA RURAL HOUSING AUTHORITY**

Eureka Canyon Subdivision: Dave Craig, NRHA Real Estate Manager, provided a progress report on efforts towards development of the Eureka Canyon Subdivision. Mr. Craig provided a one-page summary regarding budget and billing items. NRHA will be paying the vendors and subcontractors directly and submitting invoices for reimbursement. Public Works Director, Ron Damele, reviewed the billing process for NRHA. Itemized back-up and percentage of completion for each task will be required for all billings.

Jim Barry of Vogt, Santer & Insights, visited Eureka recently to conduct interviews and gather information for the feasibility study. The first draft is expected in approximately one week. NRHA expects to deliver the draft development plan on September 7<sup>th</sup>, contingent upon the feasibility study. Mike Heineck has been retained as Construction Coordinator and will be on site in Eureka at least three days a week. NRHA asked the Board to consider allowing them to use the home purchased for the rehabilitation project as workforce housing.

Construction Financing: District Attorney, Ted Beutel, researched the requirements for a government to government loan and submitted two letters to the Board outlining the options. The first letter describes options under NRS Chapter 354, and it was apparent that option would not work. The second letter describes options under NRS Chapter 315, Nevada Rural Housing Authority, which warrants more consideration. Chapter 315 provides authority for the County to enter into a financing agreement with NRHA and also waives the typical appraisal requirements placed on local governments addressed in NRS Chapter 244. Mr. Beutel provided more details on Chapter 315, including how homeowner income qualifications are determined.

Mr. Beutel advised that if the Board and NRHA are contemplating a HUD takeout loan as a source of repayment for the government to government loan, that HUD requirements be researched to make sure the upfront financing doesn't disqualify them from the type of takeout loan they are seeking. Mr. Beutel also advised that any financing agreement should address what will occur if the subdivision is built, but the houses do not sell.

Chairman Fiorenzi felt a financing workshop was in order, but didn't want to schedule it while staff was buried with review of the Mt. Hope Project Administrative Draft EIS, with a 25-day comment period that just started on August 19<sup>th</sup>. All parties agreed that this was a necessary delay.

Release of Funds: Mr. Craig requested that the agenda item to consider advance release of a portion of the government to government funds be tabled to the September 7<sup>th</sup> meeting. Decisions regarding moving forward with purchase of the Guerdon townhome units for construction of an apartment complex are still pending receipt of the feasibility study.

## **PUBLIC WORKS**

Ranking of Architectural Firms: Public Works Director, Ron Damele, reported that the Selection Committee reviewed and ranked the qualifications submitted by two architectural firms. Based on experience with ARRA projects Ganthner Melby, LLC, was ranked as the #1 firm and Dolven Architectural Associates was ranked as #2. Commissioner Ithurralde motioned to accept the Selection Committee's #1 ranking of Ganthner Melby, LLC, as prospective architect for the Eureka Road Shop ARRA Energy Grant Project; Commissioner Page seconded the motion; motion carried 3-0. Mr. Damele will meet with the firm to develop a scope of work for the project and the firm will attend the September 7<sup>th</sup> Commissioner meeting to negotiate a contract.

Change Order for Water and Sewer Project: Mr. Damele explained that this change order was requested to install sewer and water laterals and appurtenances to the Eureka Senior Center and adjacent building. It was originally thought these buildings were serviced from the back, so were not included in this phase of the project plans. Commissioner Ithurralde motioned to approve Change Order #7 for the Main Street Water and Sewer Reconstruction Project in the amount of \$27,087.00 to be paid from the force account; Commissioner Page seconded the motion; motion carried 3-0.

Addendum to Auction List: Mr. Damele presented an addendum to the list of personal property items identified as surplus property for disposal at the August 21, 2010, auction. Commissioner Ithurralde motioned to approve the addendum as presented for inclusion in the County auction; Commissioner Page seconded the motion; motion carried 3-0. Mr. Beutel stated that as long as the Commissioners did not participate in creation of the auction list, they were able to participate in the auction.

## **COUNTY ENGINEER**

**Main Street Water and Sewer Project:** Tom Young, Lumos & Associates, reported that the water side of the project was nearly complete and an appurtenance crew will be completing service tie-ins between the meters and the houses on Main Street. As soon as the new water line is connected and the old water line has been abandoned, construction of the sewer line will begin. The main line crew will begin on County Road 101 and work their way uphill. The box culvert should be poured the following week as soon as mix designs for the concrete are approved. Bypass pumping will be done as the sewer line progresses, and residents can expect to see hoses running on the surface. Due to acceptable noise levels, which are more stringent overnight, the pumps will only be run during the day. The contractor has estimated the sewer line will take four weeks to complete.

Mr. Young reported that the contractor's (Sierra Nevada Construction) work underground and on final improvements is excellent, but their temporary road patching has been unsatisfactory. They have been notified verbally and a follow-up letter will be issued on August 23<sup>rd</sup>. Mr. Young reported that the total cost to-date in force account change orders is \$106,000.00 (\$400,000.00 was allocated).

**2010 Street Maintenance Project:** Notice to proceed for the 2010 Street Maintenance Project was issued on August 6<sup>th</sup>. The contractor will start patching in Crescent Valley the next week, followed by slurry seal and lastly, striping. Reconstruction of a portion of Keg Street (1.5 miles) in Diamond Valley will begin the week of August 30<sup>th</sup>.

**2010 ARRA Street Maintenance/11<sup>th</sup> Street Project:** Work on the ARRA Street Maintenance Project concluded on August 6<sup>th</sup> and a final walk-through with the Nevada Department of Transportation and Federal Highways Administration (FHWA) was conducted August 19<sup>th</sup>. There were only a few deficiencies, minor in nature, so the notice of completion was issued. The FWHA Regional Manager remained in Eureka to review project files because Eureka's project has been selected for an audit, which will be conducted on September 14<sup>th</sup>.

## **CRESCENT VALLEY TOWN ADVISORY BOARD**

**Evaporative Cooler System for Community Center:** CVTAB member, Dawn Gann, stated that the CVTAB had approved, and requested the Commissioners' approval to accept a quote for installation of evaporative coolers at the Community Center. Commissioner Ithurralde motioned to accept the quote from Carrier Corporation for installation of evaporative coolers at the Crescent Valley Community Center, not to exceed \$16,628.00; Commissioner Page seconded the motion; motion carried 3-0.

## **NEVADA DIVISION OF FORESTRY**

**Update on Fire District Activities:** Sam Hicks, Eureka County Battalion Chief, was unable to attend the meeting and submitted a written report to the Board. All radios have been updated with frequency changes to date; excess vehicles have been moved out of Beowawe to Eureka for the auction; the heavy brush engine was moved to the Gund Ranch; the light engine was moved from the Gund Ranch to Sheep Creek Ranch; and equipment has been delivered from Diamond Valley to Eureka. There was one large fire in Pine Valley, mostly in Elko County; however the Pine Valley Volunteer Fire Department responded and did a great job. Quarterly air sampling on the compressors was completed in Eureka and Crescent Valley and everything is within acceptable limits. Mr. Hicks is trying to obtain a grant for radio upgrades. Firefighter Ty Hanson left for National Guard duty on July 26<sup>th</sup> and is scheduled to return in October 2011. Beowawe, Pine Valley, and Diamond Valley Annual Operating Plans should be available for signature on September 7<sup>th</sup>.

## **NATURAL RESOURCES**

**Activities and Upcoming Meetings:** Natural Resources Manager, Jake Tibbitts, attended the meeting with Nevada Rural Housing Authority on August 12<sup>th</sup>, and the Natural Resources Advisory Commission meeting on August 18<sup>th</sup>. Protests were finalized and filed with the State Engineer on August 12<sup>th</sup> related to the Kobeh Valley Ranch, LLC, change applications.

Upcoming meetings include a NACO Public Lands Roundtable and a meeting with US Geological Survey in Carson City on August 23<sup>rd</sup>; monitoring meetings for Boulder Valley, Maggie Creek, and Humboldt River at the State Engineer's office on August 24<sup>th</sup>; the Ruby Hill Mine Community Advisory meeting on August 25<sup>th</sup>; a NEPA Committee meeting on August 25<sup>th</sup>; a Mt. Hope conference call on August 26<sup>th</sup>; and a Crescent Valley Fire Wise Community meeting on August 28<sup>th</sup>.

**Joint Funding Agreement with US Geological Survey:** US Geological Survey prepared a Joint Funding Agreement for the Diamond Valley Flow System Study-Phase III, to cover the period of October 1, 2010, through September 30, 2011. The County's share will be \$126,775.00 and USGS will provide \$103,725.00. USGS plans on issuing a status report on Phase II of the study and Nevada Division of Environmental Protection feels this report is sufficient for them to release the outstanding funds for the SB62 grant. Commissioner Ithurralde motioned to approve signing the Joint Funding agreement for Phase III of the Diamond Valley Flow System Study, with Eureka County's contribution of \$126,775.00; Commissioner Page seconded the motion; motion carried 3-0.

**Long-Term Monitoring Program:** The USGS has started collecting quarterly measurements. The crest stage gauge was installed in Slough Creek. They are moving equipment out for the permanent monitoring locations which are still pending BLM clearance.

**Legislative Correspondence:** Mr. Tibbitts drafted a letter in response to the proposed Consolidated Land, Energy, and Aquatic Resources Act (CLEAR), commonly referred to as the 'British Petroleum Oil Spill Act', which has had a wildlife bill that was going nowhere attached to it. The Natural Resources Advisory Commission approved this letter of opposition at their last meeting. If this bill passed, it would impose a \$2.00 tax per barrel of oil and \$0.20 per million BTUs of natural gas, would create a wildlife enhancement fund, a historic preservation fund, and a mandatory \$30 billion land and water conservation fund. These substantial costs would be passed on to the consumer. This bill passed the House on July 30<sup>th</sup> and is now in the Senate. Congressman Dean Heller and Congresswoman Shelley Berkley voted against it, but Congresswoman Dina Titus voted for it. Commissioner Ithurralde motioned to authorize the Chairman to sign the letter and forward it to the Senate in opposition to HR 353 for Consolidated Land, Energy, and Aquatic Resources Act of 2010; Commissioner Page seconded the motion; motion carried 3-0.

**Resolution Opposing "Hot Season" Grazing Restrictions:** Mr. Tibbitts explained that Lander County has adopted a resolution opposing unjustified "hot season" grazing restrictions. Mr. Tibbitts adapted their resolution to Eureka County and the Natural Resources Advisory Commission added their changes. The resolution encourages more coordination with the grazing permittee and exploration of other alternatives before the season of grazing is changed or AUMs are cut. Chairman Fiorenzi suggested that the reference to offsite water development be clarified to state offsite development by the permittee/water right holder so that it couldn't be interpreted as water development by the BLM. Commissioner Ithurralde motioned to adopt the resolution opposing unjustified 'hot season' grazing restrictions with the minor change made by the Chairman, and to authorize the Chairman to sign the resolution outside of the meeting; Commissioner Page seconded the motion; motion carried 3-0.

**RESOLUTION OF THE EUREKA COUNTY BOARD OF COMMISSIONERS SUPPORTING  
THE RANCHING AND LIVESTOCK INDUSTRY AND OPPOSING UNJUSTIFIED,  
ARBITRARY AND SUBJECTIVE GRAZING RESTRICTIONS BY THE  
BUREAU OF LAND MANAGEMENT (BLM) AND THE U.S. FOREST SERVICE (USFS)**

WHEREAS, there will be difficult and challenging ranching and livestock industry issues in Eureka County for years to come; and

WHEREAS, Eureka County is fully supportive of ranching and the livestock industry within the County; and

WHEREAS, the livestock industry of Eureka County is an essential part of the long-term socioeconomic stability of the County; and

WHEREAS, grazing upon federally administered land is an integral and essential element needed of sustainable and successful ranching and livestock operations in Eureka County; and

WHEREAS, the number of livestock authorized to graze federally administered land has been reduced over the years and there has been an increase in unjustified and arbitrary restrictions of livestock grazing in certain areas due to subjective determinations of adverse impacts; and

WHEREAS, the monitoring data and background information going into making these restrictive decisions is often based on flawed and/or subjective observations and is not based on current rangeland science; and

WHEREAS, these grazing restrictions often place ranchers in an untenable position of not being able to provide for the needs of livestock at the right time of the year and, in some examples, these restrictions could be seen as a taking since the grazing season-of-use is not in line with the permitted use of the water right appurtenance to riparian areas; and

WHEREAS, since most of the prime and invaluable wildlife and riparian habitat in Eureka County is under private control, grazing restrictions placed upon the federally administered land only increases the possibility and occurrences of land degradation on these private lands thereby failing to address real resource issues by merely shifting and increasing resource burden to private lands; and

WHEREAS, current rangeland science has shown that livestock grazing can actually help reach certain objectives such as riparian habitat enhancement, weed control, fire reduction and wildlife habitat improvement; and

WHEREAS, the Eureka County Code and Master Plan include goals, strategies and policies of federally administered land use, natural resources management, and rangeland management including livestock grazing on federally administered lands; and

WHEREAS, Eureka County considers it important to restate its position with regard to ranching, the livestock industry and unjustified, arbitrary and subjective grazing restriction on federally administered lands in Eureka County; and

NOW THEREFORE BE IT RESOLVED, that the Eureka County Board of Commissioners in accordance with the Eureka County Code and the Eureka County Master Plan hereby restates, reaffirms, and summarizes its position with regard to ranching, the livestock industry and unjustified, arbitrary and subjective grazing restrictions on federally administered lands in Eureka County, Nevada with the following guiding principles, goals, and policies:

1. Federal agencies in coordination with grazing permittees must ensure that management decisions are based upon the best rangeland science, that flexibility is built into grazing permits to allow for adaptive management as issues and concerns arise, and that the quality and quantity of data collected can support all decisions made;
2. Federal agencies in coordination with grazing permittees must identify and implement all economically and technically feasible livestock distribution, forage production enhancement, weed control programs, prescribed grazing systems, off-site water development, shrub and pinyon/juniper control, livestock salting/supplementing plans, and establishment of riparian pastures and herding before imposing grazing restrictions or seeking changes in livestock stocking rates or seasons of use;
3. Federal agencies in coordination with grazing permittees must assure that all grazing management actions and strategies fully consider impact on property rights of inholders and adjacent private land owners and consider the potential impacts of such actions on grazing animal health and productivity;

and

BE IT FURTHER RESOLVED, that the Eureka County Board of Commissioners opposes and hereby protests any further efforts by the Bureau of Land Management and the U.S. Forest Service to implement grazing restrictions, including “hot season” grazing restrictions, on any grazing allotments within or adjacent to Eureka County; and

BE IT FURTHER RESOLVED, that the local government of Eureka County demands, pursuant to adopted federal statutes, regulations, and policies in addition to the Eureka County Code and Eureka County Master Plan, full and complete notice and opportunity for coordinated involvement in the decision making processes of the federal entity that are being taken or are being proposed to be taken, including livestock grazing decisions, on federally administered lands and resources located within Eureka County.

Passed and adopted this 20<sup>th</sup> day of August, 2010.

/s/ Leonard Fiorenzi

Leonard J. Fiorenzi, Chair  
Eureka County Board of Commissioners

/s/ J.P. Ithurralde

J.P. “Jim” Ithurralde, Vice Chair  
Eureka County Board of Commissioners

/s/ Mike Page

Mike Page, Member  
Eureka County Board of Commissioners

ATTEST: /s/ Jackie Berg

Jackie Berg, Eureka County Clerk

Appointment of Selection Committee for Hydrogeologist: August 19<sup>th</sup> was the deadline to receive proposals for a consulting hydrogeologist and Mr. Tibbitts requested that a Selection Committee be appointed to review the qualifications. Commissioner Ithurralde motioned to appoint a Selection Committee to review proposals submitted by hydrogeologist candidates, and that the committee consist of the Public Works Director, Natural Resources Manager, and Chairman of the Board of Commissioners; Commissioner Page seconded the motion; motion carried 3-0.

## **NEPA COMMITTEE**

Update Report: The Mt. Hope Project Administrative Draft EIS was received on August 18<sup>th</sup>, and copies are being distributed to staff, the NEPA Committee, and technical experts. Mr. Tibbitts related the following timeline for compiling comments on the draft: August 25<sup>th</sup>/NEPA Committee ‘kick-off’ meeting; September 8<sup>th</sup>-9<sup>th</sup>/Abby Johnson, EIS Coordinator, will be in Eureka to offer assistance; September 8<sup>th</sup> or 9<sup>th</sup>/team conference call with all technical experts; September 9<sup>th</sup>/NEPA Committee meeting; September 13<sup>th</sup>/tentative NEPA Committee meeting; September 14<sup>th</sup>/transmittal of technical team reviews to Natural Resources Department; September 16<sup>th</sup>/NEPA Committee meeting to finalize comments; September 20<sup>th</sup>/presentation of comments to Board of commissioners and approval to transmit to the BLM; September 23<sup>rd</sup>/official comment deadline.

Review Mt. Hope Project Correspondences: Mr. Tibbitts referenced two recent press releases: the first was on August 18<sup>th</sup> regarding release of the Mt. Hope Project Administrative Draft EIS; the second was on August 19<sup>th</sup> regarding General Moly’s agreement with the Diamond Valley Producers Cooperative and creation of the agricultural sustainability trust. Concerns over the agreement will be discussed at the August 25<sup>th</sup> NEPA Committee meeting.

BLM’s Position Towards Eureka County as a Cooperating Agency: There has been ongoing discussion regarding the BLM’s interpretation of the level of cooperation required with Cooperating Agencies involved in the EIS and NEPA process for the Mt. Hope Mine Project.

Abby Johnson will assist in setting up a meeting to address this, but it will be delayed until after the 25-day review period for the Mt. Hope Project Administrative Draft EIS.

## **HUMAN RESOURCES**

Leave of Absence and Extended Sick Leave Form: Jerry Larson, Human Resources Analyst, stated a new form was created to address instances when employees require time off beyond the normal leave periods and beyond the Family Medical Leave Act. It allows the County, with approval by the Department Head and the Board of Commissioners, to authorize extension of personal leave for up to 12 week intervals. Commissioner Ithurralde motioned to accept the new form allowing for an extended leave of absence or extended sick leave beyond FMLA; Commissioner Page seconded the motion; motion carried 3-0.

Authorization to Adjust Position in the District Attorney's Office: Mr. Larson explained that this was a request to change a Senior Department Assistant position in the District Attorney's office from a full-time position to a casual position, with no change in the job description. Commissioner Ithurralde motioned to approve the request to adjust a full-time Department Assistant position in the District Attorney's office to a casual position; Commissioner Page seconded the motion; motion carried 3-0.

## **RESOLUTION COMMEMORATING CHARLES HARPER**

Resolution Memorializing the Life and Service of Charles Harper: Commissioner Ithurralde motioned to adopt a resolution commemorating longtime Eureka County resident, Charley Harper; Commissioner Page seconded the motion; motion carried 3-0.

Eureka, Nevada

August 20, 2010

**RESOLUTION  
COMMEMORATING EUREKA COUNTY RESIDENT  
CHARLES R. "CHARLEY" HARPER  
NOVEMBER 19, 1936 – JUNE 11, 2010**

WHEREAS, the Board of Eureka County Commissioners wish to honor longtime Eureka County resident, Charles R. Harper, for his achievements and contributions; and

WHEREAS, Eureka County acknowledges the following biographical information: Charles R. "Charley" Harper was born on November 19, 1936, to Edith & Tunis Harper, and is survived by his daughter, Irene Harper, and two grandchildren.

After retiring from a career as a fireman, Charley moved from California to Eureka County in 1979 and resided in the Beowawe/Crescent Valley area. He built his cabin-style house, which is a fixture in the community, and met and married his second wife, Barbara.

With his firefighting background, Charley volunteered as a 'spotter' and an instructor with the Crescent Valley Volunteer Fire Department. He attended all of their meetings and activities faithfully. Charley was a member of Eureka County's Northern Area Search & Rescue, serving as Co-Commander for one year.

An active community member, Charley always lent a helping hand at picnics, barbecues, and fundraisers. Charley and Barbara hosted an annual get-together at their home on Labor Day weekend and Charley continued this tradition even after Barbara's death in early 2006.

Charley was appointed to the Eureka County Television District Board in March 2006, to fill the seat formerly held by his wife, Barbara, and was subsequently elected to a four-year term in November 2008. During his service with the Television District, Charley became active in the National Translators Association, attending their annual conferences, where he hosted the hospitality suite.

Charley was an avid member of E Clampus Vitus, most recently of the Elko Chapter 1881. E Clampus Vitus, known as the "Clampers" is an organization dedicated to the historical study and preservation of Western heritage, especially in mining regions of the Western United States. Charley traveled throughout California, Utah, Idaho, and Nevada to participate in historical preservation events and to install commemorative plaques at sites of interest. During his service, he was instrumental in placing historical plaques at the Eureka Sentinel Museum and the Eureka Opera House. On more than one occasion, Charley served as Chairman or "Grand Humbug" of the organization.

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Board of the Eureka County Commissioners recognizes and honors Charles R. "Charley" Harper for his commitment to public service and his lasting contributions to Eureka County and its citizens.

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to the family of Charles R. "Charley" Harper and be published in the minutes of the Board of Eureka County Commissioners to remain a part of the permanent records of Eureka County.

ADOPTED this 20<sup>th</sup> day of August, 2010.

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

/s/ Leonard Fiorenzi

Leonard Fiorenzi, Chairman

/s/ J.P. Ithurralde

J.P. Ithurralde, Vice Chairman

/s/ Mike Page

Mike Page, Member

ATTEST: /s/ Jackie Berg

Jackie Berg, Eureka County Clerk

### **APPROVAL OF MINUTES**

Commissioner Ithurralde motioned to approve the minutes of the July 1, 2010, special meeting with the Planning Commission; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Ithurralde motioned to approve the minutes of the July 20, 2010, Commission meeting; Commissioner Page seconded the motion; motion carried 3-0.

### **RECESS FOR LUNCH**

The Board recessed for lunch from 12:00 noon to 1:30 p.m.

### **EUREKA MEDICAL CLINIC**

Update on Eureka Medical Clinic: Lilliam Shell, Regional Operations Director for Nevada Health Centers, provided the following updates related to the clinics: equipment for the additional exam room was delivered to Eureka on August 16<sup>th</sup>; she met with Kim Todd, Public Works Department Assistant, on August 17<sup>th</sup> regarding the new digital x-ray equipment obtained through a Community Block Development Grant; Dr. Carl Heard was called away due to a family illness and other providers are covering for him in Eureka; NVHC is diligently working towards the required three days per week coverage at the Crescent Valley Medical Clinic; the new Physician's Assistant, J. Brian Allen, will begin on September 1<sup>st</sup> and train in Eureka for three weeks and is scheduled to begin coverage in Crescent Valley the week of September 21<sup>st</sup>; Dr. Felix Deguzman will continue to be scheduled one day per month in Crescent Valley; and lastly, Dr. Maria Cuda will interview in Las Vegas on September 20<sup>th</sup> for the open physician position at the Eureka Medical Clinic.

### **CLERK & TREASURER**

Treasurer's Report for July 2010: The Treasurer's Report was tabled to the September 7<sup>th</sup> meeting.

### **CORRESPONDENCE**

Correspondence was received from: Scott and Lee Raine; Vickie Etchinek; Matthew Eversgerd ; District Attorney, Ted Beutel (9); Public Works Director, Ron Damele (3); Eureka County Planning Commission; Eureka County Economic Development (2); Eureka County Fair Board (2);

Crescent Valley Town Advisory Board; TNT Auction notice; Allison MacKenzie, et al; Lander County Board of Commissioners; Washoe County Manager's E-Update; Nevada Assoc. of Counties (3); Home Health Services of Nevada; Nevada Aging & Disability Services Div.; Nevada Div. of Water Resources (2); Nevada Div. of Environmental Protection; Nevada Dept. of Transportation; NDOT Centerline newsletter; Nevada Issues newsletter; Nevada Economic Update newsletter; Nevada Fish & Wildlife Office newsletter; Government Finance Officers Assoc.; & US Dept. of the Interior-BLM (3).

Clerk & Treasurer, Jackie Berg, referenced the letter regarding geothermal payments to counties. Jake Tibbitts explained that payments were suspended pending legislation, but the US Code has now been promulgated and those payments will resume.

#### **PUBLIC HEARING: PLANNING COMMISSION TITLE, WATER RIGHTS DEDICATION ORDINANCE**

Notice was given that the Board of Eureka County Commissioners would hold a public hearing at 2:00 p.m. in the Commissioners' meeting room in the Eureka County Courthouse, 10 So. Main Street, Eureka, Nevada. The reason for said hearing was to invite public comments and take action on an ordinance amending the 2006 Eureka County Code, Title 8, Planning Commission Title, by amending sections of the title including but not limited to Chapter 150, Water Rights Dedication, and other matters properly relating thereto. The ordinance was proposed on July 1, 2010, and a copy of said proposed ordinance has been on file with the County Clerk for public examination.

Chairman Fiorenzi called for comments. The Chairman explained that the proposed change to the Water Rights Dedication Ordinance would allow for lots to be developed within the townsites of Eureka and Crescent Valley where municipal water is available, without providing water rights. District Attorney, Ted Beutel, suggested that the next agenda include an item for the County to make application to the State Engineer to reserve water rights granted to the County when new land parcels are created. There were no further comments. Commissioner Ithurralde motioned to adopt the ordinance amending the 2006 Eureka County Code, Title 8, Planning Commission, by amending Chapter 150, Water Rights Dedication, in relation to the two townsites; Commissioner Page seconded the motion; motion carried 3-0.

#### **PUBLIC HEARING: INTERNAL CONTROL POLICY, USE OF COUNTY CREDIT CARDS**

Notice was given that the Board of Eureka County Commissioners would hold a public hearing at 2:15 p.m. in the Commissioners' meeting room in the Eureka County Courthouse, 10 So. Main Street, Eureka, Nevada. The reason for said hearing was to invite public comments and take action on an ordinance amending the 2006 Eureka County Code, Title 3, Internal Control Policy, by amending sections of the title including but not limited to Chapter 30, Use of County Credit Cards, and other matters properly relating thereto. The ordinance was proposed on July 20, 2010, and a copy of said proposed ordinance has been on file with the County Clerk for public examination.

Chairman Fiorenzi called for comments. The Board discussed that this change discontinues use of County credit cards and replaces them with purchasing cards, which have credit card capabilities as well as other features. There were no further comments. Commissioner Page motioned to approve amending Title 3, Internal Control Policy, of the Eureka County Code to address the use of County credit cards; Commissioner Ithurralde seconded the motion; motion carried 3-0.

#### **PUBLIC COMMENT**

Chairman Fiorenzi called for public comments; there were none.

**ADJOURNMENT**

Commissioner Ithurrealde motioned to adjourn the meeting at 2:19 p.m.; Commissioner Page seconded the motion; motion carried 3-0.

Approved this 20<sup>th</sup> day of September, 2010.

/s/ Leonard Fiorenzi  
Leonard Fiorenzi, Chairman

Attest: /s/ Jackie Berg  
Jackie Berg, Clerk