

EUREKA COUNTY BOARD OF COMMISSIONERS
August 20, 2015

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, 2015. 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 reference to Eureka County Personnel Policy Manual on the agenda (under Sheriff's item #2) was corrected to read *policy 2F.100(c)(2)*. With that correction, Commissioner Sharkozy motioned to approve the August 20th agenda; Commissioner Etchegaray seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Goicoechea opened the floor for public comments. The Chairman asked for a moment of silence in recognition of Deputy Carl Howell of Carson City who was killed in the line of duty on August 15th.

Chairman Goicoechea also recognized Ken Dugan, longtime County resident, who lived in Crescent Valley since 1978. Ken was active in his community, serving on the Crescent Valley Volunteer Fire Department and Search & Rescue.

Chairman Goicoechea welcomed Meghan Brown, Field Representative for Congressman Mark Amodei, who was in attendance at the meeting.

APPROVAL OF MINUTES

August 6, 2015: Commissioner Etchegaray motioned to approve minutes of the August 6, 2015, Commission meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0.

FINANCE & RECORDER/AUDITOR

Payment of Expenditures: Expenditures were presented for approval by Deputy Recorder & Auditor, Lisa Hoehne. Two vouchers were reviewed independently due to late submission by the vendors. Commissioner Etchegaray motioned to approve payment to Morning Star Health Center, LLC, in the amount of \$867.99, and to Interpath Laboratory, Inc., in the amount of \$350.64; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Commissioner Etchegaray motioned to approve expenditures in the amount of \$321,106.97 for accounts payable, \$261,845.19 for payroll, and \$768,296.47 for a pass-through tax allocation to the School District, for a grand total of \$1,351,248.63; Commissioner Sharkozy seconded the motion; motion carried 3-0. (*Totals included the vouchers approved separately*).

Auditor's Report: The Board reviewed the current fund balances depicted on the Auditor's Report.

COMMISSIONERS

Update Reports: All Commissioners attended the budget meeting on August 12th, followed by the field tour of the Fish Creek Herd Management Area hosted by Natural Resources Advisory Commission that afternoon.

Commissioner Etchegaray attended the Diamond Natural Resources Protection & Conservation Association meeting on August 11th; attended the Groundwater Management Plan workshop at the Eureka Opera House on August 18th; and traveled to Reno on August 19th for the Nevada Drought Forum.

Commissioner Sharkozy participated in a Search & Rescue meeting on August 10th; and attended the Crescent Valley Volunteer Fire Department meeting and training on August 11th.

Chairman Goicoechea chaired the Sagebrush Ecosystem Council meeting in Carson City on August 13th; was in Salt Lake City on August 14th for a meeting on sage grouse and public lands issues with western stakeholders, including Congressman Rob Bishop (R-Utah) who gave an update on the amendment to the National Defense Authorization Act; met with staff and elected officials on August 17th related to personnel issues; participated with Ron Damele in a phone call with Nevada Division of Environmental Protection wrapping up some of the issues addressed by the SLAG Working Group; and participated via telephone in an Executive Committee meeting of the Nevada Cattlemen's Association on August 17th.

Request to Donate Sick Leave: A request from Deputy District Attorney, Jeffrey Slade, was received asking to donate the balance of his sick leave to the sick leave bank effective August 3, 2015, upon his resignation. Although policy allows for donation of sick leave by active employees when certain criteria are met, it does not provide for donation upon resignation. Commissioner Sharkozy motioned to deny the request from Jeffrey Slade to donate the balance of his sick leave to the sick leave bank upon his resignation; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Temporary IT & Network Services Contract: Michael Rebaleati joined the meeting via telephone. Revisions were made to the proposed temporary IT and network services contract with Mr. Rebaleati and all parties were satisfied with the changes. Budget Director, Michael Mears, stated the transition to Business Continuity Technologies is going well. Mr. Rebaleati will benefit this transition through his knowledge of the system, but Mr. Mears does not anticipate utilizing the maximum hours allowed in the contract. Mr. Rebaleati agreed.

Commissioner Etchegaray motioned to approve a short-term contract with Mike Rebaleati for temporary IT and network services at no more than 40 hours per month for a three month period, not to exceed \$16,875.00 (which includes \$1,875.00 for 15 hours worked in June and July at \$125.00 per hour). Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Governor's Consistency Review: Governor Brian Sandoval prepared a very good Consistency Review outlining the differences between the Nevada State Plan and the Final EIS for the Nevada & Northeastern California Greater Sage-Grouse Proposed Land Use Plan Amendment. The BLM issued a response on August 6th denying the Governor's recommendations. On behalf of the Commissioners, Mr. Tibbitts prepared a letter to Governor Sandoval requesting that he "...*appeal the BLM State Director's rejection of your consistency review requests, as provided under 43 CFR 1610.3-2(e), to the BLM Director. We assert that this appeal is absolutely necessary to utilize and exhaust every administrative option for ensuring future management of Greater Sage-Grouse best fit the needs of Nevada and its citizens.*"

At this point in the meeting, Commissioner Etchegaray noted he was in favor of sending the letter, but was excused for a brief period to attend funeral services. Commissioner Sharkozy motioned to send the letter to Governor Sandoval urging appeal of the BLM's denial of his Consistency Review recommendations and authorized the Chairman to sign the letter outside of the meeting; Chairman Goicoechea seconded the motion; motion carried 2-0.

Sagebrush Ecosystem Program & Nevada Greater Sage Grouse Conservation Plan: The Sagebrush Ecosystem Council met on August 13th and continued working on the Nevada Strategic Action Plan for Greater Sage-Grouse Conservation. Their next meeting will be in October. Amendments to the National Defense Authorization Act were passed by the US House of Representatives, but they are still before the Senate. The amended language would prevent a listing of the sage grouse as a threatened or endangered species (under the Endangered Species Act) for ten years, and would prevent agencies from implementing revisions to their Resource Management Plans.

APWA PROJECT OF THE YEAR AWARD

Robins Street Project: Michael Bennett, Lumos & Associates, introduced Garth Oksol, President of the Nevada Chapter of American Public Works Association. Mr. Oksol was in attendance to present the 2015 APWA Project of the Year Award for the 2014 Robins Street Improvements & Utility Upgrades Project, which won in the '*Transportation Projects Under \$5 Million*' category. Mr. Oksol explained that projects are judged on eight separate criteria, including: service to the public, community need, intricacy of design, aesthetic value, difficulty of construction, cost and time growth, complexity of funding, and sustainability.

The project was a success due to the efforts and contributions of the entire project team. In addition to the Commissioners, those present to receive this honor were: Ron Damele, Public Works Director; Raymond Hodson, Road Superintendent; Lester Porter, Senior Utilities Worker; from Lumos & Associates, Michael Bennett, PE; Tom Young, PE; and Craig Wesner, CEO; and from Legacy Construction & Development, Scott Bulloch, Owner; Henry Slack, Office Manager; David Slack, Project Manager; Colton Bulloch, Crew Supervisor; and Steve Cook, CFO.

AMBULANCE & EMS

Activity Report: EMS Coordinator, Mike Sullivan, reported on activities since the last report on July 20th. Eureka had 21 calls for service (90 year-to-date) and Crescent Valley had seven calls for service (37 year-to-date). Volunteer staffing level remains stable, however Crescent Valley is critically low on volunteer staffing. Continuing education training was held on July 27th and August 3rd in Eureka and July 30th and August 13th in Crescent Valley. Training is scheduled in Crescent Valley on August 27th and in Eureka on August 31st. Care Flight Air Ambulance conducted landing zone training at the Eureka Fairgrounds on August 5th.

Mr. Sullivan traveled to Winnemucca on August 11th to attend a public hearing, and to provide comments on behalf of Eureka County, related to the application for MedX AirOne to base a helicopter out of Humboldt General Hospital in Winnemucca. Their service area would

overlap northern Eureka County. If approved, they will offer a subscription plan similar to other air ambulance services.

Shaelene French has returned from her military service and has resumed her employment with Eureka County. Michael Boharsik's last day was August 16th and he has committed to continuing as a volunteer on the service.

Ambulance Rates: The Board adopted new ambulance rates during the July 6th meeting, but upon advice from the new ambulance billing company, Health Services Integration, Inc., they tasked Mr. Sullivan to work with the company to determine whether the rates were reasonable and customary. Based on this research, Mr. Sullivan provided the Board with two options for ambulance rates – Option #1 was similar to the rates adopted on July 6th and Option #2 presented modestly higher rates. After much discussion, the Board decided to go with the lower rates, which reflected their original determination on July 6th, with the addition of a non-emergency transport fee (for instance, transports to move a patient from one facility to another).

Commissioner Sharkozy motioned to adopt Option #1 presented by the EMS Coordinator for new ambulance rates, as follows: emergency transport \$500.00; non-emergency transport \$400.00; ground mileage \$10.00/mile; ambulance response with treatment but no transport \$0.00; and standby for profit making organizations \$50.00/hour (standby will remain free for the County and nonprofit organizations). Chairman Goicoechea seconded the motion. Motion carried 2-0. Commissioner Sharkozy later amended his motion to make August 20, 2015, the effective date for these ambulance rate changes; Chairman Goicoechea seconded the motion; motion carried 2-0.

PUBLIC WORKS

USPS Agreement for Crescent Valley Boxes: Public Works Director, Ron Damele, explained that beginning in 2013, the County provided the land for location of the US Postal Service's cluster box units in Crescent Valley and a five year lease agreement is in place. The USPS wishes to extend that agreement for an additional ten years. The new agreement will also increase the termination notice to 180 days (previously 120 days). This is a no cost agreement for the County. Commissioner Sharkozy motioned to approve the additional ten year license agreement, through March 19, 2028, with the US Postal Service for the cluster box units located in Crescent Valley (USPS Lease No. QB0000457549); Chairman Goicoechea seconded the motion; motion carried 2-0.

AWOS at Eureka Airport: The Automated Weather Observing System at the Eureka Airport is in need of replacement. An End of Life Notice for the current model was received from All Weather, Inc., meaning parts are no longer available for that unit. A quote was obtained for a replacement AWOS. Mr. Damele noted that per instruction of the Board, capital outlay was not budgeted for this fiscal year, so he requested approval for this replacement. The AWOS provides data utilized for take-off and landing, is accessed by local agricultural producers for real-time weather, and most importantly is critical for air ambulance services.

Commissioner Sharkozy motioned to accept the quote from All Weather, Inc., in the amount of \$13,719.00 for a replacement Automated Weather Observation System at the Eureka Airport; Chairman Goicoechea seconded the motion; motion carried 2-0.

Water Service Application: Commissioner Sharkozy motioned to approve a new water application from Dale Jensen for 262 Second Street in Crescent Valley; Chairman Goicoechea seconded the motion; motion carried 2-0.

Public Works Updates: **CRESCENT VALLEY MUNICIPAL WELL**: Mr. Damele reported that there was a malfunction with the Crescent Valley municipal well that recently had the pump and motor replaced. This was a warranty issue and the work was completed by the company at no charge.

PROPOSED RATE CHANGES: Proposed rates for the Swimming Pool will be presented at the next meeting. Public Works is obtaining assistance from a nonprofit company to address the water and sewer rates and a County-wide water rate is being considered. The study will involve some time before the proposed rates are presented. Updating these rates will involve an ordinance change and a corresponding public hearing.

EPA WORK IN EUREKA: The US Environmental Protection Agency recently notified Public Works that until a suitable permanent repository site for excavated material is identified, they will suspend the residential yard cleanup efforts in Eureka. Ten properties were identified for cleanup this fall and those individual property owners will be notified by the EPA. The EPA continues work on the EE/CA (Engineering Evaluation & Cost Analysis) targeting broader and long-term cleanup options. The EPA will remain in close contact and will notify the County and the community when this document is released for public comment in the near future.

WESTERN US AT CRITICAL FIRE RESOURCE LEVEL: Mr. Damele was notified this week that the Western US is under an unprecedented critical fire resource level. Due to the large number of wildland fires, available equipment and manpower numbers are critically low. Due to this, if somebody in the State of Nevada needs resources, Eureka County will consider assisting them.

The State will pull together and counties are in communication with each other to plan for this critical time.

RECESS

The Board recessed for a brief period, and during this time Commissioner Etchegaray returned to the meeting.

COUNTY FACILITIES & ECONOMIC DEVELOPMENT

Update Report: Cultural, Tourism, & Economic Development Director, Andrea Rossman, reported on activities for the Opera House, Sentinel Museum, and Economic Development. Ms. Rossman provided the July calendar of events for the Opera House. Meetings have decreased, but foot traffic is up due to tourism. The Economic Development Program Board met on August 12th. Great Basin Regional Development Authority will hold their next meeting in Eureka on September 12th. Museum Director, Ree Taylor, submitted a written report for the museum detailing museum activities; recent donations included 50 maps of Windfall Mine from Erica Pastorino.

Community Development Block Grant: A request was received from the Governor's Office of Economic Development that a Commissioner from Eureka County (as a member county in Great Basin Regional Development Authority) serve as alternate on the Community Development Block Grant Advisory Committee. The Great Basin Regional Development Authority is made up of White Pine and Eureka Counties and White Pine County already has representation on the CDBG Advisory Committee. The Commissioners suggested Commissioner Sharkozy and this will be placed on the next agenda for formal appointment.

Appointment to ECEDP: A recent resignation from the Economic Development Program Board left a vacancy representing southern Eureka County. The ECEDP recommended that alternate member, Diane Wise, be appointed to this vacancy. Commissioner Etchegaray motioned to appoint Diane Wise to the vacant seat representing southern Eureka County for the remainder of the two-year term, through December 31, 2015; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Ms. Rossman will advertise for the two alternate seats, one representing northern Eureka County and one representing southern Eureka County.

EUREKA COUNTY SHERIFF

Proposal to Change Payroll Structure: Sheriff Keith Logan explained that the current Personnel Policy defines the work period for law enforcement personnel as 171 hours within a 28 day period. He completed a study on how this affects overtime paid in his department. Since the pay period is based on a 30/31 day month, this automatically creates overtime for any days worked over the 28 days specified in policy (\$13,660.60 paid in last fiscal year). It also creates a situation for salaried personnel where hours are being paid that aren't being worked (\$25,400.48 paid in last fiscal year).

Chairman Goicoechea agreed to meet with County officials and possibly other pertinent experts to review this policy and make sure there wasn't something else they should be aware of before undertaking a policy change. Commissioner Etchegaray motioned to table any action related to Personnel Policy 2.A (Pay Periods and Paydays) and 2.B (Work Week Defined) until this could be researched; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Undersheriff Compensation: Under a previous administration, the Undersheriff's compensation was set at 90% of the Sheriff's salary and defined in Personnel Policy 2.F.100(c)(2). Sheriff Logan proposed returning this position to a range and step on the County's wage and salary scale. It was clarified that this position would remain salaried with no overtime, but all salaried employees have an hourly rate associated with their position.

The same section of the Personnel Policy also defines compensation for the Lieutenant position as 85% of the Sheriff's salary. This can be eliminated since the Lieutenant position is no longer utilized.

Commissioner Sharkozy motioned to authorize compensating the Undersheriff according to the salary scale, at the closest step on Range 130 that correlates with the current salary, and to propose amending Personnel Policy to remove the section defining the Undersheriff and Lieutenant salaries as a percentage of the Sheriff's salary. Commissioner Etchegaray seconded the motion. Motion carried 3-0.

Deputy Job Descriptions: Currently the Deputy Sheriffs are classified as either patrol or detention deputies. Sheriff Logan proposed reclassifying all deputies as Deputy Sheriff I, Deputy Sheriff II, and Deputy Sheriff III. Where an employee is placed will be based on POST (Peace Officers Standards & Training) Certification and experience. This would provide more continuity in pay classifications and would allow flexibility for deputies to cover either patrol or detentions. In review of the current employees, only one person would advance to a higher range and could be moved to an appropriate step so there is no monetary increase in salary. Basically, these reclassifications could occur with no net increase in payroll for the County.

Commissioner Sharkozy motioned to authorize the Sheriff to move forward with creating new job descriptions: Deputy Sheriff I, II, and III, with input from Pooling Resources, Inc. (contracted Human Resources professionals) and to bring them back to the Board for final approval. Commissioner Etchegaray seconded the motion. Motion carried 3-0.

Out-of-State Travel: Commissioner Sharkozy motioned to approve out-of-state travel for two Sheriff's Office staff members to attend the RIMS Users Conference in South Lake Tahoe from October 19th-23rd; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Sheriff's Quarterly Reports: Sheriff Logan provided quarterly reports for the Detention Facility, animal control, and patrol. There were a total of 22 inmates for the quarter, including those in custody at onset of the quarter and 20 new bookings. This resulted in 252 total inmate days for April, May, and June. For animal control, there were 15 incident calls, 10 in Eureka and five in Crescent Valley. The patrol statistics report showed a total of 2,170 incidents for the quarter. These included calls for service, officer initiated incidents, traffic stops, building checks, vehicle/pedestrian checks, traffic accidents, arrests, citations, and other incidents or offenses.

BUREAU OF LAND MANAGEMENT

Programmatic Roadside Fuel Break Environmental Assessment: John Sherve, Field Manager for the Mount Lewis Field Office; Todd Erdody, Fire Ecologist; Shauna Richardson, Wild Horse & Burro Specialist; and other BLM staff were present at the meeting. Mr. Erdody explained that an Environmental Assessment will be coming forward for a proposed district-wide fuels break project. It is in the planning stages right now and will cover Eureka, Lander, Nye, and Esmeralda Counties. The purpose will be to help compartmentalize fires that do occur and to prevent roadside starts from evolving into major fires. The goal is to ultimately protect the resource for the multiple uses it provides.

The Board asked several questions, including how this would affect grazing, especially after seeding is done. They did not want to see an entire area off limits because a strip along the roadway is seeded, and they felt temporary water hauls could be used to encourage grazing in certain areas. Mr. Erdody responded that there will be prescribed grazing and he will check with the grazing specialist to see what will be allowed. The Board asked that the County's comments, as a cooperating agency, be seriously considered through this process.

Natural Resources Manager, Jake Tibbitts, noted that the draft Proposed Action document states that no treatment will be conducted in threatened or endangered species habitat, so he asked how this plan would be affected if the sage grouse is listed. BLM staff agreed that some major adjustments will be made if a listing occurs, as fuel breaks would then not be allowed in sage grouse habitat. Chairman Goicoechea asked, and Mr. Erdody agreed, that the County be informed by regular communications through the Natural Resources office as outlined in the Memorandum of Understanding between BLM and Eureka County.

BLM Activities Affecting Eureka County: John Sherve officially introduced himself, noting he has been Field Manager for the Mount Lewis Field Office for about a month. He has been in the Battle Mountain District since 1998, spending most of his time working in the minerals division.

HARD ROCK MINING PROGRAM: Mr. Sherve noted that the Battle Mountain District has the largest hard rock mining program in the nation. They consider the mining industry their partners and recognize that it has huge impacts on the rural counties. Another industry with increasing interest in recent years is oil and gas leasing and there is a requirement to hold an oil and gas lease sale each year.

GRAZING: Mr. Sherve stated that grazing issues in the Argenta Allotment and Battle Mountain Complex have risen to a high priority. Currently the State office is working on establishing a State renewal permitting team who will take the lead on allotment evaluations for the renewal of term grazing permits. The Argenta Allotment and Battle Mountain Complex are priorities for the State and the Mount Lewis Field Office considers the Roberts Mountain Allotment the next priority following these.

WILD HORSE & BURRO PROGRAM: The Battle Mountain District also has the largest wild horse and burro program in the nation with more Herd Management Areas than any other district. This program has a lot of challenges, and BLM strives to maintain an inclusive atmosphere. Mr. Sherve acknowledged that Laura Leigh, wild horse advocate, has been involved in recent years, but he feels this has resulted in the benefit of being able to educate her following and avoid lawsuits that often shut down the horse gathers. Mr. Sherve added that if the County desires, the BLM can make sure that every time monitoring is conducted on the Fish Creek HMA, they can make sure a County representative is invited.

Chairman Goicoechea referenced an inflammatory letter that Laura Leigh addressed to BLM Director, Neil Kornze, regarding the recent tour of the Fish Creek HMA. It is a damaging letter with a lot of inaccuracies and some of the information seems to have come from the BLM. Chairman Goicoechea asked for the BLM's assistance in correcting these inaccuracies. Mr. Sherve responded that he understood the County's point and agreed to review the letter, which he had not seen yet.

Ms. Richardson provided information on upcoming horse inventories planned in Eureka County. Inventory flights will be conducted the last two weekends in September. These will include the Roberts Mountain Complex, Simpson Park Mountains, Rocky Hills, and a resource flight over Fish Creek HMA.

Ms. Richardson relayed problems the local district faces because of decisions made on the national level. The Fiscal Year 2015 gather schedule only allowed for removal of 3,400 animals overall. Only 200 horses were allocated for removal from the Fish Creek HMA, despite the fact that this would not achieve AML (appropriate management levels). At this point, there are no further gathers scheduled in the Battle Mountain District and the 2016 gather schedule has not yet been issued. Ms. Richardson estimated that 90% of the district's HMAs are over AML and the issue of horses outside of the HMAs is a growing problem.

The BLM is trending towards darting horses for fertility control with no removals. Research is ongoing for longer acting fertility controls, including sterilization, and Ms. Richardson has informed the research coordinator that she is very interested in these methods. Ms. Richardson relayed the priority list for gathering horses: (1) court orders; (2) private landowner requests; (3) public safety or health issues; (4) emergency situations; (5) sagebrush focal areas; (6) population growth suppression with no removals; (7) start of population growth suppression research with removals; (8) remove animals selectively with an adoption component; and (9) special situations.

WILDFIRES: Chairman Goicoechea relayed concerns over the serious need for adaptive management. With the timing of moisture over the past couple years, fuels have increased tremendously and it's only a matter of time before a serious fire occurs. He asked that the local BLM become more engaged in this effort. Mr. Sherve agreed that grazing can be used as a tool for fire management. He added that the district's philosophy of a strong initial attack has been successful in keeping fires manageable.

COORDINATION: Mr. Sherve stated he would like to request more coordination by reestablishing the quarterly coordination meetings. Chairman Goicoechea agreed, noting that the BLM and County exchanged Memorandums of Understanding which outline how coordination will occur. The Chairman emphasized that he wanted the MOUs followed and he asked that this be relayed to BLM management including District Manager, Doug Furtado. Mr. Sherve agreed and stated he will coordinate the quarterly meetings through Natural Resources.

CLERK & TREASURER

Treasurer's Report: The Treasurer's Report for July was submitted by Clerk & Treasurer, Beverly Conley. Ending General Fund balance for July was \$12,796,723.64. Overall ending balance, including encumbered funds was \$55,070,855.34.

Clerk Quarterly Report: The quarterly Clerk's Report showed that \$4,972.26 in court and Clerk fees were collected for April, May, and June.

Employee Work Schedule: Ms. Conley informed the Board that one of her employees was voluntarily transferring to the shared casual position with the Opera House and Sentinel Museum. She requested authorization to work with Cultural, Tourism, & Economic Development Director, Andrea Rossman, to temporarily adjust this person's work schedule to allow for training of her duties within the Clerk/Treasurer's office. No overtime will be involved. Commissioner Etchegaray motioned to authorize the Clerk/Treasurer to temporarily adjust an employee's work schedule for a six week period to allow this person to assist with training a replacement; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Deputy Clerk/Treasurer Vacancy: Ms. Conley completed the Hiring Freeze Waiver Justification form for the position that will become vacant upon this person's transfer. But she asked that the Board table her request to hire a replacement, with the caveat that she may resubmit the request during election season. Ms. Conley explained that her office is a dual office with extensive duties, but for the time being, she will utilize a casual employee with increased hours to cover the vacancy. Commissioner Etchegaray motioned to table the request to hire a replacement Deputy Clerk/Treasurer; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Tax Delinquent Properties: The Board reviewed the 2015 Order of the Board of Commissioners directing the County Treasurer to offer all tax delinquent properties for sale pursuant to NRS 361.595(2). Ms. Conley explained there are 14 tax delinquent parcels eligible for the next property tax sale. Due to the small number, she is planning on accepting mail-in bids and target date for the sale is April 2016. Commissioner Etchegaray motioned to direct the County treasurer to order title searches on tax delinquent properties to be considered for the next sale/auction; Commissioner Sharkozy seconded the motion; motion carried 3-0.

RECESS FOR LUNCH

The Board recessed for lunch from 11:51 a.m. to 1:00 p.m.

NATURAL RESOURCES

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities. Mr. Tibbitts attended the Crescent Valley Firewise Committee meeting on August 10th; attended the Diamond Natural Resources Protection & Conservation Association meeting on August 11th; participated in the field tour of the Fish Creek Horse Management Area (hosted by Natural Resources Advisory Commission), followed by the NRAC meeting on August 12th; attended the Sagebrush Ecosystem Council meeting via phone on August 13th; attended the Eureka Conservation District meeting the afternoon of August 13th; participated in a phone call with various folks (including Jason King, State Engineer, and Rick Felling, Chief Hydrologist, with Nevada Division of Water Resources) on August 14th regarding the Western Water Initiative; attended the Groundwater Management Plan workshop at the Opera House on August 18th; and traveled to Reno on August 19th for the Nevada Drought Forum meeting.

Upcoming Meetings: Upcoming meetings include the Humboldt River Basin Water Authority meeting in Winnemucca on August 21st; a special Barrick Ruby Hill Community Advisory Committee meeting on August 26th at the Annex/Administration Building; and a Nevada Association of Counties Board meeting on August 28th in Carson City.

BLM Fish Creek Herd Management Area: Mr. Tibbitts reported on the field tour of the BLM Fish Creek Herd Management Area that took place on August 12th. The tour was scheduled by the Commissioners, hosted by the Natural Resources Advisory Commission, and facilitated by Mr. Tibbitts. Both boards publicly noticed the tour, which was open to the public. NRAC had their regular meeting on the same evening of the tour.

One of the main issues is lack of water in the Fish Creek HMA. The only way the area can work for a ranch or for wild horses is to artificially supplement water by pumping or hauling. During the tour it was noted that most of the water available to the horses - either naturally, pumped, or hauled - is on the far edges or completely outside of the HMA. In managing the horses, the BLM is actually moving them outside of the designated area.

The BLM recently issued a decision on the Roberts Mountain Allotment requiring the permittee to obtain State Engineer authorization for a temporary water haul, yet they are not holding themselves to the same standard when watering horses on the Fish Creek HMA. Other water issues involve vested claims by the BLM that would likely not withstand State Engineer scrutiny under adjudication. Based on this, NRAC recommends supporting an adjudication of the waters in contention in this area.

Another management issue is the strategy of fertility control. The Fish Creek HMA is being touted as a test area for this new strategy. Yet an EA signed by the Battle Mountain District BLM in the 1990s promised herd control utilizing these same methods. Satisfactory results were never achieved due to lack of consistent and continued management.

The BLM seems to selectively allow participation of activist groups without affording the same courtesy to everyone. Allowing participation of Laura Leigh was likely an attempt to avoid conflict, but in this circumstance it had the opposite effect. The letter from Laura Leigh to BLM Director, Neil Kornze, following the tour emphasizes this. The letter is full of errors, misleading statements, inaccuracies, and 'shock factor' claims. It calls for immediate removal of State BLM Director, John Ruhs. Ms. Leigh was on the tour, but never left the vehicle and was not party to most conversations, so much of her letter is based on third-party accounts. She asserts she never left the vehicle because she feared for her safety, claiming there was a "lynch-mob" mentality by tour participants.

In truth, Director Ruhs, who was invited to attend the tour, committed to working to find solutions. Those present on the tour know first-hand that it was a peaceful gathering and an attempt to constructively address the issues.

Another activist, Carrie O'Brien, attended the tour, engaged in the discussions, and her writings following the tour are much more accurate. Ms. O'Brien recognized that all parties were trying to find common ground solutions for healthy herds and healthy rangelands.

Mr. Tibbitts recommended that the Board address the inaccuracies in Ms. Leigh's letter and the Board agreed. Commissioner Sharkozy motioned that Mr. Tibbitts and Chairman Goicoechea draft a letter to BLM Director, Neil Kornze, addressing the falsehoods in Laura Leigh's letter regarding the Fish Creek HMA field tour conducted on August 12th, and authorized the Chairman to sign the letter outside of the meeting. Commissioner Etchegaray seconded the motion. Motion carried 3-0.

The Board felt the State Engineer should be made aware of the water issues involved with the Fish Creek HMA. Commissioner Etchegaray motioned that Mr. Tibbitts and Chairman Goicoechea begin the steps to formally engage the Nevada State Engineer to look into the water issues surrounding the Fish Creek HMA; Commissioner Sharkozy seconded the motion; motion carried 3-0.

BLM Drought Decisions: As approved at the last meeting, Mr. Tibbitts sent an email to the BLM regarding the County's concerns with a grazing decision on the Roberts Mountain Allotment issued under the Drought Management EA. Namely, the decision included a term and

condition requiring that a change in use be obtained from the Nevada Division of Water Resources for a temporary water haul.

In the meantime, another decision was issued for the same allotment changing the season of use and allowing the permittee to use certain areas outside of the current permit, but under some very strict conditions. The email was issued on August 10th and gave seven days for comment. Mr. Tibbitts took the matter before the Natural Resources Advisory Commission and issued comments based on their discussion, as there wasn't enough time to get it before the Commissioners for formal action before the deadline. Mr. Tibbitts briefly reviewed the issues addressed in the letter: drought conditions, vegetative issues, non-use due to the Frazier Fire, horses in excess of AML, restricted access to private property and privately held water rights, as well as the short timeframe allotted a Cooperating Agency for comment.

Designation of Diamond Valley as Critical Management Area: Mr. Tibbitts provided testimony on behalf of Eureka County during the State Engineer's hearing on July 23rd in Eureka regarding the proposed order designating Diamond Valley as a Critical Management Area. On August 6th, the Board asked him to prepare additional written testimony and Mr. Tibbitts presented that letter. The main point addressed in the letter was Eureka County's request to move forward with a complete adjudication that includes all surface and underground water. Commissioner Sharkozy motioned to submit additional written testimony regarding the State Engineer's designation of Diamond Valley as a Critical Management Area; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Nevada Drought Forum: Mr. Tibbitts attended the Nevada Drought Forum on August 19th and provided written comments. One of the main points covered was the County's concern about misuse of drought to reduce livestock grazing. He noted the difference between vegetative and hydrologic drought and asked that the Forum assist in ensuring that land management agencies are separating the difference. If the trend of agencies to use drought in this manner continues – especially in light of the BLM's recent condition in a grazing decision requiring the permittee to obtain a change of use from the Nevada Division of Water Resources – there should be a streamlined process for permittees to be approved for temporary water hauls.

Barrick Cortez Plan of Operations & Reclamation Permit Amendment 3: After a cursory review of the Draft EA for the proposed Barrick Cortez Inc. Plan of Operations & Reclamation Permit Amendment 3, Mr. Tibbitts found no major issues and recommended providing comment noting that the County was in favor of the amendment. Commissioner Sharkozy motioned to authorize the Natural Resources Manager to prepare comments to the BLM supporting the Draft EA for the proposed Barrick Cortez Plan of Operations & Reclamation Permit Amendment 3; Commissioner Etchegaray seconded the motion; motion carried 3-0.

McEwen Mining Gold Bar Project: McEwen Mining's Gold Bar Project is at a standstill. Notice of Intent for an EIS needs to be published in the Federal Register and multiple signatures from Washington, DC, are required to continue with this process. The local BLM has no control over the efficiency of the process. Mr. Tibbitts reached out to Congressman Amodei, Senator Heller, and Senator Reid. Meghan Brown from Congressman Amodei's office was in attendance at today's meeting, and Sarah Moffit from Senator Reid's office promised to contact the national BLM office regarding this.

Jim Smithson, Environmental Manager for McEwen Mining, shared his frustration in dealing with the process and contacting multiple people Washington, DC, to no avail. There is a huge lack of communication from the national BLM to the local offices. He thanked the County for their continued support and for getting involved in this issue.

Commissioner Etchegaray motioned that the County send a letter to the national BLM office voicing concerns over delays related to McEwen Mining's Gold Bar Project and asking the BLM to advance publication of the project's Notice of Intent to Prepare an EIS, with the letter copied to the Nevada delegation and other pertinent parties; Commissioner Sharkozy seconded the motion; motion carried 3-0.

CRESCENT VALLEY TOWN ADVISORY BOARD

Community Development Implementation Plan Working Committee: Dawn Gann, Chair of the Crescent Valley Town Advisory Board, gave an update on the Community Development Implementation Plan Working Committee. Their next task is to review maps to see what land might be available for development along the railroad.

Water Conservation at Crescent Valley Town Park: Ms. Gann thanked the County for the water conservation efforts at the Town Park and stated that residents hoped that this will help save the grass so the footprint doesn't have to be reduced. If something further is needed, Thomas Trucking has indicated they are willing to donate something towards the park.

Crescent Valley Clean-Up Day Service Project: There were 13 volunteers for a street cleanup project done on June 13th. The town was actually fairly clean, but the group was able to fill up two flatbed pick-up trucks with garbage, so it was a good effort.

Planned Events: Ms. Gann relayed that the Town Board would like to sponsor several upcoming events utilizing Activities Program funds. These include another town cleanup activity in October, a Rabies Clinic planned for November, an Easter Egg Hunt in 2016, a May Clean-Up in 2016; and possibly another street cleanup in May or June of 2016.

The Board felt there were sufficient funds budgeted for the Crescent Valley Activities Program to cover the proposed events and asked that they be brought forward closer to the time of the activities. Chairman Goicoechea relayed that the Crescent Valley Firewise Committee has offered funding and assistance towards the next cleanup activity. Ms. Gann responded that activity is planned for October 9th and requested a free dump day at the Crescent Valley Laydown Yard. This request will be placed on a future agenda.

The Rabies Vaccination Clinic is planned for November 15th and the CVTAB would like funding from the Activities Program to cover postage. This will be placed on a future agenda as well.

CVTAB Meeting Schedule: CVTAB Secretary, Nona Kellerman, recently informed the Board that she planned to retire. In reviewing her Social Security options, she found she can work approximately half her hours without affecting her retirement, so has decided to continue working with reduced hours. The Board asked Ms. Kellerman to outline her new schedule in an email. Ms. Gann stated that in order to accommodate the reduced hours, the CVTAB will temporarily decrease its meeting schedule from twice a month to once a month. If CVTAB membership increases after the 2016 election, this will be readdressed.

FIRE DEPARTMENT QUARTERLY REPORTS

Eureka Fire Department: A written report for the Eureka Volunteer Fire Department was provided by Chief Dan Brown. There were nine emergency responses for the quarter including four wildland fires, one motor vehicle accident, and several miscellaneous calls. Training consisted of wildland drafting, hose pressure checks, equipment inventory, and practice pumping.

Crescent Valley Fire Department: Chief Rick Harding provided a written report for the Crescent Valley Volunteer Fire Department. There are currently 16 members. The VFD responded to six calls during the quarter including two wildland fires, two motor vehicle accidents, and two false alarms. Training consisted of firefighter safety and PPE (personal protective equipment) fitting, the annual wildland refresher, initial attack and size-up for wildland fires, LCES (lookout, communications, & escape route), fire behavior, pumping operations, foam application, and fire hydrants. The VFD also participated with the Firewise Committee in a demonstration on making an at-risk residence survivable from a wildland fire.

JUSTICE COURT QUARTERLY REPORTS

Eureka Justice Court: Eureka Justice Court provided a written report that showed zero court fees and \$75.75 in facility fees collected for the quarter. Facility fees are made up of record searches and a portion of certain court fees.

Beowawe Justice Court: Beowawe Justice Court provided a written report and a total of \$206.25 in court fees and 62.50 in facility fees were collected for the quarter.

EUREKA COUNTY TELEVISION DISTRICT QUARTERLY REPORT

Quarterly Report: A written report was submitted by Dave Pastorino, President of the Television District, and Department Assistant, Annie Kniefel. One vacancy still exists on the Television District Board and is being advertised. The Television District entered into a contract with Eagle Communications, LLC, of Elko, for maintenance of equipment on Prospect Peak, Tank Hill, Argenta Rim, and Mary's Mountain.

The Board is pleased to report that the major translator manufacturer, Larcan, is no longer going out of business because two previous employees have taken on the task of putting the company back into operation.

Four members attended the National Translator Association Annual Convention in May. This year's convention was held in Reno. Topics included possible removal of certain broadcasting licenses and if this occurs, it will affect Eureka County.

MEDICAL PROVIDER QUARTERLY REPORTS

Nevada Health Centers, Inc.: Nevada Health Centers provided statistical reports for April, May, and June showing clinic days, provider coverage, and on call services. A total of 473 patients were seen for the quarter.

Rehab Services of Nevada: A written report was received from Dr. Greg Barker, Physical Therapist and Director of Rehab Services of Nevada. There were 23 clinic days and 116 patient visits in Eureka during the quarter. Total subsidy paid this period was \$15,736.87.

Eureka Dental Care: Daniel Norris, DDS, submitted the following statistics for Eureka Dental Care: there were 34 clinic days and 245 patient visits during the quarter. Dr. Norris

receives no County subsidy for his services. He has a lease agreement with the County for space at the Eureka Medical Clinic.

CHANGE IN MEETING DATE

September 4, 2015: The first meeting in September was originally scheduled for September 8th, but due to a scheduling conflict this was changed to September 4th.

CORRESPONDENCE

Correspondence was received from: Crystal Hubbard; Angela Porter; District Attorney, Ted Beutel; Sheriff, Keith Logan; Assessor, Michael Mears; Natural Resources Manager, Jake Tibbitts; EMS Coordinator, Mike Sullivan (2); Commissioner Clerk, Jackie Berg (2); Eureka Activities, Cindy Beutel; Eureka County Planning Commission; Barrick Ruby Hill Mine; Crescent Valley Town Advisory Board (2); Nevada Assoc. of Counties; Humboldt River Basin Water Authority; White Pine County (2); Nevada Health Centers, Inc.; Food Bank of Northern Nevada; Colorado River Commission of Nevada; All Weather, Inc.; US Postal Service; US Dept. of the Interior-BLM; Government Finance Officers Association; Insurance Services Office; Western Counties Alliance; and Pipeline Assoc. of Public Awareness.

PUBLIC COMMENT

Chairman Goicoechea opened the floor for public comments. Clerk & Treasurer, Beverly Conley, noted that Nevada Secretary of State, Barbara Cegavske, will be in Eureka the afternoon of August 25th if anyone would like to meet with her.

Marina Works, Director of Operations (northern Nevada) for Nevada Health Centers introduced herself. She was in Eureka visiting the clinic and wanted to stop by and meet the Board of County Commissioners.

ADJOURNMENT

Commissioner Sharkozy motioned to adjourn the meeting; Commissioner Etchegaray seconded the motion; the meeting was adjourned at 2:09 p.m.

Approved by vote of the Board this 21st day of September, 2015.

/s/ J.J. Goicoechea

J.J. Goicoechea, Chairman

I, Jackie Berg, Commissioner Clerk, attest that these are a true, correct, and duly approved minutes of the August 20, 2015, meeting of the Board of Eureka County Commissioners.

/s/ Jackie Berg

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.

/s/ Beverly Conley

Beverly Conley, Clerk & Treasurer