

EUREKA COUNTY BOARD OF COMMISSIONERS

August 20, 2019

STATE OF NEVADA)
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COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on August 20, 2019. Present were Chairman J.J. Goicoechea; Vice Chair Michael Sharkozy; Commissioner Rich McKay; District Attorney, Ted Beutel (for a portion of the meeting); 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

Two items were removed from the agenda – approval of the August 6th minutes and the clinical services contract with William Bee Ririe Hospital. Commissioner Sharkozy motioned to approve the agenda with those changes; Commissioner McKay seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Goicoechea opened the floor for public comments; there were none. The Board briefly discussed several items for the next agenda.

COUNTY COMPTROLLER

Payment of Expenditures: Expenditures were presented for approval by Comptroller, Kim Todd. Commissioner McKay motioned to approve expenditures in the amount of \$608,225.20 for accounts payable; \$221,714.46 for payroll and related expenses; and \$97.49 in Yucca Mountain expenses for a grand total of \$830,037.15. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

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

Per Diem Allowances: Ms. Todd explained that she has been approached by several people concerning the County per diem rates, which haven't been increased in years. She recommended increasing per diem from \$36.00 per day (breakfast \$10.00, lunch \$10.00, dinner \$16.00) to \$47.00 per day (breakfast \$12.00, lunch \$15.00, dinner \$20.00), which is lower than the federal per diem rate of \$55.00 per day set by the General Services Administration.

Commissioner McKay motioned to increase the County per diem rate to \$47.00 per day – \$12.00 for breakfast, \$15.00 for lunch, and \$20.00 for dinner, effective September 1, 2019. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

COMMISSIONERS

Proposed Updates to Personnel Policy: Ms. Todd presented a redline version of proposed Personnel Policy changes, explaining that most of the amendments are related to recently passed federal or State legislation. Ms. Todd reviewed and discussed the proposed changes that are not related to legislation, as follows:

- Changes were made to reflect law enforcement's move to 12-hour shifts and 14-day pay periods;
- Clarification was added related to salary on promotion, transfer, demotion, reclassification, and reallocation;

- The date related to accrued annual leave was changed – accrued annual leave may not exceed 240 hours on June 30th of each year (previously December 31st);
- Clarification was added to calculate bereavement leave based on ‘days’ not ‘hours’ so part-time employees receive an equitable amount of leave;
- Language was added that business meals paid with employer purchasing cards must be accompanied by a receipt and names of individuals (subject to per diem limits);
- The travel advance limit was increased – travel advances cannot be requested unless anticipated expenses exceed \$150.00 (formerly \$50.00);
- Language was updated throughout policy to read “any protected class” rather than listing and identifying each class, since legislation is continually identifying new protected classes;
- The Fraud Prevention & Reporting Policy, approved by the Board at the last meeting, was also included as part of the proposed policy changes.

Ms. Todd explained that one additional change was suggested to her and she placed a question mark on the draft so the Commissioners could provide direction. It was suggested that an employee’s ability to access a Review Panel upon receiving an unfavorable evaluation should be removed. One argument for this change is that the employee has access to a Review Panel under the *Due Process* section of policy for actions like termination or demotion. Another argument is that the Review Panel does not have the same knowledge of an employee’s performance that the supervisor does.

The Commissioners voiced concern, stating they were hesitant to remove this process from policy, and they asked staff to weigh in.

Sheriff Watts felt it should remain in policy, commenting that the same arguments against this process could be made against Review Panels in the *Due Process* section. Jake Tibbitts and Ron Damele, who have both participated on Review Panels on several occasions, felt it should remain in policy. Mr. Tibbitts pointed out that a performance evaluation has a financial component for the employee, and a panel review offers another opportunity for issues to be vetted. Mr. Damele noted that the panelists take the exercise seriously and investigate both sides of the story, and having the process in place incentivizes supervisors to do better job evaluations.

The Commissioners all agreed that an employee’s access to a Review Panel in relation to an unfavorable performance evaluation will remain in policy. Chairman Goicoechea reminded everyone that any changes to the Personnel Policy must be adopted at a public hearing. Prior to the public hearing, all employees will be provided a redline version of the proposed changes and invited to submit comments.

Commissioner Sharkozy motioned to propose a resolution amending and updating the Eureka County Personnel Policy as presented in the redline version, without omitting employees’ access to a Review Panel as discussed. Commissioner McKay seconded the motion. Motion carried 3-0.

Commissioner Sharkozy motioned to set a public hearing for 10:15 a.m. on September 6, 2019, to consider adopting the proposed changes to the Eureka County Personnel Policy; Commissioner McKay seconded the motion; motion carried 3-0.

Meeting Dates: The Commissioners will be attending a class in Elko on September 20th sponsored by Nevada POOL/PACT. Due to this scheduling conflict Commissioner McKay motioned to cancel the September 20th Commission meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Commissioner McKay motioned to schedule an additional meeting of the Board on September 19th; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Sagebrush Ecosystem Program: Chairman Goicoechea stated that the temporary mitigation regulations adopted earlier in the year and sent to the Legislative Counsel Bureau were

returned with significant language changes. These are the regulations that will require compensatory mitigation when sage grouse habitat is disturbed on federal or State lands. The LCB language changes have prompted a lot of response and Chairman Goicoechea is working with Sagebrush Ecosystem Program Manager, Kelly McGowan, to ensure that the original intent of the regulations remains intact.

Plain Talk Newsletter: Abby Johnson, *Plain Talk* editor, discussed the next edition of the newsletter with the Board. She hopes to publish the newsletter and have it in mailboxes by September 10th. Topics include the Health Fair, Wine Walk, Olcese Waste Services, Free Dump Days, opening of the satellite pharmacy, addition of mental health services (via telemedicine) at the Eureka Clinic, conclusion of the EPA's cleanup project in Eureka, and a calendar of events.

YUCCA MOUNTAIN

Yucca Mountain Update: Abby Johnson, Nuclear Waste Advisor, provided an update on current developments with the Yucca Mountain Project. The 2019 version of the Nuclear Waste Administration Act (S. 1234) is expected to make it out of committee and onto the floor. Some speculate that an amendment will be added to provide funding for Yucca Mountain.

The recent Ridgecrest earthquake sequence has many, including Nevada's congressional delegation and Governor Sisolak, questioning the safety of burying radioactive nuclear waste at the Yucca Mountain site. They are calling for the Department of Energy to study the seismic risks.

Transportation consultant, Rick Moore, attended the National Transportation Stakeholders Forum in June. He reported that the Department of Energy is revising the order that governs how DOE transports radioactive material. There is a lot of talk about moving spent nuclear fuel from power plants and into interim consolidated storage for an undefined period of time. Shipments would be handled by private shippers and not the DOE. Mr. Moore also examined success of the Waste Isolation Pilot Plant in New Mexico and the necessary coordination between the federal government and the states to get shipments to New Mexico.

SHERIFF

Hiring Freeze Waivers: Sheriff Jesse Watts submitted two Hiring Freeze Waiver Justification forms requesting authorization to fill two Deputy positions. Commissioner Sharkozy motioned to waive the hiring freeze and authorize the Sheriff to fill two positions of Deputy I, II, or III; Commissioner McKay seconded the motion; motion carried 3-0.

AMBULANCE & EMS

Report on Activities: EMS Director, Kenny Sanders, reported there were 14 ambulance runs in July. Paperwork was submitted to the State for an Emergency Medical Responder class and Mr. Sanders is awaiting approval. McEwen Mining plans to have about 15 mine employees in the class and others have asked about it as well.

RECREATION BOARD

Discuss Options for Coordinating Events: Members of the Recreation Board, Chair Elmer Porter, Robin Hicks, and Darlene Moody were in attendance to discuss the possibility of hiring an events coordinator for the community. Mr. Porter explained that the Recreation Board is approached by community members and business people seeking funds to put on various events. Several of these people have voiced the need for, and asked them to consider, some type of activities or events coordinator. The Recreation Board has discussed and considered various options over the past year and felt it was time to begin a dialog with the Commissioners.

The Rec Board is willing to help fund a position, whether a staff person or an independent contractor, and hoped the County would take this under consideration. Mr. Porter noted there are many things to consider in addition to funding a salary – a budget, a workspace, a means of transportation (or reimbursement for transportation), etc.

Commissioner McKay agreed that the current system isn't optimal and a person with the right skill set could properly promote the events and keep them going year after year, while providing structure and assistance to individuals and groups who go to the Rec Board for funding.

Chairman Goicoechea stated that the County has worked hard to be conservative with its workforce and he cannot support this as a County position when there are critical departments currently short-staffed. Additionally, nothing was allocated for this in the current year's budget. He said he agrees and understands the need, but asked that the Rec Board provide a detailed plan of what they envision, including an estimation of hours, costs, etc.

The Recreation Board members agreed to discuss this in more detail at their September 17th meeting, and Mr. Porter stated they will spend some time exploring the independent contractor option.

Historic Train Caboose: The last Recreation Board meeting included a discussion on how the historic train caboose on Main Street might be used to promote tourism, serve as a central workplace for an events planner, and possibly offer items for sale.

Chairman Goicoechea noted that the caboose will not be staffed with a County employee, but suggested the members talk to the Public Works Director regarding condition of the caboose, as it may be suitable for occasional use if something develops in the future.

PUBLIC WORKS

Public Works Update: Public Works Director, Ron Damele, reported on Public Works projects and activities.

Utilities & Facilities: All utility systems are in good working order. Plans for the Devil's Gate mainline extension were sent to the State for approval; this is Phase I of a larger project that will continue into the next fiscal year. The mandatory pre-demolition meeting for the Klindt Building is scheduled for August 29th. Legacy Construction will be in Eureka in about two weeks and will work with utility staff on concrete repairs mainly around the Courthouse.

Kobeh Valley Test Well Project: Prequalification requirements for the Kobeh Valley Test Well Project were sent to the newspaper for publication and bidders will have 21 days to respond.

Multi-Jurisdictional Hazard Mitigation Plan: Mr. Damele explained that the Hazard Mitigation Plan is updated every five years, paid for by the State, and handled through the Local Emergency Planning Committee. It is required to obtain grant funding from FEMA.

Commissioner Sharkozy motioned to approve the White Pine County and Eureka County Multi-Jurisdictional Hazard Mitigation Plan and Letter of Promulgation; Commissioner McKay seconded the motion; motion carried 3-0.

Lead & Arsenic Cleanup Fact Sheet: As part of the Institutional Control Plan, Eureka County agreed to publish a Fact Sheet regarding the EPA's lead and arsenic cleanup in Eureka. Mr. Damele thanked consultant, Abby Johnson, for her work on this project. He explained that the Fact Sheet can periodically be updated and will be made available at every County facility and other public places in Eureka.

Commissioner McKay motioned to approve the Eureka Lead & Arsenic Cleanup Fact Sheet for distribution to County facilities, local businesses, and other public places; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Hiring Freeze Waiver: Mr. Damele requested authorization to fill a casual position to work at the Landfill while a regular employee is off on maternity leave. The budget includes funding for 1200 casual hours. Commissioner McKay motioned to waive the hiring freeze and authorize Public Works to hire a Casual Public Works Equipment Operator I for the Landfill; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Intergovernmental Agreement for Fire Protection & Emergency Medical Services: Mr. Damele explained that White Pine County and Eureka County mutually support each other by responding across county lines to fire and medical emergencies. The Cold Creek volunteers already train with Eureka volunteers. This one-year Intergovernmental Agreement with White Pine

County is for Eureka County to help manage and oversee the Cold Creek VFD. Eureka County will also maintain the Cold Creek vehicles and be reimbursed accordingly. If this one-year trial works well, the County will consider a longer arrangement.

Commissioner McKay motioned to approve the Intergovernmental Agreement for Fire Protection & Emergency Medical Services with White Pine County; Commissioner Sharkozy seconded the motion; motion carried 3-0.

TREASURER

Treasurer's Report: The Treasurer's Report for July was submitted by Treasurer, Pernecia Johnson, showing an ending General Fund balance of \$28,973,192.31. Ms. Johnson noted that the first installment of property taxes was due August 19th, so the County has just received some large payments from the mines, which will show up on the next month's report.

MEDICAL CLINICS ADVISORY COMMITTEE

Health Fair: Irma Davila, Chair of the Medical Clinics Advisory Committee, provided an update on the upcoming Health Fair sponsored by William Bee Ririe Hospital and MCAC. The Health Fair is scheduled at the Eureka Opera House on September 20th from 8:00 a.m. to 12:00 noon. Free screenings for blood pressure, height, weight, and BMI (body mass index) will be done at the Fair, but vouchers will be given for reduced pricing on bloodwork, mammograms, bone density tests, etc. The vouchers will be honored for a set amount of time by the local clinic or the hospital in Ely (for the more extensive tests).

Due to a delay in coordinating a date for the Health Fair, free flu shots from the State were not secured. Prominence has agreed to provide flu shots for County employees, but the shots will not be available to the general public.

The Health Fair is providing food this year, and the Lions Club has agreed to barbecue, so Ms. Davila invited everyone to stop by and enjoy a hot dog.

NATURAL RESOURCES

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities and meetings.

Recent Meetings: The Natural Resources Advisory Commission met on August 14th and provided input on the Natural Resource issues on the day's agenda. Chairman Goicoechea and Mr. Tibbitts attended the Wildfire Summit hosted by Senator Cortez Masto in Reno on August 19th. The Summit was intended to open communication between Washington, DC, multiple federal and State agencies, and local stakeholders. At one point, Chairman Goicoechea spoke up and said that the agencies are failing to communicate with perhaps their greatest partner and liaison – the counties and local governments. Paul Peterson, State Fire Management Officer, has already reached out to the Chairman.

Solar Interest in Eureka County Lands: Mr. Tibbitts wanted the Board to be aware that a company is looking at privately owned lands in Diamond Valley and Crescent Valley for solar development. The interest in private lands is to avoid sage grouse issues and BLM permitting. The company did a computer exercise to find areas that have existing power lines with the capacity to receive additional power. The plan is to sell power to NV Energy. The interest in Crescent Valley is due to its proximity to the Falcon Substation, and if the company starts a solar farm in Diamond Valley, it plans to build a substation to tie into NV Energy.

The company has a history of developing facilities and has made some serious purchase offers to farmers in southern Diamond Valley. It does not want the water rights with the land and this prompted some calls to Mr. Tibbitts from landowners with various questions, including how this might affect the Diamond Valley Groundwater Management Plan.

Nevada's mandate for utilities to have 50% renewable energy by 2030 is triggering this company, and others, to work to be the first to build solar farms and make a deal with NV Energy, Nevada's largest utility producer.

FRTC Modernization: Mr. Tibbitts traveled to Carson City on August 15th for a meeting on expansion of the Fallon Range Training Complex to plan and discuss ways to ensure that the expansion is done right. The Navy wasn't there – it was a meeting with involved State agencies, the Governor's office, and Churchill and Eureka Counties. US Senator Cortez Masto was there and she wants Churchill County to take the lead, so it has hired Resource Concepts Inc.

The intent is to create a proposal, which will eventually be an agreement signed by the Governor's office, the State agencies, and the involved counties. This will be a two-pronged plan identifying what the Navy can do itself, and identifying what Congress must do by dictating what the Navy must do and providing the necessary tools and funding. Congressman Amodei is looking into what solutions Congress can provide.

NEPA Regulations: Mr. Tibbitts has been reviewing the Forest Service's proposed revisions to its National Environmental Policy Act regulations. The August 12th deadline was extended by two weeks, which allowed NRAC to consider the proposed changes and approve the comment letter. The letter states that Eureka County adopts NACO's comments on the Proposed Rule for NEPA Compliance, and urges that the changes compel the Forest Service to focus more effort on improving coordination and consistency with local governments and stakeholders.

Commissioner McKay motioned to approve sending a letter responding to the US Forest Service's proposed revisions to its National Environmental Policy Act regulations; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Targeted Grazing: The BLM is seeking scoping comments on its EA for Targeted Grazing of Annual Grasses in Great Basin Ecoregions in Nevada. Mr. Tibbitts emailed the comment letter to the Commissioners, but noted some changes he has since made to the original draft. He added more emphasis regarding coordination with Eureka County and stressed that targeted grazing on any allotment should only be done with complete agreeance of the permit holder. NRAC reviewed and approved the comment letter.

Commissioner Sharkozy motioned to send the letter in response to the BLM Environmental Assessment for Targeted Grazing of Annual Grasses in Great Basin Ecoregions of Nevada; Commissioner McKay seconded the motion; motion carried 3-0.

Wild Horse Issues: At the last meeting, the Board reviewed and approved a letter to the BLM concerning the Fisk Creek Herd Management Area gather scheduled to begin September 5th. Mr. Tibbitts provided an updated version for approval. The letter still thanks the BLM for adding the Fish Creek HMA to their 2019 gather schedule. But additional language was added based on information that a wild horse activist group had negotiated for the BLM to gather mares, treat them with fertility control, and release them. The letter now states that Eureka County does not support treat and release of any horses until low-end AML (Appropriate Management Level) is achieved.

Commissioner Sharkozy motioned to approve sending the updated letter to the BLM in response to the Fish Creek HMA wild horse gather; Commissioner McKay seconded the motion; motion carried 3-0.

CORRESPONDENCE

Correspondence was received from: Alia Minoletti; Natural Resources Advisory Commission; Medical Clinics Advisory Committee (2); Television District; Crescent Valley Town Advisory Board (2); Kinross Bald Mountain Mine; Elko County Health Officer; Elko Fire Protection Dist.; Nevada Assoc. of Counties; Humboldt River Basin Water Authority; Central Nevada Regional Water Authority; Northeastern Nevada Regional Development Authority; "Storming Area 51" event article; Nevada Div. of Environmental Protection; Nevada Dept. of Public Safety; Nevada Dept. of Transportation (3); The Blueprint Collaborative; US Dept. of the Interior-BLM (3); US Senator Catherine Cortez Masto;

America's Energy Dominance & Infrastructure Deregulation (invite to briefing call); and White House Office of Intergovernmental Affairs.

Commissioner Updates: Chairman Goicoechea said he was asked to provide a background check prior to his one-on-one meeting with US Department of the Interior Secretary David Bernhardt to discuss the proposal, "*The Path Forward for Management of BLM's Wild Horses & Burros.*" The meeting date is yet to be set.

The Chairman announced that he has given notice to the Nevada Department of Agriculture that effective August 30th he will no longer be the State Veterinarian, and he intends to refocus on what really matters – his family and Eureka County.

PUBLIC COMMENT

Chairman Goicoechea called for public comments; there were none.

ADJOURNMENT

Commissioner Sharkozy motioned to adjourn the meeting; Commissioner McKay seconded the motion; the meeting was adjourned at 11:41 a.m.

Approved by vote of the Board this 20th day of September, 2019.

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

I, Jackie Berg, Commissioner Clerk, attest that these are a true, correct, and duly approved minutes of the August 20, 2019, meeting of the Board of Eureka County Commissioners.

/s/ Jackie Berg
Jackie Berg, Commissioner Clerk

I, Lisa Hoehne, Clerk Recorder of Eureka County, acknowledge and accept the attached minutes as approved by the Board of Eureka County Commissioners and attested to by the Commissioner Clerk.

/s/ Lisa Hoehne
Lisa Hoehne, Clerk Recorder