

EUREKA COUNTY BOARD OF COMMISSIONERS

November 7, 2016

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COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on November 7, 2016. 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; Commissioner Etchegaray seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Goicoechea opened the floor for public comments. Eureka resident, Stuart Bloyd, shared a copy of a letter he filed with the County Clerk alleging a nuisance at 361 Ruby Hill Avenue, the property located across the street from his residence. Mr. Bloyd showed pictures and described how a trash pile is steadily growing on the property, which he believes qualifies as a nuisance under NRS 40.140. The Commissioners offered to place this item on the next agenda for consideration.

It was noted that the Board was honored by the Eureka Conservation District and received a Certificate of Recognition for their contributions.

Everyone was reminded that the November 21st meeting was rescheduled to November 17th to accommodate the deadline to canvass the vote from the 2016 General Election and due to a scheduling conflict for the Show Cause Hearing in Seventh Judicial District Court on November 21st (Sadler Ranch, LLC, Petitioner).

Clerk & Treasurer, Beverly Conley, announced that Eureka County had already experienced a 62% voter turnout. This was accounted for by ballots cast by early voters, absentee voters, and mailing precincts.

APPROVAL OF MINUTES

October 21, 2016: Chairman Goicoechea offered a minor correction to the minutes. Commissioner Sharkozy motioned to approve minutes of the October 21, 2016, Commission meeting as corrected; Commissioner Etchegaray seconded the motion; motion carried 3-0.

COUNTY COMPTRROLLER

Payment of Expenditures: Expenditures were presented for approval by Comptroller, Tina Hubbard. Commissioner Etchegaray motioned to approve expenditures in the amount of \$266,584.92 for accounts payable, \$399,378.65 for payroll, \$78,600.18 for a pass through tax allocation to the School District, \$65,280.00 for a pass through to the Nevada Department of Minerals, \$4,446.47 for a pass through to the State Controller, \$376.78 for a pass through to the Department of Taxation, and \$4,674.00 for Yucca Mountain expenses, for a grand total of \$819,341.00. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Fund Balances Report: The Board reviewed a print-out of current fund balances.

COMMISSIONERS

Update Reports: Commissioner Etchegaray attended the State Land Use Planning Advisory Council meeting in Eureka on November 4th.

Commissioner Sharkozy attended the Crescent Valley Volunteer Fire Department meeting on October 25th; attended the Employee Insurance Open Enrollment meeting in Crescent Valley on November 1st; and traveled to Carson City to participate in the grant reviews and awards for the Community Development Block Grants on November 3rd-4th.

Chairman Goicoechea had several meetings and phone calls with staff on a variety of issues. During the Mining & Public Lands Seminar in Reno on October 27th, the Chairman gave a presentation specific to implementation of the federal Land Use Plan Amendments for sage grouse, as well as status of the State Plan. While in Reno, the Chairman met with representatives from the Nevada Department of Agriculture, Nevada Cattlemen's Association, and Nevada Farm Bureau regarding the US Navy's proposed Fallon Range Training Complex Modernization.

ROAD DEPARTMENT

Report on Activities: Raymond Hodson, Assistant Public Works Director, reported on Road Department projects and activities. Southern crews completed work on Antelope Road, Baumann Road, Fiorenzi Road, the cutoff between County Road 101 and 3rd Street, 6th Street, 7th Street, Willows Road, and 3 Bars Road. The cattle guard on Roberts Creek Road was cleaned and repaired. The mower and sweeper operated for several days in Diamond Valley.

Northern crews worked on the Spa Road, Rose Ranch Road, Maggie Creek Road, and began work at the Airport in Crescent Valley, but completion was delayed due to rain. The Rose Ranch Road and Maggie Creek Road are in rough shape, so extensive work will continue on those. The material placed on the Barth Road is holding up extremely well.

PUBLIC WORKS

Projects & Activities: Mr. Hodson reported on Public Works projects and activities. All utility systems and facilities are in good working order. A complete set of parts and components were restocked to replace those used for the recent municipal well failure in Crescent Valley. Winterization continues and all water meters have been insulated.

Fire District: The end of season fire meeting was held on November 3rd at the Opera House and was attended by BLM representatives from the Battle Mountain District and Elko District. Unfortunately, the Ely District was on assignment in North Carolina. The BLM provided a weather update, predicting a warm and wet winter. A revised Annual Operating Plan for Cooperative Fire Protection Agreement was presented for the County's review.

Supervisor Meeting: Public Works held a supervisor meeting on October 20th to plan and prepare communication and coordination for snow removal this upcoming season. Mr. Hodson provided the Board with copies of the Eureka County Winter Maintenance & Snow Removal Policy.

County Facilities: During the month of October, the Opera House had 771 visitors, the Sentinel Museum had 276 visitors, and the Swimming Pool had 77 swimmers.

Mechanic Job Description: As part of the ongoing effort to consolidate and streamline the numerous job descriptions within the County, a new job description was presented for approval. This consolidates all mechanic positions and identifies the corresponding range on the Eureka County salary scale, as follows: Public Works Mechanic I, Range 116; Public Works Mechanic II, Range 119; Public Works Mechanic III, Range 127; and Senior Public Works Mechanic, Range 133.

Commissioner Etchegaray motioned to approve the Public Works Mechanic I, II, III, & Senior Mechanic job description and corresponding wage as identified; Commissioner Sharkozy 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 October, Eureka served 700 meals and Crescent Valley served 445 meals. A total of \$3,016.70 was deposited for the month. Thanksgiving dinners will be November 15th in Crescent Valley and November 17th in Eureka.

EUREKA COUNTY FAIR BOARD

Consideration of Contract Services: Chair, Lynn Conley, returned to follow-up on the Fair Board's request to solicit a contracted party for administrative support. Because of widely varied hours and specialized functions required to put on the County Fair, they felt the flexibility offered by a contractor would better meet their needs. The Senior Department Assistant position is now vacant due to the employee moving to another department.

After consulting with Human Resources professionals, the Comptroller's office, and the District Attorney, the Board agreed with this solution as long as several requirements are met, most notably that the contracted party hold a current business license in the State of Nevada.

If attempts to solicit a contractor are unsuccessful, the Fair Board will have to return to obtain authorization to fill the vacant position.

FIRE DEPARTMENT QUARTERLY REPORTS

Eureka Fire Department: A written report for the Eureka Volunteer Fire Department was received from Chief Dan Brown. The VFD responded to nine incidents during the first quarter of Fiscal Year 2016-2017 (July, August, September). These included fires, wildland fires, and vehicle accidents. Training was completed on extrication equipment, rescue truck, sprinkler systems, and radios.

Crescent Valley Fire Department: A written report for the Crescent Valley Volunteer Fire Department was received from Chief Walter Butler. They currently have 11 active volunteers. There were six emergency responses during the quarter. These included fires, vehicle accidents, and EMS assists.

SHERIFF QUARTERLY REPORT

Detention Facility: Sheriff Keith Logan reported that the Detention Facility had 17 new bookings, a total of 22 inmates, and 357 inmate days for the quarter covering July, August, and September.

Patrol Statistics: The patrol statistics report showed a total of 2,641 incidents during the quarter. These included calls for service, officer initiated incidents, traffic stops, bus/building checks, vehicle/pedestrian checks, and other miscellaneous incidents. There were a total of 88 officer reports, 15 arrests, and 25 citations.

CLERK QUARTERLY REPORT

Clerk & Court Fees: Clerk & Treasurer, Beverly Conley, provided a statistical report showing court and Clerk revenues. Fees collected for July, August, and September totaled \$2,918.46.

RECORDER QUARTERLY REPORT

Recorder Fees: Recorder, Lisa Hoehne, submitted a report showing first quarter receipts of \$173,230.35 for recording, copy, and passport fees. A total of 373 documents were recorded

during the quarter. Most fees are collected on behalf of State or federal agencies, but the County retained \$30,935.85. Ms. Hoehne became a certified passport agent effective September 15th.

AMBULANCE AND EMS QUARTERLY REPORT

Ambulance Bill Write-Offs: EMS Coordinator, Mike Sullivan, reported that pursuant to federal law, certain ambulance bill balances for Medicaid and Medicare patients must be written off. Mandatory write-offs for the quarter totaled \$2,306.00.

TELEVISION DISTRICT QUARTERLY REPORT

TV District Update: A written report was received from Dave Pastorino, President of the Television District, outlining business during the first quarter of Fiscal Year 2016-2017. Sioux Tower & Communications completed installation of the 40 foot tower extension on Prospect Peak. Work to relocate equipment is ongoing with Mt. Wheeler Power and Public Works.

Ham Radio operators (WPES group) were granted authorization to install equipment on Prospect Peak. A proposal was received to relocate T-Mobile equipment to Prospect Peak; action is pending further investigation. A microwave dish and ice shield were installed at Prospect Peak. After reviewing an initial quote from Cummins, a quote was requested from Eagle Communications for installation of a generator remote monitoring system on Tank Hill.

Following resignation of the Senior Department Assistant, the Television District opted to solicit a contractor to provide administrative support. Two proposals were received and Eagle Communications was selected.

In addition to regular meetings, members attended non-board meetings in relation to Federal Communication Commission actions, future planning, and regional/state issues.

MEDICAL PROVIDER QUARTERLY REPORTS

Nevada Health Centers, Inc.: A quarterly report from Nevada Health Centers was not received in time for the meeting.

Rehab Services of Nevada: Dr. Greg Barker, Physical Therapist and Director of Rehab Services of Nevada, provided a written report for July, August, and September. There were 21 clinic days and 115 patient visits in Eureka. Total subsidy for this period was \$13,881.49.

Eureka Dental Care: Daniel Norris, DDS, submitted the following statistics for Eureka Dental Care. During the first quarter of Fiscal Year 2016-2017, there were 30 clinic days and 205 patients. Office hours are Mondays and Tuesdays from 8:00 a.m. to 5:00 p.m. and Wednesdays from 8:00 a.m. to 12:00 noon. Dr. Norris receives no County subsidy for his services. He has a lease agreement with the County for space at the Eureka Medical Clinic.

EUREKA JUSTICE COURT

Quarterly Report: Justice of the Peace, John Schweble, and Justice Court Manager, Cindy Garcia, were in attendance. Written reports showed that \$453.75 in court fees and \$175.25 in facility fees were collected during July, August, and September. These figures represent combined totals from both locations - Eureka and Beowawe/Crescent Valley.

Casual Job Descriptions: A comprehensive job description incorporating most casual positions was approved at the October 6th Commission meeting. Further information was needed before including Justice Court casual employees. Ms. Garcia agreed that the job description was appropriate for their casual employees. Commissioner Sharkozy motioned to incorporate the two casual Justice Court positions into the recently approved Casual I, II, III, IV, & Deputy job description; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Abolish Previous Job Descriptions: Commissioner Sharkozy motioned to abolish the Justice Court job descriptions for Court Clerk and Administrative Department Assistant; Commissioner Etchegaray seconded the motion; motion carried 3-0.

Request for Justice of the Peace Salary Increase: Judge Schweble noted that other elected officials were granted a 3% salary increase effective July 1st and he requested that he receive the same consideration. He added that many years earlier, the Board agreed that his salary increases would track those of other elected officials.

Chairman Goicoechea explained that increases are not given each year for elected officials and are only considered when the State Legislature periodically adjusts salaries outlined in statute. Due to the recent change in NRS 245.043, the affected elected officials did receive a 3% increase this fiscal year. Justices of the Peace salaries are governed by NRS 4.040 and, therefore, are not included in this statute.

Chairman Goicoechea apologized that Judge Schweble was overlooked during budgeting, explaining that it was not intentional. It was pointed out that Judge Schweble received an approximate 23-24% increase to his salary in 2015 to compensate for additional duties when the two Justice Courts were combined.

NRS 245.043 has two years remaining (of the four identified) in which salary increases may be considered for certain elected officers. The Chairman offered, and his fellow Board members agreed, to consider the Justice of the Peace compensation alongside that of the other elected officials during the two remaining budget years.

Commissioner Etchegaray motioned to deny the request for a salary increase for the Justice of the Peace for Fiscal Year 2016-2017, with the understanding that this position will be considered during budgeting of elected officials' salaries for the next two fiscal years. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

NATURAL RESOURCES

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities. The latest Groundwater Management Plan meeting was held on October 24th and the group voted to forward a preliminary draft to the State Engineer. The purpose of this draft is not to seek approval, rather it is an effort to obtain some candid feedback on an early stage product.

Mr. Tibbitts attended the Mining & Public Lands Seminar in Reno on October 27th, which was well attended by numerous groups and agencies. The main topic was additional requirements that may be imposed on mining companies under CERCLA (Comprehensive Environmental Response, Compensation, & Liability Act), the act that established the Superfund Program.

Following the seminar, Mr. Tibbitts and the Chairman met with some livestock industry people in relation to the US Navy's proposed Fallon Range Training Complex Modernization.

The Eureka Conservation District held their annual dinner and elections on November 3rd at the Eureka Opera House with about 100 people in attendance.

State Land Use Planning Advisory Council held their latest meeting in Eureka on November 4th. Presentations were given by representatives of both Fallon Range Training Complex and Nellis Test & Training Range in relation to their respective proposed expansions. SLUPAC voted to officially request a 60 day comment period extension on the Navy's proposed FRTC Modernization and provided scoping comments on both proposals (Nellis and Fallon).

Upcoming Meetings: Naval Air Station Fallon is hosting a grazing permittee/livestock industry stakeholder meeting on November 9th regarding the proposed Fallon Range Training Complex Modernization. The County Advisory Board to Manage Wildlife is meeting in Eureka on November 10th. Mr. Tibbitts will travel to Las Vegas for the Nevada Association of Conservation Districts meeting November 14th-16th. Newmont Mining is hosting their next breakfast meeting in

Elko on November 16th. Humboldt River Basin Water Authority will meet in Winnemucca on November 18th.

McEwen Mining Update: The McEwen Mining Gold Bar Preliminary Draft EIS has just been released to Cooperating Agencies for review with a comment deadline of December 5th.

Sage Grouse Update: The sage grouse attorneys have asked to have a discussion with the County regarding targeted grazing, which the BLM has proposed to create fire breaks through management of fine fuels. Chairman Goicoechea emphasized the difference between targeted grazing and managed livestock grazing. Although targeted grazing has benefits, he noted that managed livestock grazing is what the County has advocated for.

Grazing Issues: In August, Eureka County submitted a letter to the BLM outlining concerns on the proposed Stone Cabin Water Hauls. Although the allotment is in a neighboring county, there are concerns over precedent setting actions. Now the BLM's Final Decision has been issued and it references the Drought EA, quoting utilization guidelines word-for-word, despite the BLM's claims that this was not a drought action.

Since this is a Final Decision, the County's only option in further pursuing this matter is through the formal appeal process. Mr. Tibbitts recommended no further action at this time, since it appears the permittee felt compelled to agree to certain terms.

3 Bars Ecosystem & Landscape Restoration Project: The 3 Bars Ecosystem & Landscape Restoration Project has been going on for some time and covers 750,000 acres, entirely in Eureka County. The County was working with the BLM through the Draft EIS process. In fact, a productive meeting was held with two BLM representatives following issuance of the Administrative Final EIS, but those gentlemen are no longer with the Battle Mountain District and none of that work made it into the final product.

Without notice to the County, a Final EIS was issued on October 21st, starting a 30 day review period. Following this, a Record of Decision will be signed, at which time the County will only have two options: appeal to the IBLA (Interior Board of Land Appeals) or ask for a State Director review.

Commissioner Etchegaray motioned to formally request a BLM State Director review of the Final EIS for the 3 Bars Ecosystem & Landscape Restoration Project and to present this issue to the Natural Resources Advisory Commission at their next meeting. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Newmont Mining's Proposed Perry Pit: Notification was received from the BLM that Newmont Mining is proposing construction of a new open pit in the Carlin & Pete Operations Area. The new Perry Pit would be located in Eureka County approximately 20 miles north of Carlin. The comment deadline is November 8th.

Mr. Tibbitts prepared a letter outlining the BLM's obligations to ensure that projects are consistent with the County's plans and policies (specifically Title 9 of Eureka County Code and Eureka County Master Plan). The letter states the County's strong support of mining and its economic benefits, but notes that the County cannot support a project that does not fully mitigate negative impacts to any of our citizens or local resources.

Commissioner Etchegaray motioned to submit the comment letter to the BLM on the Environmental Assessment that will be prepared for Newmont Mining's Perry Pit proposal; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Barrick Cortez Deep South Expansion Project: Mr. Tibbitts reviewed the letter he prepared accepting Cooperating Agency status on the Barrick Cortez Deep South Expansion Project. It outlined the County's special expertise status and referenced local plans and policies related to public lands. Commissioner Etchegaray motioned to send a letter accepting BLM's invitation to be a Cooperating Agency on the Barrick Cortez Deep South Expansion Project; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Battle Mountain BLM District-Wide Programmatic EA: Mr. Tibbitts explained that BLM is starting the scoping process on a proposed district-wide programmatic EA for projects to sustain and improve the sagebrush ecosystem. This originally began with a request from the local County Advisory Board to Manage Wildlife for the BLM to consider a County-wide programmatic EA for pinyon-juniper thinning, in an attempt to create a streamlined process for the agency to grant authority on local projects.

Since NEPA must be implemented, the BLM felt it would be worthwhile to complete a district-wide plan. But then the scope broadened from simply addressing pinyon-juniper to include restoring riparian areas, managing sagebrush communities for ecological and habitat benefits, promoting native vegetation, protecting sage grouse habitat, etc.

Because the broadened scope could result in unforeseen restrictions, Mr. Tibbitts recommended that the County send a letter to the BLM requesting Cooperating Agency status on this EA. The letter will request consistency with local plans and policies, ask that grazing be considered as a tool in meeting some of the objectives, and ask that the proposal be written in a manner to minimize impacts to permittees (both mining and grazing).

Scoping comments are due by November 23rd, so the letter will be presented for approval at the next meeting.

Barrick Pipeline Infiltration Project: Nevada Division of Environmental Protection sent Notice of Proposed Action for renewal of a Water Pollution Control Permit for the Barrick Pipeline Infiltration Project. Mr. Tibbitts and Consulting Hydrogeologist, Dale Bugenig, reviewed the notice, permit, and fact sheet and are comfortable with the proposed action.

Commissioner Etchegaray motioned to send a letter to Nevada Division of Environmental Protection supporting renewal of the Water Pollution Control Permit for the Barrick Pipeline Infiltration Project; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Fallon Range Training Complex (FRTC) Modernization: Representatives of the US Navy, Naval Air Station Fallon, attended the last Commission meeting on October 21st and discussed the proposed action by the Navy to expand the FRTC through current public land withdrawal renewal, additional public land withdrawal, private land acquisition, and airspace modifications. At that time, the County voiced several concerns and took action to send a letter formally requesting an extension of the November 25th comment deadline.

Mr. Tibbitts outlined some of the local concerns and direct impacts. Chief concerns have to do with losses connected to grazing permits, water rights, mining claims, etc. Expanded air space may impact emergency medical flight access, firefighting, communications/radio coverage, GPS systems, and aviation uses for agriculture. Supersonic activity not only has noise implications for sage grouse and other wildlife, but the vibrations could damage historical buildings. Wargame activities have been known to start fires when flares reach the ground before extinguishing. Restrictions to future opportunities should also be considered, because the expansion could curtail energy developments, additional communications towers, installation of other infrastructure, etc. The need for responsible and sufficient mitigation and/or compensation must also be addressed.

Mr. Tibbitts is working with County consultants and the Chairman to prepare a comment letter. The letter will be presented for approval at the November 17th meeting, unless the comment deadline extension is granted.

CORRESPONDENCE

Correspondence was received from: Eureka County Flu & Pneumonia Shot Clinic flyer; Eureka County open enrollment meetings flyer; Comptroller, Tina Hubbard; Public Works, Ron Damele; 7th Judicial District Court filings (2); Eureka County Advisory Board to Manage Wildlife; Eureka Owl Club (2); Crescent Valley Town Advisory Board; Nevada Assoc. of Counties (3); White Pine County; Northeastern Nevada Regional Hospital; Nevada Div. of Water Resources (4); Taggart

& Taggart, Ltd.; Nevada Div. of Environmental Protection; Nevada Deferred Compensation; Nevada Board of Wildlife Commissioners; Public Utilities Commission of Nevada; Consumer Direct; Nevada Health Foundation (of NVHC); Nevada State Clearinghouse (2); Small Business Roundtable (2); American Lands Council; US Dept. of the Interior-BLM (3); USDA Forest Service; and US Bankruptcy Court.

PUBLIC COMMENT

Commissioner Goicoechea opened the floor for public comments. Lisa Wolf, Crescent Valley resident, informed the Board she is starting a live radio talk program called, "Eureka, Heart of Nevada." It will begin as a 30-minute weekly program and will accommodate live callers and pre-recorded content. Ms. Wolf welcomed input, including suggestions on determining the best day and time for the program.

ADJOURNMENT

The meeting was adjourned at 11:17 a.m.

Approved by vote of the Board this 17th day of November, 2016.

/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 November 7, 2016, 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