

**EUREKA COUNTY BOARD OF COMMISSIONERS**

**September 6, 2017**

STATE OF NEVADA )  
 )  
 ) :ss  
COUNTY OF EUREKA )

**CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on September 6, 2017. 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**

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

**PUBLIC COMMENT**

Chairman Goicoechea opened the floor for public comments.

Jerome Hicks, Physician Assistant at the Eureka Medical Clinic, stated he was appearing before the Board as a citizen. He and his family are living in provider housing in the Town of Eureka and due to its location, there is very poor cell phone service and no internet service. Express Internet has evaluated the house and they are unable to provide internet connection. Mr. Hicks explained the difficulties this causes, including limiting his ability to work from home and/or obtain CME (continuing medical education) credits. Mr. Hicks requested that the Board place an item on a future agenda to consider options to improve internet capabilities in the County and the Town of Eureka.

**APPROVAL OF MINUTES**

August 21, 2017: Commissioner Sharkozy motioned to approve minutes of the August 21, 2017, Commission meeting; Commissioner Etchegaray seconded the motion; motion carried 3-0.

**COUNTY COMPTROLLER**

Payment of Expenditures: Expenditures were presented for approval by Comptroller, Maureen Torres. Expenditures included an invoice from the Owl Club where volunteers for the Eureka County Fair had charged alcoholic beverages. Eureka County Personnel Policy 8.2.5 prohibits reimbursement for alcoholic beverages, so the Commissioners determined this was not an allowable expense. This \$547.00 in charges was deducted from the expenditure total.

Commissioner Etchegaray motioned to approve expenditures in the amount of \$1,576,861.42 for accounts payable, \$338,220.43 for payroll, \$119,020.00 for a pass through to the Division of Minerals, \$378.26 for a pass through to the Department of Taxation, and \$5,370.00 for Yucca Mountain expenditures, for a grand total of \$2,039,850.11. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Fund Balances Report: Assistant Comptroller, Kim Todd, suggested that the Board amend their August 21<sup>st</sup> motion and allow recent clinic building upgrades to be paid from the Building Reserve Fund rather than the Capital Improvement Fund. Review of the Resolution creating the Building Reserve Fund showed that the upgrades qualify as an expense under this account, which has a higher fund balance.

Commissioner Etchegaray motioned to direct the Comptroller's office to reimburse William Bee Ririe Hospital from the Building Reserve Fund for the necessary medical clinic upgrades; Commissioner Sharkozy seconded the motion; motion carried 3-0.

### **WILLIAM BEE RIRIE HOSPITAL**

Clinic Updates: Effective July 1<sup>st</sup>, administration and operation of the medical clinics in Eureka County transitioned to William Bee Ririe Hospital (WBR). This required obtaining permits, licenses, and making improvements to the buildings in order to pass the necessary inspections.

Matt Walker, CEO of WBR, was in attendance to give an update on progress of the transition. He has been providing regular updates to members of the Medical Clinics Advisory Committee since July 1<sup>st</sup>.

Public Works has facilitated all of the building improvements. The State Fire Marshal will inspect the building later in the day. Approvals are in place for lab work, including drug testing, which will begin on September 7<sup>th</sup>. Labs will be sent out daily, with Eureka labs processed at WBR and Crescent Valley labs shipped to LabCorp or Quest. The inspection necessary to begin administering immunizations at the clinics will take place on September 26<sup>th</sup>. Physician Assistant, Jerome Hicks, will be licensed to conduct CDL physicals within a week.

There are still some issues with the internet connection in Crescent Valley, so telemedicine has not been initiated. As a temporary solution, WBR purchased an internet jetpack and that should be installed within a week.

William Bee Ririe and both clinics in Eureka County are now contracted with the VA Choice Program. The patient must still complete the Veteran's Administration paperwork.

Mr. Walker thanked Public Works for all of their assistance, thanked Senator Pete Goicoechea for his influence on the State level, and thanked the Board and residents for their patience as WBR works to establish operations in Eureka County.

### **COMMISSIONERS**

Update Reports: Commissioner Sharkozy attended the Crescent Valley Volunteer Fire Department meeting on August 22<sup>nd</sup> and attended the Medical Clinics Advisory Committee meeting on September 5<sup>th</sup> via interactive video.

Chairman Goicoechea spoke during the National Wild Horse & Burro Summit hosted by Utah State University, which began on August 22<sup>nd</sup>.

Set Public Hearing - Water Application 86314: Cortez Joint Venture filed Application 86314 with the Division of Water Resources, proposing to change the place of use of a portion of existing Permit 73277. When an application requests moving water across county lines, the affected counties have the option of providing a recommendation to the State Engineer and are directed to schedule a public meeting pursuant to NRS 533.363(4).

Commissioner Sharkozy motioned to schedule a public hearing at 10:00 a.m. on October 6<sup>th</sup> in regards to Application 86314 filed with the State Engineer by Cortez Joint Venture; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Set Public Hearing – Personnel Policy Amendments: Assistant Comptroller, Kim Todd, explained that in order to comply with laws adopted during the 2017 Nevada Legislative Session, it was necessary to make several changes to the Eureka County Personnel Policy.

Ms. Todd briefly reviewed the changes. There are now multiple references to "protected classes" to cover any groups that are now protected or that may become protected in the future. The term "prohibited substances" has been added where the policy addresses drug and alcohol use. This covers legalization of marijuana, which is still prohibited for County employees.

Language was added or amended to address legislative changes involving pregnant workers, nursing mothers, victims of domestic violence, workers' compensation claims, Code of

Ethics for elected officials, election related communications, workplace safety, and wage disclosure. The definitions section at the back of the policy was updated accordingly.

A draft resolution outlining the proposed changes will be presented for the Board's review at the September 20<sup>th</sup> meeting and will then be distributed to all employees.

Commissioner Sharkozy motioned to set a public hearing for 10:15 a.m. on October 6<sup>th</sup> to consider the resolution and changes to the Eureka County Personnel Policy; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Appraiser Resolution: Commissioner Sharkozy motioned to adopt a resolution containing an updated list of appraisers as described in EUREKA COUNTY CODE, TITLE 2, CHAPTER 60, SECTION .030; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Eureka, Nevada	September 6, 2017
<b>RESOLUTION</b> <b>UPDATING THE LIST OF ALL PERSON QUALIFIED</b> <b>TO ACT AS GENERAL APPRAISERS IN EUREKA COUNTY</b>	
WHEREAS, the Board of Eureka County Commissioners are guided by Eureka County Code 2.60, Sale of County Owned Property; and	
WHEREAS, pursuant to that Ordinance the Commissioners may change the list of persons qualified to act as general appraisers in Eureka County by resolution, according to ECC 2.60.030; and	
NOW THEREFORE BE IT RESOLVED the Board of County Commissioners hereby adopt the following list of current active appraisers, to be filed together with the original Ordinance held in the Clerk's Office.	
Duvall Appraisal Service – P.O. Box 778, Battle Mountain, NV 89820 Daniel A. Leck – 408 W. 4 <sup>th</sup> St., Carson City, NV 89702 Tom Riggins, Real Estate Appraiser – 4505 Carson River Drive, Fallon, NV 89406 John S. Wright – 1803 Kinglet Dr., Sparks, NV 89441	
Adopted this 6 <sup>th</sup> day of September, 2017.	<u>/s/ J.J. Goicoechea, DVM</u> Chair of the Board Eureka County Commission
Attest: <u>/s/ Beverly Conley</u> Clerk of the Board	

Eureka Townsite Lot Boundaries: As a result of lot boundaries drawn by the original Townsite of Eureka survey conducted by the federal government, many property owners have boundaries along public streets and other rights-of-way that are in need of realignment. The County has been approached recently regarding how this might be rectified.

After a brief discussion, the Board felt that if all property owners along a right-of-way were in agreement, the County would cooperate in the process of cleaning up boundary lines. Since this would likely involve some minor land exchanges, all property owners would have to be in agreement.

Commissioner Sharkozy motioned that when all property owners along a disputed or poorly defined right-of-way are in agreement and present a proposed plan, the Commissioners will consider action on boundary line adjustments or realignments; Commissioner Etchegaray 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 August, Eureka served 764 meals and Crescent Valley served 572 meals. A total of \$16,309.50 was deposited for the month. The Ms. Senior Nevada Talent Showcase was featured at the Eureka Opera House on August 15<sup>th</sup>. Dinner was scheduled at the Eureka Senior Center on August 15<sup>th</sup>, so the Talent Showcase participants were able to enjoy a meal with the local seniors.

Casual Worker III: The Board reviewed the Hiring Freeze Waiver Justification for a position recently vacated due to resignation. Commissioner Etchegaray motioned to authorize hiring of a replacement Casual Worker III for the Fannie Komp Senior Center; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **ROAD DEPARTMENT**

Report on Activities: Raymond Hodson, Assistant Public Works Director, reported on Road Department projects and activities. Blades have been working on the Grass Valley Road, JD Ranch Road up to Tonkin, Sadler Brown Road, and the Antelope Valley Road. Washouts have been repaired on the Fish Creek Summit, Antelope Road, and Martin Ranch Road.

Northern crews finished widening the Frenchie Flat Road, the road up Rocky Canyon, and the Rose Ranch Road. They are now working on blading Maggie Creek Road.

A cattle guard was installed on Tonkin Road and several culverts were installed on Sadler Brown Road and Maggie Creek Road.

The previous week, Nevada Division of Forestry requested assistance on some fires in Elko County. Mr. Hodson and Road Equipment Operator III, Jayme Halpin, responded with a dozer, transport, and a chase truck and spent about 36 hours assisting NDF and Elko County.

## **PUBLIC WORKS**

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

Utilities: All utility systems are in good working order. The Devil's Gate water system is operational as well, although the Gourley Well off Third Street has been taken offline. The system is running with the Frontier Street Well as the primary water source. The connection, which fills the tank at the junction of US Highway 50 and State Route 278, will serve as the backup source.

Streets Maintenance Project: The 2017 Streets Maintenance Project was completed the past week and a final walk-through will take place on September 7<sup>th</sup> with the contractor, H.E. Hunewill Construction Company. Mr. Damele felt the contractor did a very good job in a quick amount of time. One delay, related to surveying challenges at the School District, caused them to go over the contract period, but Mr. Damele felt it was justifiable.

Airport Pavement Maintenance & Striping Project: Sierra Nevada Construction completed the Airport Project and that went very well. There was an emergency landing during the striping portion, due to an aircraft experiencing an oil pressure problem. But he was able to land, resolve the issue, and take off the same day.

Well Street Project: Public Works staff completed the Well Street water line upgrade in Eureka, which was a substantial project. A fire hydrant was installed in that portion of town. As approved at an earlier meeting, Clint Garrett has completed installation of his water line in the Well Street right-of-way.

Surplus Property: Mr. Damele explained there are several units no longer in service that are being used for parts. In order to remove them from the County's insurance policy, they must be declared surplus property.

Commissioner Etchegaray motioned to declare the following personal property as surplus property pursuant to EUREKA COUNTY CODE, TITLE 3, CHAPTER 20, SECTION .130: (a) 2004 GMC

Sierra HD/4WD Pickup, Property #5207, VIN #1GTHK24U04E375451; (b) 1987 Peterbilt 359 Semi-tractor, Property #1756, VIN #1XP9D29XHD208329; and (c) 1987 Peterbilt 359 Semi-tractor, Property #1758, VIN #1XP9D29X3HD208352. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Free Dump Days: Upon evaluating the costs and labor involved in May Clean Up, the Commissioners sunsetted that service following the 2017 May Clean Up. In its stead, they decided to expand Free Dump Days and will now offer free dumping in the fall as well as the spring. Yard waste, furniture, white goods, tires, and car bodies will be accepted and must be separated according to waste classification.

Commissioner Etchegaray motioned to declare October 7<sup>th</sup>, 14<sup>th</sup>, 21<sup>st</sup>, & 28<sup>th</sup> as Free Dump Days at the Eureka Landfill and Crescent Valley Laydown Yard during the hours of 8:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

X-Ray Upgrade: During transition of administration of the medical clinics, the previous contractor inadvertently removed operating software while downloading patient records from the x-ray unit. Merry X-Ray advised that this typically corrupts the software and the only way to restore functionality is to refurbish the equipment and reinstall the software. They provided a quote to complete a factory refresh, including software installation and necessary upgrades.

Commissioner Sharkozy motioned to approve the quote from Merry X-Ray Corporation/SourceOne Healthcare Technologies in the amount of \$16,598.65 to upgrade and repair the digital x-ray unit at the Eureka Clinic. Commissioner Etchegaray seconded the motion. Motion carried 3-0. This will be funded from the D&T Center budget.

## **FOLLOW-UP ON PUBLIC HEARING TO CONSIDER NUISANCE**

Background: In late 2016, Eureka resident, Stuart Bloyd, filed a complaint with the County Clerk alleging a public nuisance due to the accumulation of debris and other items at a residential property in Eureka. The County investigated the matter and conducted a public hearing on December 20, 2016, concerning 361 Ruby Hill Avenue and 61 Vandal Way. The public hearing resulted in an explanation from the property owners, Kirk & Sharlene Smith, that they had started a recycling business, but they committed to begin cleaning up the properties. Mr. Smith appeared before the Board on May 22<sup>nd</sup> to report that several truckloads had been hauled away and he outlined his plans to continue cleanup efforts.

Mr. Bloyd returned at the Board's August 7<sup>th</sup> meeting to relay continued concerns over the Ruby Hill property. He agreed some cleanup had taken place, but felt items were again beginning to accumulate. The Board agreed to contact Mr. Smith for a progress report.

Update on Cleanup Efforts: Mr. Smith reported that six trailer loads, totaling 13,000 pounds, had been hauled to recycling centers. He is concentrating on removing items from the Vandal Way property first and has most recently spent time sorting and separating items at the Ruby Hill location, as required by the scrap companies.

He has lined up a mechanic to repair the axles on a loaded trailer that has been at the Ruby Hill property for a couple of years. This will allow Mr. Smith to move the existing load and will provide him with an additional trailer. Another trailer should be ready to go by the end of the month and a third trailer is ready to be loaded. Depending on which trailer is used, 2,500 to 3,500 pounds of material can be removed with each load.

Chairman Goicoechea commented that he appreciated the work that Mr. Smith has done, but encouraged him to persist with his efforts in order to accomplish as much as possible before onset of winter weather. Mr. Smith agreed and offered to provide another update in a couple of months.

## **SHERIFF**

**Hiring Freeze Waiver Justification – Deputy Sheriff:** Sheriff Logan presented the Hiring Freeze Waiver Justification requesting to fill a recently vacated Deputy position. Commissioner Sharkozy motioned to authorize the Sheriff to fill the vacancy with a Deputy Sheriff I, II, or III; Commissioner Etchegaray seconded the motion; motion carried 3-0.

**POST Audit:** An Individual Training Report & Compliance Review Audit was recently conducted by the Nevada Commission on Peace Officer Standards Training (POST). Everything was found to be in compliance with one exception. Upon completion of staff physicals, documentation needs to be provided to the Sheriff's Office. Sheriff Logan has already rectified this by speaking with William Bee Ririe as well as the psychologist who conducts fitness for duty evaluations and has provided them with the HIPAA compliant form provided by POST.

## **PUBLIC GUARDIAN**

**Out-of-State Travel:** Commissioner Etchegaray motioned to authorize out-of-state travel for Public Guardian, Pernecia Johnson, to travel to St. Cloud, Minnesota, the week of September 11<sup>th</sup>, to conduct Public Guardian business on behalf of a protected person. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

## **NATURAL RESOURCES**

**Report on Activities:** Natural Resources Manager, Jake Tibbitts, reported on recent activities. The primary event was the three-day National Wild Horse & Burro Summit hosted by Utah State University in Salt Lake City beginning August 22<sup>nd</sup>.

**Upcoming Meetings:** Upcoming meetings include the Eureka Conservation District meeting later in the day; a State Land Use Planning Advisory Council meeting in Reno on September 8<sup>th</sup>; the US Navy Fallon Range Training Complex (FRTC) Modernization EIS meeting for cooperating agencies on September 13<sup>th</sup>; a Natural Resources Advisory Commission meeting the evening of September 13<sup>th</sup>; a County Advisory Board to Manage Wildlife meeting on September 14<sup>th</sup>; and an affected permittees' meeting in Fallon on September 15<sup>th</sup> related to the Navy's FRTC Modernization.

**USGS Joint Funding Agreement:** The current Joint Funding Agreement with the US Geological Survey for the Hydrologic Monitoring Program in the Mount Hope and Roberts Mountain Vicinity will expire at the end of the month. The USGS forwarded an agreement for Federal Fiscal Year 2018 to continue the monitoring. Overall cost for the year is \$114,960.00 and the County's portion is \$72,415.00.

Commissioner Etchegaray motioned to approve and sign the Joint Funding Agreement with the US Geological Survey to continue the Hydrologic Monitoring Program in the Mount Hope and Roberts Mountain Vicinity from October 1, 2017, through September 30, 2018, at a cost to Eureka County of \$72,415.00. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

**BLM Competitive Oil & Gas Lease Sale, Ely District:** Mr. Tibbitts reviewed the County's response letter concerning the Ely District BLM 2017 Competitive Oil & Gas Lease Sale and associated EA. The letter comments on: (1) lack of coordination with Eureka County; (2) possibility that some of the parcel boundaries cross from White Pine County into Eureka County; (3) inconsistent and arbitrary analyses (i.e. no socioeconomic or wild horse analyses), which are just some of the inconsistencies with the EA conducted for the recent Battle Mountain District Oil & Gas Lease Sale; (4) incomplete water rights tabulation; (5) potential impacts to fish and water dependent wildlife; (6) incomplete land use analysis and failure to recognize existing roads and trails; (7) need to adequately address potential impacts to grazing; (8) inclusion of analysis on Land with Wilderness Characteristics, which should be completely removed; and (9) the need to ensure coordination with the Diamond Valley Weed Control District.

Mr. Tibbitts stated that the Natural Resources Advisory Commission meets on September 13<sup>th</sup> and he would like their input on the letter, although he doesn't expect any substantial changes.

Commissioner Etchegaray motioned to send the letter to the BLM commenting on the Ely District 2017 Competitive Oil & Gas Lease Sale, incorporating any input provided by NRAC, and authorizing the Chairman to sign the letter outside of the meeting. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Wild Horse Issues: Mr. Tibbitts drafted a letter to the Nevada Congressional Delegation addressing wild horse over-population and the resulting resource degradation.

The Wild & Free Roaming Horses & Burros Act of 1971, as amended, allows for multiple management options: adoption, sale, sterilization, and humane euthanasia. Congress has not allowed the BLM to sell or euthanize horses for many years by not appropriating funding to do so. In July, the House Appropriations Committee voted to remove language from the Interior Department's budget that would have prohibited "the destruction of healthy, unadopted wild horses and burros in the care of" the BLM or its contractors. The County's letter asks that the Congressional Delegation support this Amendment (the "Stewart Amendment") and reject Amendment #54 that would, again, tie the BLM's hands and exacerbate the crisis on our rangelands.

Commissioner Etchegaray motioned to send the letter to the Nevada Congressional Delegation concerning issues surrounding wild horse over-population; Commissioner Sharkozy seconded the motion; motion carried 3-0.

National Wild Horse & Burro Summit: Mr. Tibbitts gave a brief update on the National Wild Horse & Burro Summit recently hosted by Utah State University. Over 100 organizations were represented, with approximately 250 people in attendance. Over 60% of the organizations were non-governmental and included wildlife groups, sportsmen groups, horse advocacy groups, etc.

A lot of data and information was presented by the University and independent researchers. This included studies on horses in areas that have been free of livestock grazing for approximately 60 years. Conditions of many of the horses and rangelands, caused by the wild horse over-population, are appalling.

There are 50,000 excess horses on rangelands in the west right now, with over half of that population in Nevada. In addition, there are 50,000 excess horses in holding facilities, costing the American taxpayer \$50 million a year to feed.

The letter to the Congressional Delegation points out that drastic measures must be taken to stop the degradation of rangelands and to humanely return the horse population to a number that sustains healthy herds.

## **ECONOMIC DEVELOPMENT**

Nevada Main Street Application Workshops: Larry McMaster, Chairman of the Economic Development Program Board, requested authorization for the ECEDP to send a representative to an upcoming grant workshop.

The Nevada Main Street Program was created with passage of AB417 in the 2017 Nevada Legislative Session. This makes grants available to counties, cities, or nonprofit organizations. The purpose is to further community, economic revitalization, and development of aging business districts. The Nevada Governor's Office of Economic Development is holding grant application workshops on September 7<sup>th</sup> (in Reno) and September 8<sup>th</sup> (in Las Vegas).

Commissioner Sharkozy motioned to authorize sending a representative to a Nevada Main Street application workshop on September 7<sup>th</sup> or 8<sup>th</sup>, hosted by the Governor's Office of Economic Development, with travel funded from the Economic Development Program budget. Commissioner Etchegaray seconded the motion. Motion carried 3-0.

**CORRESPONDENCE**

Correspondence was received from: Clerk & Treasurer, Beverly Conley; Asst. Comptroller, Kim Todd; IT Manager, Mistry Rowley (2); Free Dump Days flyer; Medical Clinics Advisory Committee (2); Eureka Owl Club (4); Crescent Valley Town Advisory Board; Nevada Assoc. of Counties (3); Nevada Supreme Court (2); University of Nevada, College of Business; Nevada Div. of Water Resources; Nevada Commission on POST; Governor’s Office of Economic Development; Nevada Dept. of Transportation; Nevada Div. of Environmental Protection (2); Nevada Dept. of Health & Human Services; Merry X-Ray Corporation/SourceOne Healthcare Technologies (2); US Geological Survey; US Navy, NAS Fallon (3); and US Dept. of the Interior, BLM (2).

**PUBLIC COMMENT**

Commissioner Goicoechea called for public comments.

Eureka resident, Stuart Bloyd, thanked the Board for their continued consideration toward the properties in Eureka that he had originally brought to their attention several months earlier. He stated he has seen improvement to the property across from his residence in just the last couple of weeks and felt this was a result of the Board’s attention to the matter.

**ADJOURNMENT**

Commissioner Sharkozy motioned to adjourn the meeting at 10:53 a.m.; Commissioner Etchegaray seconded the motion; motion carried 3-0.

*Approved by vote of the Board this 20<sup>th</sup> day of September, 2017.*

/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 September 6<sup>th</sup>, 2017, 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