

**EUREKA COUNTY BOARD OF COMMISSIONERS**

**August 20, 2018**

STATE OF NEVADA        )  
                                  :ss  
COUNTY OF EUREKA     )

**CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on August 20, 2018. 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**

Chairman Goicoechea noted that in addition to the August 6<sup>th</sup> minutes, the agenda should include approval of the August 9<sup>th</sup> minutes. He asked that Item #3 under the Commissioner section (to resolve issues related to protested water application 82616) be removed until a later date.

Commissioner Etchegaray motioned to approve the agenda as amended; Commissioner Sharkozy seconded the motion; motion carried 3-0.

**PUBLIC COMMENT**

Chairman Goicoechea called for public comments; there were none.

**APPROVAL OF MINUTES**

August 6, 2018: Commissioner Etchegaray motioned to approve minutes of the August 6, 2018, meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0.

August 9, 2018: Commissioner Etchegaray motioned to approve minutes of the special meeting on August 9, 2018; Commissioner Sharkozy seconded the motion; motion carried 3-0.

**COUNTY COMPTROLLER**

Payment of Expenditures: Expenditures were presented for approval by Comptroller, Maureen Garner. Commissioner Etchegaray motioned to approve expenditures in the amount of \$210,570.52 for accounts payable, \$195,036.12 for payroll, \$13,611.23 for a pass-through to the State Controller, and \$81.03 in Yucca Mountain expenses, for a grand total of \$419,298.90. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Fund Balances Report: The Board reviewed the report showing current fund balances.

**COMMISSIONERS**

PILT Class Action Lawsuit: Official Notice was received from the US Court of Federal Claims that Eureka County has a right to recover additional sums under the Payment in Lieu of Taxes Act for Fiscal Years 2015, 2016, and 2017, by opting in to a class action lawsuit (*Kane County Utah v. United States*, 17-739C and 17-1991C).

District Attorney, Ted Beutel, informed the Board that Eureka County will not be required to pay any costs related to this case. Litigation costs are borne by the class and will be deducted from any amount awarded.

Commissioner Sharkozy motioned to join the PILT class action lawsuit, including completing the Class Action Opt-In Notice; Commissioner Etchegaray seconded the motion; motion carried 3-0.

November 6<sup>th</sup> Meeting: The November 6<sup>th</sup> meeting date conflicts with the General Election. The Counting Board utilizes the Commission Chambers to process and tally results of the election. The Commissioners are required to meet on or before November 15<sup>th</sup> to canvass the returns and approve the abstract of the vote. For these reasons, the Board agreed it made sense to cancel the November 6<sup>th</sup> meeting and to schedule a special meeting to confirm final election results.

Commissioner Etchegaray motioned to cancel the November 6, 2018, meeting and to schedule a special meeting at 1:00 p.m. on November 8, 2018; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Sagebrush Ecosystem Program: Chairman Goicoechea announced that the Sagebrush Ecosystem Council will meet in Elko on August 30<sup>th</sup>. Prior to the meeting, on August 29<sup>th</sup>, the Council will tour the area of the Martin Fire, and possibly the still-burning South Sugarloaf Fire due to its close proximity. These fires have destroyed a majority of the State's prime sage grouse habitat, and this may cause federal agencies to reevaluate decisions concerning sage grouse.

## **HEALTH INSURANCE ADVISORY COMMITTEE**

Insurance Broker Contract: Members of the Health Insurance Advisory Committee, Jayme Halpin (Chair) and Joyce Jeppesen, presented a contract with L/P Insurance Services for the Board's approval. L/P Insurance Services was selected at the August 6<sup>th</sup> Commission meeting to provide insurance broker services for Eureka County.

Mr. Halpin and Ms. Jeppesen explained that the HIAC met with L/P Insurance Services on August 16<sup>th</sup> and negotiated an annual fee of \$50,400.00 to be paid in equal monthly installments by the County. The Comptroller's office prepared a comparison showing that this is a cost savings of nearly \$22,000.00 annually based on what the current broker is receiving in commissions from the insurance carriers, which is then added onto the premiums paid by the County.

Commissioner Etchegaray motioned to approve the two-year contract with L/P Insurance Services, effective January 1, 2019, to December 31, 2021, for an annual amount of \$50,400.00. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

## **SENIOR CENTERS**

Update Report: Senior Centers Program Director, Millie Oram, reported on activities at the Eureka Senior Center and Fannie Komp Senior Center. In July, Eureka served 697 meals and Crescent Valley served 472 meals. A total of \$11,225.41 was deposited for the month. Ms. Oram reported that the floor repairs at the Eureka Senior Center are complete. They will resume preparing and serving meals at the Center, but were happy the Opera House was available in the interim.

Transportation Grant: Commissioner Sharkozy motioned to ratify Notice of Subaward from Nevada Aging & Disability Services Division for Transportation Grant #07-000-10-BC-19 in the amount of \$22,500.00, with a required match of \$2,303.00. Commissioner Etchegaray seconded the motion. Motion carried 3-0.

## **AMBULANCE & EMS**

Report on Activities: Interim Ambulance Coordinator, Kenny Sanders, reported on emergency services for the month of July. Eureka responded to five calls for service and Crescent Valley responded to seven calls, for a total of 12 ambulance runs. Fortunately, there were no major incidents during the County Fair and no transports were needed. REACH Air Medical Services flew a helicopter in during the Fair for a demonstration and they are interested in returning next year. Lastly, Mr. Sanders reported that Shealene French, AEMT-1, has returned to full duty and he is glad to have the help.

## **PUBLIC WORKS**

Public Works Update: Public Works Director, Ron Damele, reported on Public Works projects and activities. All utility systems are in good working order. Public Works is working with the County Engineer, Lumos & Associates, to schedule the survey of Dennis Cunningham's property. The survey will be done this fall in conjunction with another trip in order to save costs for all parties.

Facilities: Belfor Property Restoration has completed the flooring in the Eureka Senior Center. A technician is scheduled to reconnect the commercial oven on August 22<sup>nd</sup>. The HVAC unit on the Courthouse roof was replaced and is operational. Silver State Elevator Company is currently in town to troubleshoot an issue with the elevator at the Opera House. Tylor and The Train Robbers are scheduled to perform at the Opera House on August 25<sup>th</sup>.

Spring Street Ditch: Fred's Tree Service will be in Eureka on August 23<sup>rd</sup> to begin clearing trees that are impacting drainage in the Spring Street Ditch.

Fire: There was a fire on Union Pass that burned about 10 acres. Since the area had no access for fire engines, the incident was turned over to federal and State agencies.

Facility Fees: The Crescent Valley Town Advisory Board requested that facility rental fees in Crescent Valley be lowered to encourage more community use. The Commissioners felt any fee changes should be made County-wide and asked Public Works to provide a recommendation.

The Eureka Fairgrounds and the Crescent Valley Arena/Community Center are currently rented for \$200.00 with a \$100.00 security deposit. Mr. Damele proposed the following rental rates, suggesting that the refundable security deposit be increased to \$250.00 for these facilities and the ball fields. Occasionally, rental fees are waived for nonprofit organizations or for special circumstances, and Mr. Damele asked that the deposit be required from all users.

Arena / Concession Stand / Restrooms (Crescent Valley)	\$125.00 per day
Community Centers (Crescent Valley)	\$125.00 per day
Exhibit Hall / Restrooms (Eureka)	\$125.00 per day
Pavilion / Restrooms (Eureka)	\$125.00 per day

Commissioner Sharkozy advocated for lower rates and after stating the reasons he supported that position, he motioned to set the facility rental fees at \$100.00 and to deny the recommended \$125.00 rate. The motion died for lack of a second.

Commissioner Etchegaray motioned to set the facility rental fees at \$125.00 per day and to increase the security deposit to \$250.00 (mandatory for all users) for the facilities specified by the Public Works Director. Chairman Goicoechea seconded the motion. Motion carried 2-1, with Commissioner Sharkozy voting against the motion.

Devil's Gate GID: Public Works received two petitions to join the Devil's Gate GID, along with residential water applications. Both were approved earlier in the day by the Devil's Gate Board of Directors.

Commissioner Etchegaray motioned to approve inclusion of APN 007-380-20 in the Devil's Gate GID, and to approve a 3/4-inch residential water service at that location for Steve Jackson; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Commissioner Etchegaray motioned to approve inclusion of APN 007-340-06 in the Devil's Gate GID, and to approve a 3/4-inch residential water service at that location for Jerry Anderson; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **CLERK & TREASURER**

Treasurer's Report: The Treasurer's Report for July was submitted by Clerk & Treasurer, Beverly Conley, showing an ending General Fund balance of \$23,775,659.99. Ms. Conley noted that her office has converted to the Tyler Technologies software program, but will prepare the

monthly financial report on both the existing system and the new system until staff is proficient with the new software.

## **RECORDER**

Department Vacancy: Recorder, Lisa Hoehne, submitted a Hiring Freeze Waiver Justification requesting authorization to fill a vacant position, explaining that the current Deputy Recorder has accepted employment elsewhere.

Commissioner Etchegaray motioned to waive the hiring freeze and authorize the Recorder to fill the vacant Deputy Recorder position; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **NATURAL RESOURCES**

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities. He participated in the following meetings: the Natural Resources Advisory Commission meeting on August 8<sup>th</sup>; a public meeting on August 14<sup>th</sup> related to the grant-funded trails inventory (done by interns from Great Basin Institute); the final Groundwater Management Plan meeting on August 15<sup>th</sup> to tally petitions (results were forwarded to the State Engineer); and the Humboldt River Basin Water Authority meeting in Winnemucca on August 17<sup>th</sup>;

Walker River Irrigation District: Mr. Tibbitts noted that a main topic at the HRBWA meeting was the recent decision by the US Court of Appeals for the Ninth Circuit to certify questions back to the Nevada Supreme Court. The case concerns the Walker River Irrigation District, which has been fully adjudicated by the State. Mineral County is challenging this on the basis of the Public Trust Doctrine, which supports that certain waters should be preserved for public use.

The outcome of this case will have bearing on Nevada water law. The Walker River Irrigation District is asking for amicus briefs to be filed in this case, and Mr. Tibbitts will place this on the next agenda for the Board's consideration.

Upcoming Meetings: Upcoming meetings include: a Nevada Commission on Mineral Resources meeting in Eureka on August 23<sup>rd</sup>; a Cooperating Agency meeting on August 28<sup>th</sup> for the BLM's Draft EIS for the Nevada & Northeastern California Greater Sage-Grouse Resource Management Plan Amendment (Mr. Tibbitts has notified them that Eureka County has a conflict and will not be able to attend); a workshop hosted by the Nevada Attorney General on August 29<sup>th</sup> related to the legislative mandate for the Attorney General, NACO, and SLUPAC to work cooperatively to develop protocol for Nevada's counties to formalize and finalize title to RS 2477 roads; a Sagebrush Ecosystem Council meeting in Elko on August 30<sup>th</sup>; a CABNR Advisory Board meeting on August 30<sup>th</sup>; and a Cooperative Extension Advisory Board meeting on August 31<sup>st</sup>.

Sage Grouse Issues: Mr. Tibbitts placed this on the agenda because so many sage grouse issues are in flux, but informed the Board that no direction or action was required.

Barrick Draft Water Pollution Control Permits: At the August 6<sup>th</sup> meeting, the Board heard a report from Consulting Hydrogeologist, Dale Bugenig, on his review of two Draft Water Pollution Control Permits for Barrick Cortez. There were no concerns and the Board motioned to support the permits.

Mr. Tibbitts prepared the final comment letter, and it was signed by the Chairman for submission to Nevada Division of Environmental Protection by the August 17<sup>th</sup> deadline. A copy was presented to the Board for ratification.

Commissioner Etchegaray motioned to ratify the comment letter to Nevada Division of Environmental Protection supporting issuance of two Water Pollution Control Permits to Barrick Cortez for dewatering and infiltration projects in Grass Valley and Pine Valley. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

NEPA Rulemaking: The Council on Environmental Quality (CEQ) has published Advance Notice of Proposed Rulemaking regarding Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (Docket No. CEQ-2018-0001).

Mr. Tibbitts reviewed a comment letter with the Board, explaining that draft regulations are not yet available and this comment period is basically a scoping phase. The letter begins by adopting NACO's comments to the CEQ. It states that Eureka County advocates streamlining NEPA, but not at the expense of local government and citizen involvement. Mr. Tibbitts noted that the entire letter focuses on asking the CEQ to bolster coordination requirements in order to foster consistent relationships between federal agencies and local governments.

Chairman Goicoechea asked for one minor language change to strengthen the point that agencies 'must' meet with local governments to work towards consistency.

Commissioner Etchegaray motioned to approve comments, as amended, to the Council on Environmental Quality in response to Advance Notice of Proposed Rulemaking regarding Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act and authorized the Chairman to sign the letter outside of the meeting. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

US Gold Corporation's Keystone Exploration Project EA: Mr. Tibbitts reviewed a comment letter to the BLM on US Gold Corporation's Keystone Exploration Project EA. The letter begins by stating Eureka County supports mining done right and wishes to see the Project be successful. The letter addresses a lack of certain details, lack of coordination on the BLM's part (both with the County and in reference to the Nevada Greater Sage-Grouse Conservation Plan), lack of analysis in several sections of the EA, and various issues related to water (lack of analysis, failure to quantify volume of projected groundwater use, failure to identify source of water/water rights, and the letter requests that the EA add that water rights will be obtained "in accordance with Nevada Water Law.").

Commissioner Sharkozy motioned to approve comments to the BLM on US Gold Corporation's Keystone Exploration Project; Commissioner Etchegaray seconded the motion; motion carried 3-0.

## **CORRESPONDENCE**

Correspondence was received from: District Attorney, Ted Beutel; Natural Resources, Jake Tibbitts (2); Natural Resources, Jessica Santoyo; Crescent Valley Town Advisory Board (2); Ely Elks Lodge; Humboldt River Basin Water Authority; Nevada Assoc. of Counties; Lumos & Assoc.; Nevada Commission on Mineral Resources; Nevada Aging & Disability Services Div.; Nevada Dept. of Health, Div. of Health Care Financing & Policy; Nevada Dept. of Transportation; Nevada Dept. of Taxation; Nevada Health Foundation Applause newsletter; Consumer Direct Care Network Nevada; and Smith, Currie & Hancock, LLP.

Commissioner Reports: Chairman Goicoechea informed that State Engineer, Jason King, issued a decision denying Southern Nevada Water Authority's water applications that would support the transport of groundwater from rural areas of the State to Las Vegas via pipeline. This will likely lead to litigation and is expected to be a topic in the next Legislative Session.

## **PUBLIC COMMENT**

Chairman Goicoechea opened the floor for public comments.

## **ADJOURNMENT**

Commissioner Sharkozy motioned to adjourn the meeting; Commissioner Etchegaray seconded the motion; the meeting was adjourned at 10:28 a.m.

Approved by vote of the Board this 6<sup>th</sup> day of September, 2018.

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

*I, Jackie Berg, Commissioner Clerk, attest that these are a true, correct, and duly approved minutes of the August 20<sup>th</sup>, 2018, 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