

**EUREKA COUNTY BOARD OF COMMISSIONERS**

**November 6, 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 November 6, 2019. Present were Chairman J.J. Goicoechea; Vice Chair Michael Sharkozy; Commissioner Rich McKay; 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 McKay seconded the motion; motion carried 3-0.

**PUBLIC COMMENT**

Chairman Goicoechea opened the floor for public comments; there were none.

**APPROVAL OF MINUTES**

October 21, 2019: Commissioner Sharkozy motioned to approve minutes of the October 21, 2019, meeting; Commissioner McKay seconded the motion; motion carried 3-0.

**COUNTY COMPTROLLER**

Payment of Expenditures: Expenditures were presented for approval by Comptroller, Kim Todd. Commissioner Sharkozy motioned to approve expenditures in the amount of \$454,847.48 for accounts payable; \$632,427.30 for expenses related to payroll, retiree, and benefits (including employee paid deductions); \$1,017,981.58 for a pass-through tax allocation to the School District; \$8,231.75 for a pass-through to the State Controller; \$713.14 for a pass-through to the Nevada Department of Taxation; \$432.00 for a pass-through to the Washoe County Sheriff’s Office; and \$9,739.08 in Yucca Mountain expenses, for a grand total of \$2,124,372.33. Commissioner McKay seconded the motion.

Before voting on the motion, the Board addressed a claim for indigent fuel that exceeded the ten-gallon limit. The Comptroller asked for guidance from the Board since this is not the first time this has happened.

Millie Oram, who manages this indigent account, commented that she notified the Sheriff’s Office asking that staff be informed of the 10-gallon limit and asking that a signed receipt be submitted for each purchase to show that the fuel purchase was approved and to record which Deputy facilitated the purchase.

After some discussion, the Board indicated that the amount in excess of the 10-gallon charge should be paid with travel funds from the Sheriff’s budget. Chairman Goicoechea commented that there should be no further occurrences since the matter was discussed in an open meeting and the Sheriff’s Office has been informed of the correct policy.

Being no further discussion, the motion approving expenditures carried 3-0.

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

## **COMMISSIONERS**

**Response to 2019 Nevada Wildfire Summit:** At an earlier meeting, the Chairman reported on his and Jake Tibbitts' attendance at the 2019 Nevada Wildfire Summit hosted by Senator Catherine Cortez Masto. At the Summit, the Senator invited follow-up recommendations and input, and the Commissioners took action at the earlier meeting to approve sending a response.

Mr. Tibbitts and Ron Damele worked on the response letter with assistance from the Chairman, and it was sent to the Senator on November 5<sup>th</sup> with a copy provided to the Commissioners for ratification.

Commissioner Sharkozy motioned to ratify the response to Senator Cortez Masto concerning the recent 2019 Nevada Wildfire Summit; Commissioner McKay seconded the motion; motion carried 3-0.

**Assistance for Counseling:** Pursuant to State law and Eureka County Code, Title 11, Chapter 30, Eureka County must provide financial assistance, up to \$1,000.00, for counseling of certain crime victims. The District Attorney's office received two applications, and both meet the criteria for this assistance.

Commissioner McKay motioned to approve the applications of two individuals for financial assistance for counseling of up to \$1,000.00 each, in accordance with County Code and State law; Commissioner Sharkozy seconded the motion; motion carried 3-0.

**Cancel Meeting:** In discussing scheduling, it was noted that there are several conflicting meetings in Elko on November 20<sup>th</sup>. Due to these conflicts, Commissioner McKay motioned to cancel the regularly scheduled November 20<sup>th</sup> meeting of the Board; Commissioner Sharkozy seconded the motion; motion carried 3-0.

**Special Meeting:** Commissioner McKay motioned to schedule an additional meeting of the Board on November 19<sup>th</sup>, beginning at 9:30 a.m.; Commissioner Sharkozy seconded the motion; motion carried 3-0.

**Proposal of Whistleblower Ordinance:** Ms. Todd provided the Board with a draft Ordinance proposing enactment of a whistleblower protection policy. She explained that adoption of AB274 in the 2019 Legislative Session updated NRS 281.635 to declare that a local government "shall" (it used to read "may") enact procedures and provisions protecting local governmental officers and employees against reprisal and retaliation for disclosure of improper governmental action.

Chairman Goicoechea noted that one section of the draft ordinance identified that a written appeal may be filed with the Comptroller, District Attorney, or other appropriate State authority. Other references stated "appropriate authority" rather than "appropriate State authority." He asked that references to State authority be consistent throughout the document.

Commissioner Sharkozy motioned to propose the draft 2019 Whistleblower Protection Ordinance with addition of "State" authority in each applicable reference; Commissioner McKay seconded the motion; motion carried 3-0.

**Set Hearing:** Commissioner Sharkozy motioned to schedule a public hearing at 10:00 a.m. on December 6<sup>th</sup> to hear comments and consider action on the proposed 2019 Whistleblower Protection Ordinance; Commissioner McKay seconded the motion; motion carried 3-0.

**Intervention in CV1908-322:** Consistent with past actions of the Board on water related cases, Commissioner Sharkozy motioned to intervene in CV1908-322, Sadler Ranch v. the State Engineer, which is an appeal of Orders of the State Engineer, filed in Seventh Judicial District Court on August 30, 2019. Commissioner McKay seconded the motion. Motion carried 3-0.

**Participation in Litigation:** The Board commented on its support of the Diamond Valley Groundwater Management Plan, which is supported by the Nevada State Engineer, and the need for the Plan to have the opportunity to prove itself viable.

Commissioner McKay motioned to authorize Eureka County's participation in any litigation that may impact the viability of the Diamond Valley Groundwater Management Plan. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Sagebrush Ecosystem Program: Chairman Goicoechea reported that the permanent mitigation regulations for the State of Nevada were adopted at the 11<sup>th</sup> hour, just before the temporary regulations expired. The next meeting of the Sagebrush Ecosystem Council is December 5<sup>th</sup> and there will be discussion about the concerning decision by the US District Court for the District of Idaho (Judge B. Lynn Winmill) to grant a preliminary injunction to block the BLM's 2019 Plan Amendments and to reinstate the plans adopted by the BLM in 2015.

## **SENIOR CENTERS**

Update Report: Senior Centers Program Director, Millie Oram, reported on activities at the Eureka Senior Center and Fannie Komp Senior Center for October. Eureka served 833 meals and Crescent Valley served 642 meals. A total of \$14,110.01 was deposited for the month.

Thanksgiving dinners will be held in Crescent Valley on November 13<sup>th</sup> and in Eureka on November 14<sup>th</sup>.

## **HEALTHY PAWS**

Humane Network & Maddie's Pet Project: Cindy Beutel, with Healthy Paws of Eureka, and Lisa Schuette, Outreach Manager for Humane Network and Maddie's Pet Project (Nevada Campaign) were in attendance to discuss the importance of spaying and neutering and programs to address the overpopulation of cats and dogs, particularly feral animals.

Ms. Schuette explained that the Nevada Campaign for Maddie's Pet Project is a three-year effort to help the State become proactive in dealing with animal populations. In traveling throughout Nevada, she found Eureka is unique in that it already has a person laying the groundwork for this important community service, and she commended Ms. Beutel for her work.

Trap, Neuter, Release: Ms. Sheutte gave an overview of TNR (Trap, Neuter, Release) in dealing with feral cat colonies. Cats form colonies in areas with some food availability. Euthanizing cats can eliminate the colonies, but new cats will just move in. Trapping, neutering, and spaying (along with vaccinating to reduce disease), and releasing back to the colony is more effective because it keeps new cats out and reproduction is controlled so numbers are reduced.

Advances with Healthy Paws: Ms. Beutel commented that after appearing before the Board at its last meeting, she took the Commissioners' suggestions to heart. She continues to seek federal nonprofit status (501C3) for Healthy Paws of Eureka, which will open up new funding avenues. She is working to establish a board of four to six people to assist with planning, fundraising, and in creating a network of volunteers to foster and socialize kittens.

Sponsorship & Grant Opportunities: Humane Network sponsored Ms. Beutel to attend the Saving Nevada's Pets Conference in Reno in October. Ms. Sheutte relayed that Humane Network's President was very impressed with Ms. Beutel's work and urged Healthy Paws of Eureka to apply during the next grant cycle. The organization is working on an additional grant opportunity that may be available as well.

Ms. Sheutte explained that Humane Network is working on taking a spay and neuter van to Battle Mountain on November 22<sup>nd</sup> & 23<sup>rd</sup> and can treat the cats that will be trapped in Crescent Valley. Although this is a more expensive option than spay/neuter vouchers and TNR programs, it is effective because many animals can be treated at little or no cost to the rural communities.

Additional Funding: Ms. Beutel explained that the donation given at the earlier Commission meeting will be used to pay a \$3,000.00 veterinarian bill and to address the cat colony in Crescent Valley. But additional funds are needed as a bridge to continue the work until 501C3 status is secured and more aggressive fundraising can be done. She has the ultimate goal of eliminating Healthy Paw's reliance on donations from Eureka County.

Ms. Beutel requested an additional \$5,000.00, explaining that \$1,000.00 will be used for \$25.00 vouchers as an incentive for residents to have pets spayed and neutered. The remaining \$4,000.00 will be used to continue to trap, neuter, and release feral cats and to foster and socialize

kittens for adoption. Ms. Beutel said the Humane Society in Carson City has been wonderful in taking many kittens from Eureka, and Ms. Sheutte will take eight more later in the week.

The Commissioners consented to additional funds to bridge the gap and keep the program going, signifying that the vouchers be made available to residents County-wide, but directing that the focus for the remaining funds be on feral cats within the townsites before moving on to the rural areas.

Commissioner McKay motioned to approve a donation of \$5,000.00 to Healthy Paws paid from miscellaneous grants in the Commissioners' budget, with \$1,000.00 used for spay/neuter vouchers and \$4,000.00 used for the Trap, Neuter, Release Program. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

## **SHERIFF**

**Off-Highway Vehicles:** Sergeant Marcial Evertsen explained that NRS 490.100 authorizes counties or cities to designate portions of highways within their jurisdiction for off-highway vehicle (OHV) use. (NRS 482.045 defines "highway" as: *...the entire width between the boundary lines of every way maintained by a public authority when any part of such way is open to the use of the public for purposes of vehicular traffic.*)

State law regulates OHV use, but several counties have adopted ordinances to further define and regulate authorized OHV use in their respective jurisdictions. Sergeant Evertsen inquired whether Eureka County might have an appetite to do the same.

Following a detailed discussion between the Sergeant, the Board, and the District Attorney, Chairman Goicoechea offered that at least one county is having "growing pains" dealing with its new OHV ordinance, and he is more inclined to take the hands-off approach that Churchill County has taken.

District Attorney Beutel noted that statutory authority already exists for some level of enforcement related to OHVs, and advised that if the County enacts an ordinance that it is not equipped to enforce, it could create liability issues. Ultimately everyone concurred that further regulation concerning OHVs in Eureka County was not appropriate at this time.

## **US CENSUS BUREAU**

**Introduction:** Scott Gavorsky, with the US Census Bureau, introduced himself and noted that in his role as Tribal Partnership Specialist, based out of Elko, he also works with many of the rural communities. Mr. Gavorsky proceeded with a PowerPoint presentation entitled, "The Road to 2020 and a Complete Count for Eureka County."

**2020 Census:** The 2020 Census will be the 24<sup>th</sup> Census conducted in the United States. The Bureau is emphasizing three key messages for the 2020 Census: easy, safe, and confidential. More response options are offered in the upcoming Census than in any previous count – people can respond by internet, phone, or mail. Census workers will deliver invites directly to homes in March and self-response will begin March 12, 2020. Door-to-door surveys of housing units will only be conducted at residences that have not responded by the end of April 2020.

**Why It is Important:** Census data affects political representation, local community planning, and distribution of funding, which is why a complete and accurate count is important. 2020 Census data will go to the State of Nevada on March 31, 2021, for redistricting purposes.

**Public Outreach:** The US Census Bureau conducts public outreach to inform and educate people. Mr. Gavorsky is working with Michael Mears, local Census liaison, on outreach for Eureka County. The outreach will include warnings against fraud – no Census worker will ever ask for financial or personal information such as social security numbers, bank accounts, etc. If this occurs, law enforcement should be notified immediately.

Local Involvement: The Census Bureau encourages local governments to become involved by displaying posters in public venues, adopting proclamations, hosting Census information events, and forming Complete Count Committees.

Census Jobs: The Bureau will be hiring 500,000 people for various positions over the next three months. The rate of pay for Nevada workers is between \$15.00-\$17.00 an hour. *(For recruiting information call 1-855-JOB-2020 or log onto [www.2020census.gov/en/jobs](http://www.2020census.gov/en/jobs)).*

Questions & Answers: Mr. Gavorsky welcomed questions from the Board. Chairman Goicoechea asked how the Census Bureau verifies identities and physical addresses for the people who complete the questionnaire online or by phone. Mr. Gavorsky responded that address canvassing is completed prior to the count and a verification process is in place. If duplicate responses are received the Bureau will reach out to the housing unit for confirmation.

Commissioner McKay asked about the workforce, particularly in Eureka, where many workers have a primary residence in another county, but are spending the majority of their time in Eureka in RVs, campers, and even motels. Mr. Gavorsky commented that this is one of the challenges in many rural communities like Eureka, and RV parks are included on the list of housing units. He explained if a mine worker is here four days a week and somewhere else three days a week, he or she should be counted in Eureka.

Self-Initiated Response: Mr. Gavorsky concluded by reminding people that they do not need to wait for the hand-delivered invite to respond and complete the questionnaire. Any time on or after March 12, 2020, people may go online or call directly to complete the survey.

## **HEALTH INSURANCE ADVISORY COMMITTEE**

2020 Insurance Plans: The Board selected insurance plans for employees, dependents, and retirees during the September 19<sup>th</sup> meeting based upon recommendations from the Health Insurance Advisory Committee. Jayme Halpin, Chair of the HIAC, now presented the required documentation for the Board's signature.

Prominence Renewal Form: Commissioner Sharkozy motioned to sign the Large Group Renewal Election Form for Prominence Health Plans for employees, dependents, and retirees for Calendar Year 2020. Commissioner McKay seconded the motion. Motion carried 3-0.

Cancellation Letter: Commissioner Sharkozy motioned to sign the Cancellation Non-Renewal Letter to The Standard Group, effective January 1, 2020. Commissioner McKay seconded the motion. Motion carried 3-0.

Kansas City Life was selected to provide vision, dental, and life coverage for employees, dependents, and retirees for Calendar Year 2020.

## **ROAD DEPARTMENT**

Report on Activities: Raymond Hodson, Assistant Public Works Director, reported on Road Department activities. Southern crews finished blading Railroad and Railroad Pass, including cleaning all culverts and installing a new one. The cut-off road from Sadler Brown Road to Railroad and the Monitor Valley Road were also bladed. Blades are currently working on JD Ranch Road and Antelope Valley Road. Crews are moving equipment to the Isaacs Pit to set up a screening plant and will start hauling gravel again.

The northern crew finished blading the Dean Dann Road, Maggie Creek Road, and a blade is currently working on Geothermal Road. The northern crew will also be moving equipment to the Isaacs Pit and everyone will be working in that area for a few months.

## **PUBLIC WORKS**

Public Works Update: Public Works Director, Ron Damele, reported on Public Works projects and activities. All utility systems are in good working order.

Klindt Building Demolition: The shotcrete crew finished installation of the shotcrete the previous week on the remaining wall of the Klindt Building (which is shared with the Eureka Senior Center). After a 14-day cure period, the crew will return on November 18<sup>th</sup> to apply a waterproof sealant. Olcese Construction should begin backfilling and regrading the area on November 21<sup>st</sup>.

Kobeh Valley Test Well Project: Bid documents for the Kobeh Valley Test Well Project were received from Boart Longyear Drilling Services and will be presented at the next meeting for the Board's consideration.

Out West Buildings Quote: Mr. Damele explained that the current shack at the Landfill is quite old and doesn't provide employees with the privacy standards now required under State law. He obtained a quote for a replacement building and the old building will be moved to another location at the Landfill to be used for dry storage.

Commissioner Sharkozy motioned to approve a quote from Out West Buildings for a new office and records storage building at the Eureka Landfill, not to exceed \$19,000.00, utilizing monies budgeted for capital outlay in the Capital Projects Fund (042-140-55010-000). Commissioner McKay seconded the motion. Motion carried 3-0.

## **DISTRICT ATTORNEY**

Replacement Copier: District Attorney Ted Beutel explained that the copier in his office is about eight years old and in need of replacement. Commissioner McKay motioned to approve purchasing a replacement copy machine, not to exceed \$12,000.00, utilizing funds budgeted for capital outlay in the District Attorney's budget (010-024-55010-000). Commissioner Sharkozy seconded the motion. Motion carried 3-0.

## **NATURAL RESOURCES**

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

Upcoming Events: On November 13<sup>th</sup>, Mr. Tibbitts will travel to Reno to attend the Nevada Mineral Exploration Coalition Annual Summit in Reno on November 13<sup>th</sup> where he will participate in a panel discussion, "Public Lands Issues from the Perspective of County Officials." Mr. Tibbitts reminded everyone that they are invited to the Eureka Conservation District's annual dinner on November 21<sup>st</sup>, and asked that parties please RSVP by November 15<sup>th</sup>.

Sage Grouse Issues: Mr. Tibbitts forwarded a memorandum from Colby Prout, attorney and NACO's Natural Resources Manager, concerning the October 2019 preliminary injunction granted by US District Court (of Idaho) blocking the BLM's 2019 Plan Amendments from being implemented and reinstating the sage grouse plans adopted by the BLM in 2015. The memo gives background, history, the basis the Court used for its decision, and what the effects of this ruling may be, as well as next steps – which are not entirely clear.

Will the BLM now have to comply with the March 2017 Order in the appeal of the BLM/US Forest Service Greater Sage Grouse Land Use Plan Amendments filed in US District Court in Reno? In that Order, the Record of Decision was partially remanded back to the BLM to prepare a Supplemental EIS. Eureka County was one of only two counties found to have standing in that lawsuit. This gives Eureka County the ability to appeal the 2019 preliminary injunction by the US District Court in Idaho, and the Board will be asked to make that decision at a future meeting.

Mr. Tibbitts and the Chairman agreed that if the preliminary injunction is upheld, several years of hard work and financial investment by many individuals and groups, including the BLM, to align the federal and State plans, will be wasted. Mr. Tibbitts urged the Board to consider its next step, noting that all the changes from the 2015 Plan to the 2019 Plan are positive.

Targeted Grazing of Annual Grasses in Great Basin: Mr. Tibbitts provided a redline version of a Memorandum of Understanding with the BLM, Nevada State Office, for an Environmental Assessment titled Targeted & Prescriptive Grazing of Annual Grasses in Great Basin Ecosystems

in Nevada. He noted the suggested changes are consistent with those the County has requested in every other MOU it has entered into as a Cooperating Agency.

The difference is that Cooperating Agency status is not guaranteed on an EA like it is on an EIS, and the BLM is being proactive in inviting the County's participation. Mr. Tibbitts asked that he and the Chairman be authorized to work with the BLM outside of the meetings to finalize this MOU, since this EA is on an aggressive timeframe.

Commissioner McKay motioned to enter into a Cooperating Agency Memorandum of Understanding with the Nevada State BLM for an EA on Targeted Grazing of Annual Grasses in Great Basin Ecoregions of Nevada, authorizing the Natural Resources Manager and the Chairman to work with the BLM on finalizing language in the MOU. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

### **CORRESPONDENCE**

Correspondence was received from: District Attorney Ted Beutel; Sheriff Jesse Watts (3); Comptroller, Kim Todd; Public Works, Joyce Jeppesen; Natural Resources Manager Jake Tibbitts; Local Emergency Planning Commission; Crescent Valley Town Advisory Board (2); Seventh Judicial District Court (CV 1908-322); Nevada Assoc. of Counties, Colby Prout; Rehab Services of Nevada; Allison MacKenzie Ltd.; Nevada Dept. of Transportation; Nevada Div. of Water Resources (3); Nevada Div. of Minerals (3); Nevada Volunteers, Governors Point of Light Awards; US Dept. of the Interior-BLM (3); National Assembly of State Animal Health Officials; US Nuclear Technical Review Board; and White House Office of Intergovernmental Affairs.

### **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 11:38 a.m.

*Approved by vote of the Board this 19<sup>th</sup> day of November, 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 November 6, 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