

EUREKA COUNTY BOARD OF COMMISSIONERS

December 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 December 6, 2019. Present were Chairman J.J. Goicoechea; Vice Chair Michael Sharkozy (via interactive video from Crescent Valley); Commissioner Rich McKay; and Commissioner Clerk Jackie Berg. District Attorney Ted Beutel was absent as he was representing the State in District Court. 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

Chairman Goicoechea noted that sage grouse updates under the Commissioners' section and Natural Resources' section can be removed as there are other specific agenda items concerning current sage grouse issues.

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

PUBLIC COMMENT

Chairman Goicoechea opened the floor for public comments. With budget season approaching, Comptroller Kim Todd asked for direction on a timeline and how the Board wants departmental budgets presented.

After a brief discussion, it was decided that a kickoff budget discussion can be had at the January 6th meeting and budget presentations by the departments can begin on January 21st, with additional budget meetings scheduled if necessary.

APPROVAL OF MINUTES

November 6, 2019: Commissioner Sharkozy motioned to approve minutes of the November 6, 2019, meeting; Commissioner McKay seconded the motion; motion carried 3-0.

November 19, 2019: Commissioner Sharkozy motioned to approve minutes of the November 19, 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 \$535,670.91 for accounts payable; \$436,719.47 for an adjusted total related to payroll, retiree, and benefits (including employee paid deductions); \$86,362.53 for a pass-through tax allocation to the School District; \$5,753.06 for a pass-through to the State Controller; \$650.61 for a pass-through to the Nevada Department of Taxation; \$195.00 for a pass-through to the Washoe County Crime Lab; and \$3,659.95 in Yucca Mountain expenses, for a grand total of \$1,069,011.53. Commissioner McKay seconded the motion. Motion carried 3-0.

Later in the meeting, the Board approved payment to Eureka Gold Country Inn in the amount of \$991.30, bringing total expenditures for the day to \$1,070,002.83.

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

IT / NETWORK

IT Update: IT Director, Misty Rowley, provided an update on projects and activities, which includes finishing up conversion of Windows 7 computers to Windows 10, ongoing planning for the

upcoming fiber project, and working on connectivity between Eureka, White Pine, and Lincoln Counties for District Court case management software from Pioneer Technology Group.

Ms. Rowley is completing set-up of the District Attorney's new server, finalizing migration to the new GIS server, and preparing to move from Proofpoint to the new Mimecast spam server.

An equipment and labor quote has been requested from Quest to move the remaining County facilities onto the County internet (remote locations currently have connectivity utilizing Express Internet's infrastructure). Ms. Rowley is researching and requesting quotes for end-point protection software.

Business Continuity Technologies is in Eureka and will work with Ms. Rowley later in the day and over the weekend on cleaning up NOC (Network Operations Center) rooms.

Fiber Optic Project: Per Ms. Rowley's request, Commissioner McKay motioned to authorize the IT Director to obtain quotes from qualified companies for a project to upgrade and replace fiber optic cable between the Administrivia Facility/Annex and the County Courthouse, and to install new fiber optic cable between the EMS Ambulance Bay and the Eureka Opera House, utilizing available capital outlay budgeted for fiber optic and network upgrades in the Capital Projects Fund (042-140-55010-203). Commissioner Sharkozy seconded the motion. Motion carried 3-0.

COMMISSIONERS

Coalition Letter Supporting PILT & SRS: Chairman Goicoechea received a request from Nevada NACO to sign onto a letter being circulated by National NACo asking for full funding of PILT and SRS (Payment in Lieu of Taxes and Secure Rural Schools). This vital funding is paid to schools and counties to compensate for lost revenues because of tax-free forest lands within their counties. The letter was due earlier in the week, so after consulting the District Attorney, the Chairman signed it and was now asking for ratification from the full Board.

Commissioner Sharkozy motioned to ratify Eureka County's signature on a coalition letter sponsored by National Association of Counties and endorsed by Nevada Association of Counties, addressed to Senate and House leaders and Appropriations Committees in support of PILT and SRS funding. Commissioner McKay seconded the motion. Motion carried 3-0.

Out-of-State Travel: Commissioner McKay motioned to approve out-of-state travel to Salt Lake City, Utah, beginning December 9th, for the Chairman to participate in an objection resolution meeting, scheduled December 10th-12th, concerning the US Forest Service Greater Sage Grouse Land Management Plan Amendment. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Legal Counsel for Forest Service Sage Grouse Plan: Chairman Goicoechea recommended that Laura Granier, Esq., be retained as counsel related to the US Forest Service Greater Sage Grouse Land Management Plan Amendment (LMPA) to participate in the objection resolution meeting in Salt Lake City, conduct legal research, review filed objections, analyze and compile materials and information to support Eureka County's objections, and seek to obtain favorable changes to the LMPA. (*Note: Ms. Granier was retained by the County and other entities for the earlier appeal of the federal sage grouse plans filed in US District Court in Reno, resulting in the 2017 Order of Judge Miranda Du partially remanding the Record of Decision back to the BLM to prepare a Supplemental EIS.*)

Ms. Granier provided an estimate of \$30,000.00 for the proposed work, but doesn't expect costs to be that much. She and the Chairman will work to align with other interested parties (as has been done in the past) to maximize efficiency and share costs to the extent possible. Humboldt County has agreed to participate and other counties, NACO, and mining and exploration companies are expected to join as well.

Commissioner McKay motioned to engage Laura K. Granier, Esq., of Holland & Hart, to participate in the upcoming objection resolution meeting and other work related to the US Forest Service Greater Sage Grouse Land Management Plan Amendment, for a not to exceed amount of

\$30,000.00, with Eureka County's portion paid from the Natural Resources Multiple Use Protection Fund. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Eureka Gold Country Inn: Jeffrey Bartley, owner of the Eureka Gold Country Inn, was in attendance to seek payment of a debt incurred in May by a newly hired Deputy Sheriff who relocated to Eureka. In a letter to the Board, Mr. Bartley explained that the guest informed him that the Sheriff indicated lodging costs would be reimbursed by Eureka County. Mr. Bartley donated the first night's stay to this guest, and extended credit feeling he could trust the word of law enforcement officers, but was left with an unpaid bill over \$900.00. When Mr. Bartley approached the Sheriff later concerning this, he was told that the Commissioners denied payment.

Chairman Goicoechea explained that the lodging costs presented to the Board for approval at an earlier meeting were denied because the charges are not consistent with covered expenses according to Eureka County Personnel Policy. In fact, the Board delayed action on the item to allow the supervising official time to produce documentation showing that the relocation was a transfer according to policy, and not simply moving expenses, which are not covered. The Chairman added that he did not like being blamed for something that was not the Board's doing.

Chairman Goicoechea apologized to Mr. Bartley stating it was never the Board's intent that he be left with unpaid charges. In keeping with Eureka County's good name, he recommended paying the balance, but felt something should be sent out to personnel clarifying policy to ensure that something like this doesn't happen again. Commissioner Sharkozy and Commissioner McKay agreed that the issue should be rectified for Mr. Bartley.

Sheriff Jesse Watts provided comment, asking that the record reflect that this was not a direct bill to Eureka County, but was submitted by the Sheriff's Office as a reimbursement for something that should have initially been paid by the employee. He apologized that he did not get the proper documentation to the Commissioners for the meeting when this item was considered.

Commissioner Sharkozy motioned to pay \$991.30 to Eureka Gold Country Inn for lodging expenses incurred in May for a newly hired Deputy, to be paid from the Commissioners' budget and added to the current day's expenditures. Commissioner McKay seconded the motion. Motion carried 3-0.

Resolutions Pursuant to NRS 228.130: Pursuant to NRS 228.130, District Attorney Ted Beutel requested that the Commissioners adopt resolutions joining in requests for the Attorney General's office to assume prosecution of two matters that create a conflict for the District Attorney or his staff.

Commissioner McKay motioned to adopt two resolutions regarding the District Attorney's request for assistance from the Attorney General's office pursuant to NRS 228.130 in relation to State of Nevada Case No. 19I000097 and State of Nevada Case No. 11801-2940. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Eureka, Nevada

December 6, 2019

RESOLUTION
OF THE BOARD OF EUREKA COUNTY COMMISSIONERS
REGARDING A REQUEST FOR ASSISTANCE PURSUANT TO N. R. S. 228.130

WHEREAS, the Eureka County District Attorney has been presented with Case Number 19I000097 prepared by the State of Nevada, Department of Public Safety Investigation Division regarding Kimberly Hicks, and Eureka County Sheriff's Office Case Number 1902-0006, which documents the Sheriff's request for assistance from the State to investigate this matter; and

WHEREAS, Case Number 19I000097 references 100s of financial transactions identified in the documentation as larcenous or fraudulent in nature; and

WHEREAS, the entirety of funds lost by theft is claimed to be in the hundreds of thousands of dollars; and

WHEREAS, the Office of the Eureka County District Attorney has one attorney (the elected official), one full time employee, and one part time/casual employee, and both of them are not attorneys; and

WHEREAS, the scope of the staff necessary to properly tackle a prosecution arising from an investigation with the scope of 19I00097 would require more attorney and non attorney staff than the Office now has; and

WHEREAS, the one part time/casual employee in the Office is related by blood to a person named in a financial statement included in the local law enforcement reports of this matter; and

WHEREAS, the same part time/casual employee, while employed at the Office of the Eureka County District Attorney, was related by marriage for many years as the Aunt of Kimberly Hicks and is still employed at the Office of the Eureka County District Attorney; and

WHEREAS, the former spouse of Kimberly Hicks was employed in law enforcement and assisted the current Eureka County District Attorney in prosecutions for many years; and

WHEREAS, the current Eureka County District Attorney is mentioned in the local law enforcement reports of this matter as a potential witness; and

WHEREAS, it is imperative any prosecution avoid even the appearance of impropriety, and the relationship of staff at the Office of the Eureka County District Attorney to the subject Kimberly Hicks and her former spouse, in addition to the fact that local law enforcement mentioned the current prosecutor as a potential witness, raises that appearance if prosecution proceeds from the Office of the Eureka County District Attorney; and

WHEREAS, the Eureka County District Attorney has presented this Board with a request to proceed with asking for assistance pursuant to N.R.S. 228.130; and

NOW THEREFORE the Board of Eureka County Commissioners hereby resolve and do join in the request by the District Attorney to obtain assistance from the Attorney General in prosecution of Case Number 19I000097 and related Case Number 1902-0006, with the expectation and understanding that the Board of County Commissioners, consistent with N.R.S. 228.130, shall pay from the general fund the actual and necessary travel and lodging expenses of the Attorney General of his Deputy, or special investigator from Carson City, to Eureka and return therefrom, and other costs if requested shall be negotiated and agreed upon in advance.

ADOPTED this 6th day of December, 2019.

Board of County Commissioners

/s/ J.J. Goicoechea, DVM

J.J. Goicoechea, Chairman

/s/ Michael Sharkozy

Michael Sharkozy, Vice Chair

/s/ Rich McKay

Richard McKay, Member

Attest: /s/ Jackie Berg

Clerk of the Board

RESOLUTION
OF THE BOARD OF EUREKA COUNTY COMMISSIONERS
REGARDING A REQUEST FOR ASSISTANCE PURSUANT TO N. R. S. 228.130

WHEREAS, the Eureka County District Attorney has been presented with Case Number 11801-2940 prepared by the State of Nevada, Office of the Attorney General, Investigation Division, Public Integrity Unit, regarding Jesse Watts and James Clark; and

WHEREAS, Case Number 11801-2940 references activities of the subjects mentioned in the course of law enforcement duties or arising out of circumstances related to the positions now held by Jesse Watts and James Clark; and

WHEREAS, the person referenced in Case Number 11801-2940 were at the time of alleged unlawful acts and are still now serving as Eureka County officers and employees; and

WHEREAS, Nevada Rule of Professional Conduct (NRPC) 1.11(d) states a lawyer serving as a public officer is subject to NRPC 1.7, the rule prohibiting current client conflicts of interest; and

WHEREAS, the Eureka County District Attorney is a lawyer serving as a public officer and as such NRPC 1.7 applies to the District Attorney; and

WHEREAS, NRS 252.160 requires the District Attorney to provide legal opinions to current County officers on matters properly relating to their offices, including the office of Sheriff; and

WHEREAS, the Eureka County District Attorney is prohibited by a plain reading of the Rules of Professional Conduct from being both advisor to and prosecutor of the same individuals; and

WHEREAS, NRPC 1.8(m) imputes this prohibition of the District Attorney to other attorneys in the same office; and

WHEREAS, at the present time the District Attorney is the only lawyer in the Office, but even if additional attorneys were available in the Office they would be similarly prohibited from acting as prosecutor in the matter identified by this Resolution; and

WHEREAS, it is imperative any prosecution avoid even the appearance of impropriety, and the statutory relationship of the Eureka County District Attorney to the office of the Sheriff may raise that appearance if prosecution proceeds from the Office of the Eureka County District Attorney; and

WHEREAS, the Eureka County District Attorney has presented this Board with a request to proceed with asking for assistance pursuant to NRS 228.130; and

WHEREAS, NRS 228.177 grants the Attorney General authority to investigate and prosecute any criminal offense committed by a County officer or employee in the course of his or her duties or arising out of circumstances related to their position; and

NOW THEREFORE the Board of Eureka County Commissioners hereby resolve and do join in the request by the District Attorney to obtain assistance from the Attorney General in prosecution of Case Number 11801-2940, with the expectation and understanding that the Board of County Commissioners, consistent with NRS 228.130, shall pay from the general fund the actual and necessary travel and lodging expenses of the Attorney

General or his Deputy, or special investigator from Carson City, to Eureka and return therefrom, and other costs if requested shall be negotiated and agreed upon in advance.

ADOPTED this 6th day of December, 2019.

Board of County Commissioners

/s/ J.J. Goicoechea, DVM

J.J. Goicoechea, Chairman

/s/ Michael Sharkozy

Michael Sharkozy, Vice Chair

/s/ Rich McKay

Richard McKay, Member

Attest: /s/ Jackie Berg

Clerk of the Board

PUBLIC HEARING ON WHISTLEBLOWER ORDINANCE

Notice of Hearing: Notice was given that the Board of County Commissioners would hold a hearing on December 6, 2019, to hear public comments and take action on an ordinance amending the 2018 Eureka County Code by adding a new chapter to Title 2 (Eureka County Commissioners) to implement a whistleblower policy pursuant to NRS 281.611 to 281.671, inclusive. This ordinance was proposed by the Board of County Commissioners on November 6th, and a copy of said proposed ordinance is on file with the County Clerk for public examination.

Open Hearing: Chairman Goicoechea opened the public hearing and invited questions or comments related to the proposed ordinance. No comments were forthcoming despite several calls by the Chairman for public comment, and the hearing was closed.

Adopt Ordinance: Commissioner McKay motioned to adopt the 2019 Whistleblower Protection Ordinance, an ordinance amending the 2018 Eureka County Code by adding a new chapter to Title 2 to implement a whistleblower policy pursuant to NRS 281.611 to 281.671, inclusive. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Adoption of the ordinance will be published in the newspaper for two consecutive weeks and the ordinance will be effective on and after January 1, 2020.

SENIOR CENTERS

Update Report: Senior Centers Program Director, Millie Oram, reported on activities at the Eureka Senior Center and Fannie Komp Senior Center for November. Eureka served 681 meals and Crescent Valley served 614 meals. Thanksgiving dinners were served in Crescent Valley on November 13th and in Eureka on November 14th. A total of \$4,536.00 was deposited for the month.

Nutrition Grants: Commissioner Sharkozy motioned to ratify Notices of Subaward from Nevada Aging & Disability Services Division for Nutrition Grant #07-000-07-1X-20 for congregate meals in the amount of \$20,960.00 with a match of \$3,699.00 and Nutrition Grant #07-000-04-24-20 for home-delivered meals in the amount of \$22,659.00 with a match of \$3,060.00. Commissioner McKay seconded the motion. Motion carried 3-0.

AMBULANCE & EMS

Report on Activities: EMS Director, Kenny Sanders, was called away on an emergency run, but submitted documentation reporting a total of 18 ambulance runs for the month of November. The

majority of runs were in the southern portion of the County and five runs were transports to air ambulance (four to MedX AirOne and one to REACH Air).

Ambulance Cot: Mr. Sanders submitted a quote for a Power-PRO XT Cot. On behalf of the EMS Director, Sheriff Watts, explained that due to the height of the new ambulance, Mr. Sanders felt lifting the manual cot posed an injury risk to staff and potential safety risk for the patient.

Chairman Goicoechea motioned to accept the quote from Stryker Medical and to authorize the purchase of a Power-PRO XT Cot and components, for a not to exceed amount of \$18,029.79, to be paid with capital outlay funds (010-054-55010-000) in the Ambulance/EMS budget. Commissioner McKay seconded the motion. Motion carried 3-0.

SEARCH & RESCUE

Out-of-State Travel: Arnold Pena, Search & Rescue Commander, Southern Area Command, was in attendance with other Search & Rescue volunteers to request authorization for volunteer, Heather Mears, to travel to North Carolina in January for confined space rescue training. He explained that the class will take place on the USS North Carolina Battleship in Wilmington and is one of the most intensive training programs in the world. Ms. Mears is compliant with all Search & Rescue policies, has logged 190 hours of volunteer time, and has successfully completed numerous trainings. The course fee of \$1,475.00 will be paid by Search & Rescue, and Ms. Mears is paying for her own travel, lodging, and meals.

Commissioner McKay motioned to approve out-of-state travel to North Carolina for Search & Rescue volunteer, Heather Mears, to attend Advanced Industrial Confined Space Rescue Training, Level I & II, January 26th through February 1st. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

SHERIFF

Work Policy: Sheriff Jesse Watts sought direction related to the ability to give work assignments to an employee working from home or working from a remote location. In researching County policy, he did not find it prohibited; in fact, policy authorizes the employer to make temporary assignments to different or additional locations, as well as adjustments to shifts, hours of work, or duties to respond to unforeseen or emergency situations (Personnel Policy, Section 5.3.6).

Chairman Goicoechea stated he also researched policy as it applies to working from home. Older policies addressed working from home, but it became problematic because it was applied inconsistently and a previous Board eventually removed it from policy altogether. If supervisors want to reinstate a work-at-home policy, the Chairman suggested that proper steps be taken to amend policy through the public hearing process, but warned that very specific parameters should be outlined to avoid the pitfalls of the past.

To address the Sheriff's immediate personnel need, the Chairman felt it was more appropriate to grant a variance on sick leave policy, specifically in relation to draws from the sick leave bank and donations to the sick leave bank. He asked the Comptroller to make sure an appropriate item is included on the next agenda.

Hiring Freeze Waiver: The Sheriff submitted a Hiring Freeze Waiver requesting authorization to fill a Deputy position that was vacated in October. The Sheriff's Office has several potential applicants and will be conducting interviews on December 16th.

Chairman Goicoechea asked the Sheriff about status of POST (Peace Officers Standards & Training) certification for existing staff.

Sheriff Watts responded that a Patrol Deputy is scheduled to begin POST the end of January, a Detentions Deputy is scheduled to begin on February 4th, and Undersheriff Clark will complete Reciprocity Training through the State of Nevada by January 17th (for Nevada to accept his certification from another state). The Sheriff indicated that this will complete POST certifications for current staff, and the Chairman asked that he provide the Comptroller with full documentation of all certifications for the personnel files.

Commissioner McKay motioned to waive the hiring freeze and authorize the Sheriff to fill the vacant position of Deputy I, II, or III; Commissioner Sharkozy seconded the motion; motion carried 3-0.

LOCAL EMERGENCY PLANNING COMMISSION

Polaris Ranger Purchase: Sheriff Watts, LEPC Chair, stated LEPC was awarded a SERC OPTE Grant (State Emergency Response Commission Operational, Planning, Training, Equipment) for Fiscal Year 2019-2020 to purchase a utility vehicle and trailer. A utility vehicle is already stationed in southern Eureka County and this new utility vehicle will be stationed in northern Eureka County.

Commissioner McKay motioned to approve purchase of a new 2020 Polaris Ranger 1000EPS from Reno Cycles utilizing \$17,060.75 in capital outlay budgeted in the LEPC Grant Fund (010-039-55010-000), and utilizing \$1,637.70 in capital outlay budgeted in the Eureka County Fire District Fund (010-040-55010-000), for an amount not to exceed \$18,698.45. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Utility Trailer: A covered utility trailer to store and haul the new utility vehicle was included in the SERC OPTE Grant. Commissioner McKay motioned to approve purchasing a new 2019 Alcom 7x14 V-Nose Stealth Trailer from Featherlite of Reno utilizing capital outlay budgeted in the LEPC Grant Fund (010-039-55010-000), for an amount not to exceed \$7,939.25. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

ROAD DEPARTMENT

Report on Activities: Raymond Hodson, Assistant Public Works Director, reported on Road Department activities. Crews ran two water trucks to finish blading the Antelope Valley Road and Mr. Hodson commented that the road is in better shape than it has been for quite some time. The screening plant was moved to the Isaacs Pit and gravel hauling will commence and continue as long as weather allows. Salt/sand mixes were hauled into town in preparation for winter weather.

The north end crew has finished blading Geothermal Road, Tank Farm Road, several roads in Crescent Valley, and is working with the southern crew on the JD Ranch Road (four trucks are hauling material and good progress is being made on that road).

Commissioner McKay thanked the road crews for expeditiously getting the snow plows out after the latest storm.

PUBLIC WORKS

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

Utilities & Facilities: All utility systems are in good working order. The variable frequency drive was installed on one of the municipal wells in Crescent Valley and was programmed by Sierra Controls.

Klindt Building Demolition: Notice of completion was filed on the Klindt Building Demolition and retention will be released 40 days after the filing date. Administrative staff is working with the Labor Commission to resolve issues with the certified wages on this public works job.

Kobeh Valley Test Well Project: The contract for the Kobeh Valley Test Well Project has been signed and Boart Longyear Drilling Services will move equipment into place around mid-December and should begin the project the first Monday in January.

Road Maintenance MOUs: Mr. Damele and Raymond Hodson met with McEwen Mining the previous week to discuss the road maintenance Memorandum of Understanding. The scope of work in the MOU will be expanded to include Roberts Creek Road (in addition to the 3 Bars Road) and will include placement of dust palliative on both roads.

Nevada Gold Mines: Mr. Damele and Mr. Hodson met with Nevada Gold Mines earlier in the week. The mine is building rapid infiltration basins in northern Grass Valley and southwest Pine Valley. This will include an above-ground water pipeline adjacent to the County road, which will have

to cross the Horse Ranch Road. Details of the crossing were discussed to avoid mishaps, particularly when County equipment is working on the roads. Mr. Hodson successfully negotiated points on the pipeline where road crews can access water. The water can be accessed for fire suppression as well.

Radio Repeater Upgrades: Mr. Damele is working with Western States Enterprises (WSE) to plan next season's radio repeater upgrades, which will include reconfiguration of the mountaintop equipment. The Sheriff's Office will move to an independent digital network, which will include an analog repeater. This will require securing additional channels from the FCC. EMS is having some communication challenges and, to mitigate this, EMS radios will be moved to a mixed mode as well. These changes will require reprogramming all radios issued to staff and volunteers. Digital radios can be reprogrammed in-house, but the mixed mode radios will need to be programmed by WSE.

2020 Road & Utility Improvement Project: Control panels have been set and an aerial photographic survey was done in preparation for the 2020 Road & Utility Improvement Project. This included the Eureka townsite, Crescent Valley townsite, and 9th and 11th Streets in Diamond Valley. Survey crews have been inspecting manholes, pavement edges, and existing utilities in preparation for doing the design work.

Job Description: Assistant Public Works Director-Administration: Mr. Damele explained that the essential job functions and duties of the Senior Public Works Administrative Assistant have expanded to the point that the duties no longer fit in the current class. Pursuant to Section 4.1.5 of the Personnel Policy, a new job description was drafted to incorporate these functions, and pursuant to Section 5.7.4 the minimum ~5% pay increase was assigned. He confirmed with the Comptroller that reclassification was warranted.

Mr. Damele identified some, but not all, of the additional duties included in the new job description – management and administrative supervision related to the Landfill, Eureka Airport FBO (Fixed Base Operator) contract and annual FAA entitlement grant, Yucca Mountain Project, Planning Commission, LEPC, Eureka County Fire Protection District, Crescent Valley Public Works office, and the County's liability insurance. It was clarified that these duties are administrative and do not involve supervision of the road and utility crews.

Mr. Damele noted that since he was appointed Public Works Director in 2004, the Public Works office in Eureka has assumed many additional duties including the Opera House, Sentinel Museum, Planning Commission, Fire District, LEPC, water rights management, Airport grant, radio communications, contract and project management – and has done so without any additional staff (there are three full-time employees including the appointed Director).

This reclassification will move the incumbent from range 125 step 10 on the County salary scale to range 138 step 1, a 5.6% salary increase, which equates to \$1.44 per hour. The incumbent is a 23-year veteran of the County and holds the following certifications: Essential Management Skills, Advanced Essential Management Skills, ServSafe®, and Aquatic Facility Operator.

Commissioner McKay stated he had some initial apprehension about this reclassification until he met with the Public Works Director earlier in the week and had his questions and concerns addressed.

Chairman Goicoechea agreed that many extra duties have been assigned to Public Works without granting additional staff, as the County has worked through recent years to reduce staff and manage daily operations with diminishing revenues. He recognized that the Public Works office of today is not the Public Works office of a generation ago.

Commissioner Sharkozy stated he was also supportive of this reclassification.

Before taking a motion on the job description, Chairman Goicoechea wanted to clarify that it is time to address deficiencies and gaps in the current wage scale. The Board will work with the Comptroller on this during the upcoming budget process and it may result in movement for some employees in relation to which range and step they are tied to, but it won't affect their hourly rate.

Commissioner McKay motioned to approve the new job description of Assistant Public Works Director-Administration and corresponding range 138 on the Eureka County salary scale. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Authorization to Reclassify Employee: Commissioner Sharkozy motioned to approve reclassification of the current Senior Public Works Administrative Assistant to Assistant Public Works Director-Administration, effective upon approval. Commissioner McKay seconded the motion. Motion carried 3-0.

WHITE BUFFALO NATION HoME NOW! HEMP GARDEN

Request to Waive Facility Fees: Lisa Wolf, Chairperson of HoME NOW! Hemp Garden, requested that the facility fees be waived for her nonprofit organization to hold a holiday celebration event on December 21st at the Fannie Komp Senior Center. Ms. Wolf clarified that there will not be a meal and she will not be using the facility's kitchen. She will use her own crock pot and blender to demonstrate and provide instruction on how people can extract hemp oil.

The Commissioners had several questions and concerns. With hemp cultivation fairly new to Nevada, the Board didn't feel it had enough information to assure there would be no residue left in the facility after processing the hemp and had concerns about subjecting the County to potential liability if this resulted in any ill-effects (such as medication interaction, allergic reaction, etc.).

Sheriff Watts voiced similar concerns and noted that the only difference between hemp and marijuana is the THC content. Depending on when the hemp was last tested, the County has no assurance that the level of THC in the product remains below the acceptable limit. He stated he was not comfortable with this type of activity in any County facility.

Commissioner McKay motioned to deny a request to use the Fannie Komp Senior Center for a holiday event that includes instruction and demonstration on cooking hemp to extract hemp oil. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

FAIR BOARD

Appointment: Commissioner McKay motioned to appoint Holli Else to the Eureka County Fair Board, representing the County-At-Large, for the remainder of a four-year term through December 31, 2021. 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.

Nevada Gold Mines: Mr. Tibbitts and Commissioner Sharkozy attended Nevada Gold Mines community leader breakfast in Elko on November 20th. At the breakfast, the mine explained it is implementing a more formal policy on how it will grant donations. There will be three different pools for funding: (1) strategic partnerships for significant donations; (2) community donations; and (3) donations to the Heart of Gold fund where the mine will match employees' contributions to a charity. Funding opportunities will be offered twice a year and will require a formal application process, so recipients will need to plan ahead and comply with the formal application process.

AB62: Mr. Tibbitts attended the Nevada Division of Water Resources workshop on AB62 (related to extensions of time for proving beneficial use). Eureka County participated extensively in the legislative process when this bill was passed, and there will be another formal process once draft regulations become available.

Groundwater Management Plan: The Diamond Valley Groundwater Management Plan Advisory Board met on November 21st. Staff present from the State Engineer's office included Deputy Administrator Micheline Fairbank, Deputy Administrator Adam Sullivan, Water Resources Specialist Jared McCrum, and GMP Water Manager Bryce Volwaller.

The mandatory annual Groundwater Management Plan meeting will be held at 1:00 p.m. on December 12th at the Eureka Opera House.

Eureka Conservation District: The Conservation District held its annual dinner on November 21st with over 90 people in attendance. Mr. Tibbitts thanked the area mines, businesses, and others who donated items or cash for the silent auction and youth poster contest.

Mr. Tibbitts explained that monies raised from the silent auction help fund the youth scholarships awarded by the Conservation District. The County often provides grants to the Conservation District for specific conservation projects. There was confusion in the past that part of the County's grant was used to fund the scholarships and Mr. Tibbitts wanted the record to reflect that this is not the case.

Nevada Cattlemen's Association: On November 22nd, Mr. Tibbitts and Chairman Goicoechea attended the Private Lands & Environmental Management Committee meeting during the Nevada Cattlemen's Association Annual Convention in Elko. Mr. Tibbitts participated on a discussion panel related to SB316 (a bill protecting access to public lands even when the access road is on private property). This bill has raised a lot of confusing issues, and Mr. Tibbitts committed (as Eureka County's representative on SLUPAC) that the State Land Use Planning Advisory Council will work as a State entity to help find clarity and solutions on this issue for the next Legislative Session.

Forest Service Objection Resolution Meeting: Mr. Tibbitts has been working with Chairman Goicoechea preparing for the objection resolution meeting beginning on December 10th in Salt Lake City concerning the US Forest Service Greater Sage Grouse Land Management Plan Amendment. Preparations have involved numerous calls with NACO, other counties, and legal counsel.

Cooperative Extension: Mr. Tibbitts and the Chairman both served on NACO's committee to help bolster funding for Cooperative Extension programs throughout the State. The funding request before the 2019 Nevada Legislature failed, but the group has been asked to reformulate the funding request and present it at the next Legislative Session.

Upcoming Meetings: On December 9th, Mr. Tibbitts will meet with representatives of Nevada Gold Mines regarding interest in building a partnership with the County to address noxious and invasive weeds. With its private land, grazing allotments, and mining projects, Nevada Gold Mines controls over 50% of the land mass in Eureka County.

Oral arguments in the Seventh Judicial District Court lawsuit concerning the Groundwater Management Plan are scheduled December 10th-12th and the proceedings will be conducted at the Eureka Opera House.

As mentioned earlier, the annual Groundwater Management Plan meeting is scheduled at 1:00 p.m. on December 12th, also at the Opera House.

The Central Nevada Regional Water Authority will meet in Fallon on December 13th. Nevada Association of Counties will meet the same day in Carson City. The first interim meeting of the Legislative Committee on Public Lands will be held in Las Vegas on December 17th and Mr. Tibbitts plans to attend the meeting through the Legislative video link in Carson City.

The next Fallon Range Training Complex Modernization meeting with the Principal Deputy Assistant Secretary of the Navy, Todd Mellon, has tentatively been scheduled for December 19th. A coordination meeting with the Battle Mountain BLM has also been scheduled for December 19th, but the date may be changed to accommodate the Navy meeting.

Prospect Mountain Project: Mr. Tibbitts thanked Dale Bugenig for his assistance in reviewing the Draft Water Pollution Control Permit for the Prospect Mountain Project (Gullsil, LLC). Mr. Tibbitts prepared a letter to the Division of Environmental Protection, Bureau of Mining Regulation & Reclamation, with comments on several concerns, but the main ask is that a more conservative design be required for storm water detention, particularly because the project is located up-gradient of the Town of Eureka. The Draft Permit proposes a storm water detention design calculated using acceptable methodology, but this same methodology failed at McEwen's Gold Bar Project earlier this year. Mr. Tibbitts also noted for the record that notice of the Draft Permit came directly from Nevada Division of Environmental Protection, and the proponent did not notify Eureka County that it had made application.

Commissioner Sharkozy motioned to approve sending the comment letter to Nevada Division of Environmental Protection concerning the Draft Water Pollution Control Permit for the Prospect Mountain Project. Commissioner McKay seconded the motion. Motion carried 3-0.

Diamond Valley Groundwater Monitoring: Dale Bugenig, Consulting Hydrogeologist, gave a detailed update and slide presentation showing results of the ongoing groundwater monitoring in Diamond Valley, which began a little over eight years earlier. He tracks a total of 12 wells, comprised of two monitoring networks (six wells each), one operated by Eureka County and one maintained by Diamond Natural Resources Protection & Conservation Association.

For the most part, water levels are still creeping down, but not at the rate displayed during the initial years of monitoring. Conservation efforts by the producers slowed the rate of decline in recent years, but Mr. Bugenig now believes that the valley is starting to experience a greater level of recharge. The current rate of decline in some wells is only half or two-thirds of changes documented in previous years. Some shallower wells are demonstrating even greater recharge, possibly from precipitation or irrigation water percolating down from the surface.

Last spring was fairly wet allowing irrigators to implement more conservative pumping schedules. There was an expected decline in water levels as producers started pumping, followed by recovery once pumping was reduced. Although the difference in irrigating practices can be seen in the seasonal lows and highs for two wells that have had recent ownership changes, Mr. Bugenig observed that, overall, the pattern of decline and recovery indicates that irrigation practices are fairly consistent throughout the valley.

Two wells stand out for other reasons. Data shows that the rate of drawdown in the Bailey well is more significant now than it was a year ago. This is the furthest monitoring well to the northwest and drawdown can be attributed to a large irrigation well in the vicinity that Sadler Ranch began pumping sometime before November 2018.

The other well of interest is the northernmost well in the monitoring system (Dusty Moyle's well), which is showing fairly consistent water levels. This supports Mr. Bugenig's opinion that the aquifer is experiencing recharge in the northeast coming through the Diamond Mountains.

Mr. Bugenig noted it will be interesting to see what the seasonal highs are when he downloads data from the water level loggers next spring and, in the future, he looks forward to incorporating reliable metered pumping data into the overall analysis.

CORRESPONDENCE

Correspondence was received from: Jeffrey Bartley; District Attorney Ted Beutel (2); Public Works, Ron Damele; Natural Resources, Jake Tibbitts; Natural Resources Advisory Commission; Medical Clinics Advisory Committee; Recreation Board; Crescent Valley Town Advisory Board (4); Nevada Assoc. of Counties (2); Central Nevada Regional Water Authority; Sagebrush Ecosystem Council; Nevada Div. of Water Resources (4); Nevada Div. of Environmental Protection (2); News from the Loneliest Road in America, Nevada Highway 50; Allison MacKenzie Ltd.; Nevada State Demographer; Nevada Dept. of Health & Human Services; US Dept. of the Interior-BLM (4); and US Forest Service.

Commissioner Reports: Commissioner McKay reported that the Recreation Board is working on Request for Proposals for an events coordinator and will provide a draft for the Commissioners' review at a future meeting.

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 11:52 a.m.

Approved by vote of the Board this 20th day of December, 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 December 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