

EUREKA COUNTY BOARD OF COMMISSIONERS

September 6, 2018

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, 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

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

PUBLIC COMMENT

Chairman Goicoechea called for public comments; there were none.

APPROVAL OF MINUTES

August 20, 2018: Commissioner Sharkozy motioned to approve minutes of the August 20, 2018, meeting; Commissioner Etchegaray 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 \$497,425.27 for accounts payable, \$190,723.78 for payroll expenses, \$1,529,408.47 for a pass-through tax allocation to the School District, \$106,200.00 for a pass through to the Division of Minerals, \$9,119.03 for a pass-through to the State Controller, \$127.03 for a pass-through to the Department of Taxation, and \$4,852.00 in Yucca Mountain expenses, for a grand total of \$2,337,855.58. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

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

COMMISSIONERS

Appointment of EMS Director: On the afternoon of August 20th, an Interview Panel interviewed several qualified candidates for the permanent position of Emergency Medical Services Director. Chairman Goicoechea participated on the Panel as Commissioner liaison and announced that the Panel selected Kenny Sanders as the top-ranked candidate.

Mr. Sanders is a Sergeant with the Sheriff’s Office and for the past several months has also been working as Interim Ambulance Coordinator. In addition to Sergeant, Mr. Sanders serves the Sheriff’s Office as Range Master and instructor, conducting various mandatory annual trainings for peace officers.

To avoid creating a hardship for the Sheriff’s Office, Chairman Goicoechea asked Mr. Sanders if he was willing to accept the EMS Director position and continue in a dual role for a transitional period until January 2019. In keeping with County policy, a 5% wage increase will be given to compensate for the additional duties. Then at the January 7, 2019, meeting of the Board, Mr. Sanders will complete the transfer from Sergeant to full-time EMS Director, and the salary can be negotiated and set at that time. Mr. Sanders agreed that these conditions were satisfactory.

Commissioner Sharkozy motioned to appoint Kenny Sanders as EMS Director, effective immediately, while continuing in the position of Sergeant until January 7, 2019, with the Sergeant wage paid from the Sheriff's budget and a 5% increase paid from the EMS budget. Commissioner Etchegaray seconded the motion. Motion carried 3-0.

Sagebrush Ecosystem Program: On August 29th, the Sagebrush Ecosystem Council toured the area of the recent Martin Fire. Chairman Goicoechea was not available for the tour, but chaired the SEC meeting the following day in Elko. The Council incorporated some proactive language in the Adaptive Management section of the Nevada Greater Sage-Grouse Conservation Plan (State Plan), specifically on targeted management of rangelands and addressing excessive fuel loads. Chairman Goicoechea thanked Natural Resources Manager, Jake Tibbitts, and Jeremy Drew, Resource Concepts Inc. (who is working for NACO), for their contributions.

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 755 meals and Crescent Valley served 509 meals. A total of \$6,599.41 was deposited for the month.

Crescent Valley Vacancies: Ms. Oram submitted two Hiring Freeze Waiver Justifications, explaining that a Kitchen Aide is retiring and a Casual Worker III position will soon become vacant.

Commissioner Sharkozy motioned to waive the hiring freeze and authorize hiring a part-time benefited Kitchen Aide for the Fannie Komp Senior Center; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Commissioner Sharkozy motioned to waive the hiring freeze and authorize hiring a Casual Worker III for the Fannie Komp Senior Center; Commissioner Etchegaray seconded the motion; motion carried 3-0.

ROAD DEPARTMENT

Report on Activities: Assistant Public Works Director, Raymond Hodson, reported on Road Department projects and activities. Crews finished blading Sadler Brown Road and Union Pass. A blade has been assigned to secondary roads including Spring Valley Road, Bob Brown Road, and East Antelope Road. Blading continues on the JD Ranch Road and the 3 Bars Road – these are two of the longest roads in the County and are heavily impacted by mine traffic.

Northern Crews assisted on the JD Ranch Road and bladed Roberts Creek Road, Vinini Creek Road, Summer Camp, Gable Canyon Road, Cortez Road, and Barth Road.

The Road Department assisted as needed before, during, and after the County Fair held August 9th-12th.

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 utility crew has been installing two meters in Devil's Gate District #1 for two new water services approved at the last meeting.

Facilities: There is an issue with the elevator at the Opera House and Public Works is working with Silver State Elevator Company to determine the best course of action. A large HVAC unit was replaced on the Courthouse roof and is in operation.

Spring Street Ditch: Fred's Tree Service is halfway through the tree clearing project in the Spring Street Ditch. Once fire season ends, honor crews from the NDF Conservation Camp will finish clearing the ditch and problem areas can be sprayed with herbicide.

Fire: The County assisted by providing resources and personnel for a fire that burned into Elko County recently after starting on State Route 278 near the County line.

EPA: October 20th will be the last working day this season for the US Environmental Protection Agency’s cleanup project in Eureka. Tom Dunkelman, EPA On-Scene Coordinator, plans to attend the September 20th meeting to provide an update on their activities and plans.

Authorized Representative – FAA Grant Project: Commissioner Etchegaray motioned to approve a letter designating Chairman Goicoechea as the authorized representative to sign all documents for the Federal Aviation Administration Grant for Airport Improvement Program Project No. 3-32-0007-013-2018. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

FAA Grant: Commissioner Etchegaray motioned to accept and sign the Federal Aviation Administration Grant Offer for Airport Improvement Program Project No. 3-32-0007-013-2018 for the Eureka Airport (05U) in the amount of \$234,036.00, with a County match of \$15,602.00. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Bid Award – Eureka Airport Snowplow: Bid notice was advertised and bids were opened on August 6th for the Eureka Airport Snowplow. One bid was received from Peterbilt Truck Parts & Equipment. The bid came in under the engineer’s estimate and Lumos & Associates (County Engineer) recommended award. The FAA concurred. It was verified that Peterbilt Truck Parts & Equipment has no active exclusions on the federal debarment list and is eligible to participate in projects funded by federal grants.

Commissioner Etchegaray motioned to award the bid for the Airport Improvement Program Project No. 3-32-0007-013-2018 for snow removal equipment for the Eureka Airport (05U) to the most responsive bidder, Peterbilt Truck Parts & Equipment, in the amount of \$234,638.00. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

MCI Bus: Mr. Damele explained that in 2013 the County purchased a bus and, with County funds and a series of grants, equipped it as a Mass Casualty Incident Bus. Fortunately, there has never been a need to use this bus. Unfortunately, Eureka County does not have the capacity to properly staff the unit and its reliability will decrease with age and infrequent use.

The EMS Director, Public Works Director, and Senior Mechanic have all concurred that the bus is surplus to the needs of Eureka County and should be donated to an agency with the ability to utilize, maintain, and adequately staff it.

The Nevada Division of Emergency Management encouraged Eureka County to reach out to other areas of the State and numerous emergency, health, governmental, and tribal agencies showed interest. To help determine best placement, the entities were asked to complete a brief questionnaire. In reviewing responses and considering highest benefit to Eureka County, Mr. Damele and Chairman Goicoechea recommended that the bus be donated to Elko County.

Commissioner Etchegaray motioned to declare the 2003 Freightliner Mass Casualty Incident Bus (Property No. 7795) surplus property and to adopt a resolution providing for donation of the bus to Elko County. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Eureka County, Nevada

September 6, 2018

RESOLUTION

**OF THE BOARD OF EUREKA COUNTY COMMISSIONERS
PROVIDING FOR THE DONATION OF SURPLUS PROPERTY,
ONE (1) MASS CASUALTY INCIDENT BUS, TO ELKO COUNTY, NEVADA**

WHEREAS, Eureka County has determined that its Mass Casualty Incident Bus (“MCI Bus”) is no longer of any value to the County, does not serve a useful function, and is not required for the effective continued operation of Eureka County or its Emergency Medical Services; and

WHEREAS, for these reasons, which are supported by continuous non-use, absence of expected use in the foreseeable future, and lack of adequate staff to properly man the vehicle in the event of an emergency; Eureka County hereby determines that the MCI Bus be deemed surplus property; and

WHEREAS, Elko County has expressed great interest in obtaining the MCI Bus; has established a need; has confirmed incident response capabilities; and has demonstrated the ability to operate, maintain, store, and provide adequate training and funding to ensure effective use of the MCI Bus; and

WHEREAS, Eureka County believes that donating the MCI Bus to Elko County will provide the highest benefit to the inhabitants of Eureka County for the following reasons:

- * Elko County borders Eureka County; therefore, the MCI Bus will remain in the same geographical area;
- * Elko County is in closer proximity to large mining operations within Eureka County, which have the potential of needing the timely response of this type of emergency vehicle;
- * Elko County participates in the Intrastate Mutual Aid System, providing emergency assistance to neighboring counties
- * Elko County has a close working relationship with the entire rural health care community;
- * Elko County has the capacity to sustain this resource and ensure its availability for Eureka County, as well as all of Nevada, particularly the northeastern area of our State.

NOW THEREFORE, BE IT RESOLVED, that pursuant to Eureka County Code, Title 2, Chapter 20, Section .130, and in accordance with NRS 244.1505, the Board of Eureka County Commissioners does hereby declare the Mass Casualty Incident Bus surplus property and hereby resolves to donate said vehicle to Elko County, a governmental entity; and

BE IT FURTHER RESOLVED, that officials of Eureka County are hereby authorized to complete all steps necessary for this transaction, including signing the Certificate of Title for transfer of the 2003 Freightliner (Vehicle Identification No. 4UZAAXAKX3CL73507) to Elko County.

ADOPTED this 6th day of September, 2018.

EUREKA COUNTY BOARD OF COMMISSIONERS

/s/ J.J. Goicoechea

J.J. Goicoechea, DVM, Chairman

/s/ Michael Sharkozy

Michael Sharkozy, Vice Chair

/s/ Fred Etchegaray

Fred Etchegaray, Member

ATTEST: /s/ Beverly Conley

Beverly Conley, County Clerk

JUVENILE PROBATION

Out-of-State Travel: Commissioner Etchegaray motioned to approve out-of-state travel for Steve Zimmerman, Juvenile Probation Officer, and Irma Davila, Senior Department Assistant, to attend the Utah Fall Substance Abuse Conference in St. George, Utah, September 18th-21st. Commissioner Sharkozy seconded the motion; motion carried 3-0.

Mr. Zimmerman explained that all travel and conference costs will be reimbursed by Substance Abuse Prevention & Treatment Agency, PACE Coalition.

MEDICAL CLINICS ADVISORY COMMITTEE

Community Health Fair: Garney Damele, Chair of the Medical Clinics Advisory Committee, provided a brief update on the upcoming Community Health Fair, sponsored by William Bee Ririe Hospital. The Health Fair will be held on November 2nd at the School District's former Administration Building next to the old gymnasium. A variety of blood tests will be available at cost. Participants will be given vouchers to take to the local clinic to have blood drawn. Vouchers

will be distributed to Crescent Valley residents for their clinic as well. All results will be mailed directly to the participants. Some local mines have wellness programs and are willing to pay the lab costs for their employees. William Bee Ririe is contacting the mines to coordinate this.

The Health Insurance Advisory Committee typically arranges flu shots for County employees, and Joyce Jeppesen is working to facilitate this. Eureka is now on the State's POD (point of dispensing) list for free flu shots for the public, so parties are working to coordinate the POD with the Health Fair. William Bee Ririe is encouraging everyone to take advantage of the free vaccinations but, as an alternative for County employees, will provide flu shots and accept insurance reimbursement as payment in full.

More information on the Health Fair, including hours, and a list of available lab work with prices, will be advertised once the details are finalized.

NATURAL RESOURCES

Report on Activities: Natural Resources Manager, Jake Tibbitts, stated it has been a busy couple of weeks. He reported that he attended the CABNR Advisory Board meeting on August 30th and the Cooperative Extension Advisory Board meeting on August 31st. There are major concerns because the Board of Regents denied a funding proposal for Cooperative Extension, and the County may want to voice support of making funding a priority.

Sage Grouse Issues: Nevada & Northeastern California Greater Sage-Grouse Resource Management Plan Amendment (BLM): Throughout the accelerated process of amending the BLM's sage grouse land use plan, the County has submitted comments – first on the Administrative Draft EIS and most recently on the public Draft EIS. After incorporating some of the comments, the BLM returned the public Draft EIS to Cooperating Agencies for another review. Mr. Tibbitts is working with Jeremy Drew to review the document and will submit comments by the September 10th deadline.

Greater Sage-Grouse Land & Resource Management Plan Amendments (Forest Service): The US Forest Service's Administrative Draft EIS for their sage grouse land use plan amendments should be available to Cooperating Agencies within the next day or two.

In an attempt to streamline the process, the Forest Service created a single Memorandum of Understanding for all Cooperating Agencies participating in the EIS process. Mr. Tibbitts prepared a redline version of the MOU requesting changes. He was initially told that, due to the short timeframe, no changes would be made. But he was later contacted by the Forest Service and told that they did accept many of the changes.

Mr. Tibbitts prepared a letter outlining the unresolved requests. He recommended that the Board accept the MOU, but send the letter documenting the County's unresolved concerns along with a copy of the redline version of the MOU.

Commissioner Sharkozy motioned to approve the amended Memorandum of Understanding and authorized the Chairman to sign a letter to the Forest Service outlining remaining concerns, to be submitted along with the redline MOU. Commissioner Etchegaray seconded the motion. Motion carried 3-0.

Walker River Court Case: A recent decision by the US Court of Appeals for the Ninth Circuit certified questions back to the Nevada Supreme Court in a case concerning Walker River water rights (*Mineral County, and Walker Lake Working Group, Appellants vs. Walker River Irrigation District, et al, Respondents*). The Walker River Irrigation District has been fully adjudicated by the State, but Mineral County is challenging this on the basis of the Public Trust Doctrine, which supports that certain waters should be preserved for public use.

This case has significant implications for Nevada water law, and Mr. Tibbitts recommended that the County file an amicus brief supporting that water rights adjudicated and decreed under Nevada water law are final and cannot be challenged. Several other counties are considering

filing amicus briefs, either independently or by joining others. Humboldt River Basin Water Authority recently voted to file an amicus brief in support of Walker River Irrigation District.

Commissioner Etchegaray motioned that Eureka County move forward with filing an amicus brief, either independently or by joining others (once the most effective and efficient manner has been determined), with costs paid with legal funds from the Commissioners' budget. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Wild Horse Issues: Mr. Tibbitts and Chairman Goicoechea worked to send a letter to the BLM Burns District Office in Oregon by the September 2nd comment deadline. Mr. Tibbitts explained that the proposed action is to study on-range spaying of mares as a tool to lower population numbers. It is relevant to Eureka County because the BLM intends to apply what is learned to Herd Management Areas everywhere.

Commissioner Etchegaray motioned to ratify comments to the BLM Burns District Office in Oregon regarding the Updated Spay Feasibility & On-Range Behavioral Outcomes Assessment & Population Management Plan for Warm Springs Herd Management Area. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

During the discussion, Chairman Goicoechea voiced disappointment with Colorado State University, his alma mater. The University planned to partner with the BLM on this study, but withdrew at a late hour, in what appeared to be a response to pressure from horse advocacy groups. Colorado State is a leader in equine production and their contributions would have been extremely valuable. Chairman Goicoechea added that he has concerns with universities failing to do their part, especially land grant universities.

Local Horse Issues: Mr. Tibbitts added that there are more and more emerging situations every day in Herd Management Areas, with the BLM conducting water hauls and emergency gathers. He and the Chairman are working with the BLM on some potential short-term and long-term solutions, but nothing has come to fruition at this time.

Department of Interior Reorganization: Emails were received from Department of the Interior staff regarding Secretary Ryan Zinke's vision for reorganization, which they are now calling Unified Regional Boundaries – unified regions based on watershed. The DOI has received funding to begin this reorganization. Most of Nevada will be combined with a large portion of California in the California-Great Basin Region. The County has voiced concerns over this in the past, particularly on how it will affect the BLM.

Although the emails did not allude to the BLM, Secretary Zinke told the Western Governors' Association that the BLM is not considered in this and will not be regionalized. News media has reported that DOI's Acting Assistant Secretary for Policy, Management & Budget, Susan Combs, has assured that the BLM will retain its current structure and the only thing being considered is moving BLM Headquarters to Salt Lake City.

Mr. Tibbitts stated that Eureka County is on the record as being opposed to this reorganization, but with this latest disclosure, he is no longer as concerned. He would like official confirmation that the BLM is not included in the regionalization.

Commissioner Etchegaray motioned to have the Natural Resources Manager send a letter to Department of the Interior staff asking for clarification on which agencies are included in the Unified Regional Boundaries; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Joint Funding Agreement with US Geological Survey: The Joint Funding Agreement with US Geological Survey for the Hydrologic Monitoring Program in the Mount Hope and Roberts Mountain Vicinity is due for renewal at the end of the federal fiscal year, September 30th.

Mr. Tibbitts requested estimates from the USGS for adding sites to monitor drawdown in Kobeh Valley and to help determine any correlation with Diamond Valley. In addition to manually monitoring four wells on a quarterly basis (which the Board approved in July), USGS proposes auger drilling two shallow monitoring wells. The addition of these six sites will increase the cost of the agreement by an estimated \$26,530.00. Since most of the cost is for initial installation and

data logging equipment, costs will decrease in subsequent years. The final agreement will be presented at the next meeting for formal approval.

BLM Weed Control Assistance Agreement: An additional \$50,000.00 was approved for the Weed Control Assistance Agreement that the County has with the BLM. Monies are paid on a reimbursable basis. Mr. Tibbitts researched and confirmed that these are BLM 8100 funds (range improvement funds). He wanted it noted since some had expressed concern over these funds being used for weed treatment.

Commissioner Etchegaray motioned to modify the Weed Control Assistance Agreement with Battle Mountain District BLM (L17AC00139) to add \$50,000.00, with no other changes to the terms of the Agreement. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Appeal State Engineer Ruling #6446: On August 17th, State Engineer, Jason King, issued Ruling #6446 denying Southern Nevada Water Authority applications to appropriate groundwater from Cave Valley, Delamar Valley, Dry Lake Valley, and Spring Valley, but approving SNWA's revised 3M Plan (Monitoring, Management, and Mitigation Plan).

The heavily protested applications, originally approved by the State Engineer in previous years, were challenged in Seventh Judicial District Court in White Pine County. Judge Robert Estes remanded the matter back to the State Engineer in 2013. Ruling \$6446 is a result of this remand, but the State Engineer has stated that he plans to appeal his own ruling because he disagrees with some of the methodology mandated by the Judge.

Mr. Tibbitts informed that Central Nevada Regional Water Authority, an involved party from the start, is holding a special meeting on September 11th and will likely decide to appeal the 3M Plan portion of the State Engineer's ruling. CNRWA is asking any counties that would like to join on individually to cover their own filing fee of \$50.00.

Commissioner Etchegaray motioned that Eureka County join the appeal of State Engineer Ruling #6446, including paying a filing fee of \$50.00; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Out-of-State Travel: Commissioner Etchegaray motioned to approve out-of-state travel for the Natural Resources Manager to attend the Public Lands Council meeting in Park City, Utah, September 26th-28th. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

CORRESPONDENCE

Correspondence was received from: Clerk Treasurer, Beverly Conley; Public Works, Ron Damele; Public Works, Jeb Rowley; EMS, Kenny Sanders; Eureka County Fair Board; Owl Club; Crescent Valley Town Advisory Board; Eureka NewGen Farms; Central Nevada Regional Water Authority; Elko County; Nevada Hospital Assoc.; Allison MacKenzie Ltd.; Nevada Water Science Center (re: USGS); Nevada Supreme Court; Nevada Div. of Water Resources (3); Nevada Dept. of Taxation; Nevada Div. of Environmental Protection (2); Pony Express Territory newsletter; Lumos & Assoc.; Peterbilt Truck Parts & Equipment; Federal Aviation Administration (2); Smith, Currie & Hancock LLP; US Court of Appeals, Ninth Circuit; US Dept. of the Interior (2); US Navy; US Environmental Protection Agency; and US Census Bureau.

It was noted that one of the items of correspondence, the State Engineer's Preliminary Order of Determination for adjudication of the waters of Diamond Valley, was now available to the public.

PUBLIC COMMENT

Chairman Goicoechea opened the floor for public comments.

ADJOURNMENT

Commissioner Etchegaray motioned to adjourn the meeting; Commissioner Sharkozy seconded the motion; the meeting was adjourned at 11:00 a.m.

Approved by vote of the Board this 20th 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 September 6th, 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