

EUREKA COUNTY BOARD OF COMMISSIONERS
September 6, 2016

STATE OF NEVADA)
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COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on September 6, 2016. Present were: Chairman J.J. Goicoechea; Commissioner Fred Etchegaray; District Attorney, Ted Beutel and Deputy Clerk, Amanda Pearce. The meeting was called to order at 9:30 am 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

Commissioner Etchegaray motioned to approve the agenda as written. Commissioner Goicoechea seconded the motion; motion carried 2-0.

PUBLIC COMMENT

Chairman Goicoechea opened the floor for public comments. Garney Damele inquired whether the Commissioners would like to answer a question for an article about the elected official in the Recorder's office during public comment or when the topic appeared on the agenda. Chair Goicoechea requested that Mrs. Damele pose her question when the Board discussed the agenda item. No other public comment.

APPROVAL OF MINUTES

August 18, 2016: Commissioner Etchegaray motioned to approve the minutes as written; Commissioner Goicoechea seconded the motion; motion carried 2-0.

COUNTY COMPTROLLER

Payment of Expenditures: Expenditures were presented for approval by County Comptroller, Tina Hubbard. Commissioner Etchegaray motioned to approve expenditures in the amount of \$948,981.38 for accounts payable and \$3,300.00 for Yucca Mountain expenses, for a grand total of \$1,346,986.33.

Review Fund Balance Report: The Board reviewed a printout of current fund balances.

Eureka Productions: The Board discussed the issue of continuing to provide a liability account for Eureka Productions. Payroll specialist, Kim Todd recommended liquidating the less than \$80.00 remaining in the account. Commissioner Goicoechea discussed Eureka Productions present to the Eureka County Recreation Board for funds. Commissioner Etchegaray made a motion to deny to continue providing a liability account for Eureka Productions; Commissioner Goicoechea seconded the motion; motion carried 2-0.

COMMISSIONERS

Update Reports: Commissioner Etchegaray attended a Legislative Commission Subcommittee to Study Water meeting in Carson City on August 26th, and a Groundwater Management meeting at the Eureka County Opera House on August 29th. Commissioner Goicoechea attended a Legislative Committee on Public Lands meeting on August 19th; on August 30th, conducted interviews for the Assistant Comptroller at the Courthouse.

Recorder's Office: Commissioner Goicoechea discussed the letter sent to the Recorder after the August 18, 2016 Commissioner meeting. Commissioner Goicoechea indicated that the letter demanded an answer from the elected official on her plan to ensure that the Recorder's

office remain open to serve the public. The letter requested the explanation by the end of the day on August 31, 2016. No response was received. Commissioner Goicoechea further explained that the Deputy Recorder is on vacation for the week of September 6th- September 9th. The Commissioners expressed concerns that the office was once again closed because the elected official was not present. Commissioner Goicoechea expressed his frustration regarding the Recorder habitually ignoring requests from the Board. The Chair also brought up an "outside action" that had come to his attention with regard to the elected official. District Attorney, Ted Beutel, suggested that the Commissioners leave the item on the agenda until there is a satisfactory resolution as to how the office will be open serve the public. The Chair then asked for Mrs. Damele's question. Mrs. Damele indicated that she is writing an article on the aforementioned "outside action" and inquired whether the Board would exercise their right, per Nevada Revised Statutes, to withhold the elected official's salary on the days that the office was closed. Mrs. Damele pointed out that there is a fixed timeline from the time of the closures for assigning these penalties. Chairman Goicoechea indicated that the absence of Commissioner Sharkozy precluded action at this meeting, and noted that the Commissioners will revisit the issue when there is a full Board.

Title Report: APN 001-102-13: Assessor, Michael Mears presented the Title Report for the Caton Property located at 11 North Main Street that currently houses the "train car" an economic development kiosk for promoting activities around Eureka County. Mr. Mears indicated that the conclusion of value is \$15,000.00. The appraiser considered the most immediate comparables, namely \$2.50 a square foot, from the Eureka Subdivision; with an added valuation of \$4.00 per square foot because of the property's proximity to Main Street. Mr. Mears added that the appraisal is very close to the taxable value of \$14,026.00 that the Assessor ascribes to the parcel. Commissioner Etchegaray motioned to accept the Title Report for the parcel; Chair Goicoechea seconded the motion; motion carried 2-0.

Purchase of Property: APN 001-102-13: Michael Mears explained that the Caton family had leased the property at 11 North Main Street to Eureka County for a number of years. Mr. Mears discovered that the lease had expired, and when he approached the Caton family, they indicated that rather than renew the lease, they would prefer to sell the property to the Eureka County. District Attorney, Ted Beutel noted that there is an estate involved with the property. Commissioner Goicoechea indicated that he preferred to maintain the value of the properties on Main Street and therefore would like see the offer to purchase at or near the appraised value. Commissioner Etchegaray motioned for Eureka County to offer the appraised value of \$15,000.00 for the property, with Mr. Mears and Mr. Beutel working together to accomplish the purchase. Commissioner Goicoechea seconded the motion; motion carried 2-0.

State Land Use Planning Advisory Council Reappointment: Commissioner Goicoechea made a motion to approve sending a letter supporting Governor Sandoval's reappointment of Natural Resources Manager, Jake Tibbitts to SLUPAC; Commissioner Etchegaray seconded the motion; motion carried 2-0.

Sagebrush Ecosystem Program and Nevada Greater Sage-Grouse Conservation Plan: Chair Goicoechea reported that Newmont Mining Corporation signed a conservation agreement with the state of Nevada and the federal agencies involved with the agreement. He indicated that on September 13th, a discussion regarding the conservation plan will take place, but neither he nor the vice-chair will be available to attend, despite attempts to change the meeting date. Chair Goicoechea expressed his concerns with the verbiage in the signed agreement, markedly use of the word "if" in regard to the availability of a credit system. The chair noted that Eureka County does have a credit system available, and has spent the last three years working to that end. The Chair indicated that he was reappointed to the council for another three years. Commissioner Goicoechea announced that United States Director of Fish and Wildlife for the state of Nevada, Ted Cook is leaving his position and will not be serving on the council.

CLERK & TREASURER

Delinquent Properties: Clerk/Treasurer, Bev Conley, provided a list of delinquent properties held in trust by Eureka County. Mrs. Conley indicated that neither she nor Public Works Director, Ron Damele recommended acquisition of any of the properties. Commissioner Etchegaray made a motion to deny Eureka County acquisition of the properties; Commissioner Goicoechea seconded the motion; motion carried 2-0.

ROAD DEPARTMENT

Report on Activities: Assistant Public Works Director, Raymond Hodson, reported on Road Department projects and activities.

Sadler Road: Blading and road work.

Tonkin Road: Work is complete from the JD Ranch to Three Bars Road. A culvert was replaced on JD Road. The Tonkin JD road is in rough shape due to high traffic from local mining projects.

Eureka Town and Diamond Valley: Mr. Hodson reported on brooming work around town and brush beater work in Diamond Valley.

North End: The road department completed a bark project, and is currently working on the Rose Ranch and Dry Hills Road, as well as the Dann road-another road that is in rough condition due to high traffic from local mining projects.

PUBLIC WORKS

Projects & Activities: Public Works Director, Ron Damele, provided an update on Public Works projects and activities.

Water Systems: All water systems in the county are working well.

US Environmental Protection Agency: All stockpiles from the lead cleaning project have been removed and deposited into the repository.

Radio Repeater Sites: The Tenabo radio repeater that was struck by lightning at the end of August has been repaired and is fully operational, as is the repeater on Bald Mountain.

Buildings and Grounds: Everything is going well, new pumps and motors were rebuilt in both the opera house and the courthouse.

Swimming Pool: Due to scheduling challenges recently, there were closures at the pool, with more anticipated in the near future, until staffing issues are resolved.

Fair Board: On September 20th, the board will present the financial report from the 2016 Eureka County Fair to the Commissioners.

Fire Report: A wildland fire at Maggie Creek alighted in Eureka County and burned approximately ten thousand acres, primarily in Elko County, predominantly on privately owned land.

SENIOR CENTERS

Update Report: Senior Centers Program Director, Millie Oram, reported on activities at the Eureka Senior Center and Fannie Komp Senior Center. In August, Eureka served 858 meals and Crescent Valley served 607 meals. A total of \$9,461.05 was deposited for the month. Mrs. Oram reported that 12 seniors attended the Miss Senior Nevada event in Las Vegas and enjoyed it immensely. She also reported on a refrigerator at the Eureka Senior Center that required repair.

ASSESSOR & IT/NETWORK

Status of County Phone System: Assessor & IT/Network Supervisor, Michael Mears, reported that he and IT Analyst, Misty Rowley, requested quotes to overhaul the outdated and unsupported phone system currently utilized by Eureka County. They received three quotes. A Sacramento company, Quest, proved the most attractive in price as well as its compatibility with

the needs of Eureka County. The quote, at \$59,160.00, includes replacement of all telephones. Mr. Mears indicated that the moneys required for the change will be provided by the Assessor Technology Fund. District Attorney, Ted Beutel inquired whether the quote included a server. Mr. Mears indicated there are paired, redundant servers provided for 135 stations. Mr. Beutel noted that in the contract paperwork, the Commissioners request assigning a project manager and a substitute; namely, Mr. Mears and Ms. Rowley, for any issues that occur during the process of overhauling the system. Commissioner Goicoechea made a motion for Mr. Mears to move forward with the replacement of the phone system, not to exceed \$60,000.00 including signing documents as required, without requiring presentation to the Board; Commissioner Etchegaray seconded the motion; motion carried 2-0.

EUREKA COUNTY SHERIFF

Purchase of Safran MorphoTrak: Sheriff Keith Logan presented his proposal for updating the LiveScan Station at the Sheriff's Office. Mr. Logan indicated that the current equipment is outdated and not supported. He also indicated that in previous years the State of Nevada paid for the device; however, this year, Eureka County did not meet the grant threshold. Mr. Logan indicated that he had procured the machine at the cost of the state bid and that price is locked in until November 19, 2016. Mr. Logan indicated that the capital outlay account had the requisite funds for the purchase of the station for the detention facility in Eureka. Commissioner Goicoechea inquired about the Crescent Valley facility. Mr. Logan reported that there is a three year old Dataworks machine that is utilized there. Commissioner Etchegaray made a motion to accept the proposal for the purchase of the Safran MorphoTrak LiveScan Station in the amount of \$20,236.00; Commissioner Goicoechea seconded the motion, noting that one year of maintenance is included in the cost; motion carried 2-0.

New Fee Schedule: Sheriff Keith Logan reported that the state of Nevada reduced the costs of fingerprinting which necessitated a new schedule of fees in Eureka by October 1, 2016. Commissioner Goicoechea made a motion to adopt the new fee schedule. Commissioner Etchegaray seconded the motion; motion carried 2-0.

ECONOMIC DEVELOPMENT PROGRAM BOARD

Alternate Position: Commissioner Etchegaray indicated that with the absence of Lisa Wolf, Chairwoman, the issue will be tabled until another meeting when Ms. Wolf will be present to discuss advancing Nancy Collins for an alternate position on the Economic Development Program Board for the remainder of a one-year term through December 31, 2016.

EUREKA ACTIVITIES

Casual Hours Waiver: Michael Mears, Eureka Activities Supervisor, presented his proposal to allow for a 40 hour work week for Cindy Beutel, Eureka Activities Coordinator. Mr. Mears maintained that the "Arts in the Park" event on September 16th and 17th required more than the 19 allowable hours typically granted a Casual Worker. Mr. Mears indicated that Mrs. Beutel will not exceed the hours allowable for the year. Commissioner Etchegaray expressed his opposition to allowing the forty hours. A discussion ensued whereby Chair Goicoechea and Commissioner Etchegaray indicated that if granted, this waiver would not be granted to any departments in the future. Clerk/Treasurer Bev Conley indicated that during elections, her office is required to utilize a Casual Worker for more than 19 hours a week, for approximately one hundred hours or fewer. Chair Goicoechea indicated that, during election years, the Clerk's office would not be beholden to the rule. Commissioner Etchegaray made a motion to approve the waiver for Mrs. Beutel, with the caveat that waivers not be presented to the Board in the future. Commissioner Goicoechea seconded the motion; motion carried 2-0.

TELEVISION DISTRICT

Support Services: President, Dave Pastorino indicated that the Television District had not yet received the requested proposal from Eagle Communications, LLC, regarding provision of support services. Mr. Pastorino and member, Bill Leppala reported that the Television District will review the proposal at the upcoming meeting on September 10, 2016, perform the necessary advertising and report back to the Commissioners at a later date.

NATURAL RESOURCES

Report on Activities: Natural Resources Manager, Jake Tibbitts gave an update on recent activities and natural resources issues affecting Eureka County.

Legislative Committee on Public Lands: The committee was respectful of Eureka County input and approved sending a letter to the governor and the attorney general that prioritized the proper handling of SB456 in order to perfect the roads and to seek more funding to that end. There will be updates when the final reports are submitted.

US Forest Service Secure Rural Schools: Met on August 23rd, and the advisory committee decided to expend a portion of Title II funds in Eureka County for weed control on the Monitor Range.

Subcommittee to Study Water: August 26th, the subcommittee vote indicated a concerning split between party lines. Discussion regarding BDR from Diamond Valley irrigators that are working on the groundwater management plan was limited due to time constraints; however, Mr. Tibbitts indicated that the committee voted to move forward with the bill draft request from Eureka County. The bill is crucial for providing tools for critical management areas and groundwater management plans statewide. The State Engineer is moving forward with a stand-alone BDR, with similar goals. The subcommittee voted unanimously to move forward with a bill draft request clarifying how the State Engineer can use adaptive management in his appropriations of water and how mitigation can work into that to remove conflicts. Subsequently, the subcommittee retreated from drafting the bill, however Senator Goicoechea and Senator Aaron Ford agreed to work together on a draft with Eureka County. The subcommittee then voted to draft a bill draft request that will include a requirement for a statewide draft bill for vested rights proofs over a ten year time frame, rather than full blown adjudication in every basin. Mr. Tibbitts recommended filing all proofs in front of the State Engineer. The Nevada Mining Association attended the meeting and indicated that they are working with the subcommittee and the State Engineer's office to formulate a voluntary fix to water issues, without the need for legislative action.

Groundwater Management Plan: Mr. Tibbitts reported that the meeting on August 29th was well attended by Diamond Valley water rights holders.

Upcoming Meetings: On September 8th and 9th, Mr. Tibbitts will attend the National Wild Horse and Burro Advisory Board meeting in Elko. September 13th, the Conservation District will meet to discuss the \$5,000 match in regards to the renewable energy study proposed by Fred Steinman at the August 18, 2016 commissioner meeting. September 16th, the Central Nevada Regional Water Authority will meet, Mr. Tibbitts will attend by teleconference. September 19th, there will be a Groundwater Management Plan meeting, where the US Geological Survey will present an overview of the Diamond Valley report and provide direction on how individuals can access USGS data from the national water inventory system database.

Fallon Naval Air Station EIS: Proposed action will extend air space and also some land withdrawals. There will be an upcoming meeting on October 6th from 5:00 p.m. to 7:00 p.m. at the Eureka Elementary School.

Sage Grouse Issues: Mr. Tibbitts reported that at a meeting on September 1, 2016, all indications were that the Bureau of Land Management litigation was moving forward, with a lot of confusion about which agencies are impacted.

Wild Horse Issues: Mr. Tibbitts will present a letter at the meeting on September 9th to highlight some of Eureka's concerns for the record with regard to the Rocky Hill Fertility Control Darting, water hauls, over-population, horses outside of designated areas, and requirements being imposed upon ranches and mines. Commissioner Goicoechea attended a meeting in Washington D.C., and allowed for his testimony to be presented to the Wildlife Advisory Board at the upcoming meeting; he also noted that utilizing the word "emergency" with regard to appropriation will be paramount in moving forward with the wild horse issue, and requested this change to the letter Mr. Tibbitts will submit. Commissioner Etchegaray made a motion for submission of the letter with the changes requested by Chair Goicoechea; Commissioner Goicoechea seconded the motion; motion carried 2-0.

Joint Funding Agreements: Commissioner Etchegaray approved signing the Joint Funding Agreements with the US Geological Survey for Federal Fiscal Year 2017 for continuation of Hydrologic Monitoring program in Mount Hope and Roberts Mountains vicinity with Eureka County's portion at \$67,930.00; Commissioner Goicoechea seconded the motion; motion carried 2-0.

CORRESPONDENCE:

Correspondence was received from: Seventh Judicial District Court; Commissioner Sharkozy; District Attorney, Ted Beutel (3); Clerk & Treasurer Beverly Conley (2); Public Works, Ron Damele; Natural Resources, Jake Tibbitts (3); Eureka Activities; Juvenile Probation (2); Television District (2); EBN; Owl Club; Nevada Association of Counties (4); Northeastern Nevada Regional Development Authority; White Pine County Commission; Great Basin National Park; Pahrump Museum; Nevada 2nd Amendment Ballot Question 1(several); Attorney General Adam Laxalt; Nevada Division of Child & Family Services; Committed to Our Business Community; Nevada PERS (3); Nevada Division of Environmental Protection; Public Utilities Commission of Nevada; University of Reno (3); Nevada Supreme Court; Global Crowdfunding Convention; Corporate America; Nevada State Clearinghouse (3); Reno Gazette Journal; US Bureau of Land Management (2); Western Counties Alliance (2); American Lands Council (2); National Incident Management Team; Department of the Interior; Great Basin National Park; US Department of Agriculture; US Department of Navy (2).

PUBLIC COMMENT AND DISCUSSION:

Commissioner Goicoechea opened the floor for public comments. Gary McEwen commented that conducting 4-H events at the Eureka County Fair seemed chaotic and requested permission to apply for grants and donations to pay for construction of a livestock pavilion at the Eureka County Fairgrounds. Commissioner Goicoechea indicated that no action could be taken on a public comment but the Commission would look forward to an agenda item in the future from Mr. McEwen with regard to his plans.

Commissioner Goicoechea reported that there were six cases of West Nile Virus in Elko County, including five in one day, and recommended that horse owners vaccinate their animals.

ADJOURNMENT:

The meeting was adjourned at 11:15 a.m.

Approved by vote of the Board this 20th day of September, 2016.

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

I, Amanda Pearce, Deputy Clerk/Treasurer, attest that these are a true, correct and duly approved minutes of the September 6, 2016 meeting of the Board of Eureka County Commissioners.

/s/ Amanda Pearce
Amanda Pearce, Deputy Clerk/Treasurer

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 Substitute Commissioner Clerk.

/s/ Beverly Conley
Beverly Conley, Clerk & Treasurer