

# EUREKA COUNTY BOARD OF COMMISSIONERS

December 20, 2019

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COUNTY OF EUREKA        )

## **CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on December 20, 2019. Present were Chairman J.J. Goicoechea; Vice Chair Michael Sharkozy; Commissioner Rich McKay; District Attorney Ted Beutel (following District Court); 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**

The monthly ambulance/EMS report was removed from the agenda because EMS Director Kenny Sanders provided this report at the December 6<sup>th</sup> meeting. Commissioner Sharkozy motioned to approve the agenda as amended; Commissioner McKay seconded the motion; motion carried 3-0.

## **PUBLIC COMMENT**

Chairman Goicoechea wished everyone a Happy New Year and opened the floor for public comments.

Jake Tibbitts approached the Board. Noting that the Chairman's gavel had been unfortunately missing for the past two meetings, he presented the Chairman with a new gavel – a large plastic “clown” gavel that emits a squeak when used. Mr. Tibbitts stated this gavel was more fitting for the Board and might help keep the meetings under control!

## **APPROVAL OF MINUTES**

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

## **EIDE BAILLY, LLP**

Eureka County Fiscal Year 2018-2019 Audit: Teri Gage, Partner with Eide Bailly LLP, was in attendance to report on results of the Fiscal Year 2018-2019 audit.

Independent Auditor's Report: The Independent Auditor's Report relates that the auditors reviewed collective information representing the County's financial activities for the year. It explains management's responsibilities, auditor's responsibilities, and provides a conclusive opinion. Eureka County received an 'unmodified' opinion, which is desirable and means the financial activities of the County were conducted in accordance with generally accepted accounting principles.

The report discusses significant estimates for net pension liability and other post-employment benefit liability, and Ms. Gage noted that Eureka County is paying the proper amounts based on actuarial calculations.

The report examines compliance with laws and regulations. The Governmental Accounting Standards Board now requires that governments be examined for waste – an act of using or expending resources carelessly, extravagantly, or for no identifiable purpose. This is somewhat subjective, but one example of this can be departments' fiscal-year-end rush to spend monies remaining in their budgets.

Statement of Net Position: The Statement of Net Position (assets minus liabilities) shows the County's value in net assets is \$122 million. The County's cash value increased by a little over

\$8 million. Almost \$2.5 million of this was from investment earnings, and \$1.5 million was received from sale of the townhomes at the Eureka Canyon Subdivision.

The County's proprietary funds (water, sewer) continue to experience net losses, primarily due to depreciation. A total of \$762,000.00 was lost in Fiscal Year 2018-2019, a slight improvement over the previous year (with a loss of \$1.2 million). Ms. Gage encouraged the Board to continue striving to budget more monies towards depreciation in these proprietary funds.

Compliance with NRS & NAC: The audit must record any exceptions in compliance with statutory requirements. The County conformed to all significant statutory and legal constraints in financial administration except for the following: (a) failure to engage the bid process for audio/video upgrades in excess of \$100,000.00, and (b) a small, but reportable, over-expenditure of \$701.00 in the Crescent Valley Town budget.

Schedule of Revenues, Expenditures, & Changes in Fund Balance: At the end of the fiscal year, the General Fund had a balance of about \$30 million (almost \$6 million over the previous year). This is accounted for by an increase in investment returns, proceeds from sale of the townhomes, an increase of about \$400,000.00 in net proceeds of minerals, and an 18% increase in ad valorem taxes (although a decline is expected in Fiscal Year 2019-2020 due to the reduction in value assigned to the TS Power Plant by the State Board of Equalization).

Ms. Gage noted there were significant expenditures in Fiscal Year 2018-2019 totaling \$10.7 million. These were accounted for by capital projects, expenditures in the proprietary funds, and the substantial ongoing software conversions.

Ms. Gage stated that the auditors don't like to see the General Fund, the main operating fund of the County, drop below 8.3% (a month's worth of expenditures), and Eureka County's ending fund balance for the fiscal year was at 280%.

Preparation Findings: The auditors are required to report any material audit adjustments, weaknesses in internal controls, and recommendations for improvement. Ms. Gage reported that in her years working with Eureka County, this was the first year that didn't require any material audit adjustments, and she commended staff for doing an amazing job.

The audit is required to report that the County does not prepare its own financial statements, but instead engages Eide Bailly in order to achieve the detail required by general accounting practices. Ms. Gage relayed that this is a common finding for nearly all of their clients, pointing out that an entity of Eureka County's size simply does not have the time or staff to prepare the comprehensive financial report in the detail required or to keep up with substantial changes in accounting standards each year.

Thanks to Staff: Ms. Gage concluded by stating a lot of time and effort goes into preparing the financial statements and she thanked staff for all of their help and hard work.

Accept Audit & Financial Statements: Commissioner Sharkozy motioned to accept the Fiscal Year 2018-2019 Audit and Financial Statements of Eureka County; Commissioner McKay seconded the motion; motion carried 3-0.

## **TELEVISION DISTRICT AUDIT**

Joint Meeting: This portion of the meeting was a joint meeting with the Television District. Present for the Television District Board were President Bill Leppala, members Eldon Brown, Jim Breitrick, Tracy Moylan, Randy Klatt, and contractor, Dale Lotspeich of Eagle Communications. President Leppala called the meeting to order and invited public comment.

TV District Public Comment: Melody Garaventa, Diamond Valley resident, stated that television service has been unacceptable, and often completely unwatchable, for quite a while. She has heard numerous complaints and frustrations from other residents as well. She has contacted the Television District more than once, speaking to Mr. Lotspeich, and was told that it might be spring before service improves. Ms. Garaventa felt that this was unsatisfactory, especially due to the size of the Television District's budget and the thousands of dollars paid to

its contractor, Eagle Communications. She suggested that better service might be obtained if the County took over the Television District and hired a manager to oversee it.

Another letter was received in the Commissioners' office on December 18<sup>th</sup>, with a request that it be read during the meeting:

Please read this letter into the Eureka County Commission record for 12-20-19.

To the County Television Board.

What in the H- -L is going on? For several months now it is very seldom a complete program is on. It goes to "Test Signal" and what I call "Cubic Picasso." What in H- -L are they "testing"? Why don't they fix it? What are we paying them for? Maybe once a week the weather forecast is watchable. The rest of the time it may or may not get started and then "Test Signal."

This has gone on for too long. Either fix it or a recall is possible!

Sincerely,

/s/ Mary M. Bisoni

The final comment was from Eureka resident, Dave Pastorino, who stated television service has gotten progressively worse in the three years since he served on the Television District Board (which he served on for many years). He has heard many comments from residents, some who rely on these local broadcasts as their only form of television, and Mr. Pastorino felt it was time that something was done to remedy the situation.

TV District Fiscal Year 2018-2019 Audit: Teri Gage reported on results of the Fiscal Year 2018-2019 audit of the Television District prepared by Eide Bailly LLP.

Independent Auditor's Report: Ms. Gage reviewed the same required elements as in the County's Audit Report, noting that the Television District also received a clean audit (unmodified opinion) and the financial statements were presented fairly in all material aspects.

Statement of Net Position: The Television District has no employees and, therefore, does not have payroll, benefits, pension, or other post-employment liabilities. The Statement of Net Position showed the District's value in net assets was about \$1.1 million. Approximately \$71,000.00 in capital assets were added in Fiscal Year 2018-2019 for mountaintop transmitter projects.

Schedule of Revenues, Expenditures, & Changes in Fund Balance: This was the second year that funds were received from a T-Mobile grant that spanned two years. Revenues were \$250,000.00, an increase of about \$16,000.00 over the previous year, representing increases in rent revenues and investment earnings. Expenses were \$202,000.00, also a \$16,000.00 increase over the previous year.

The Television District's General Fund (its only fund) should not drop below 8.3% (a month's worth of expenditures) and Ms. Gage was pleased to report that the ending fund balance for the fiscal year was at 372%.

Preparation Findings: No statute violations were found while preparing the audit. Similar to Eureka County, the only reportable finding was the necessity to engage Eide Bailly to prepare the financial statements in the detail required by general accounting practices.

Accept Audit & Financial Statements: Television District: The Television District took action and voted unanimously to accept the Fiscal Year 2018-2019 Audit and Financial Statements of the Eureka County Television District as presented.

**County Commissioners:** Commissioner Sharkozy motioned to accept the Fiscal Year 2018-2019 Audit and Financial Statements of the Eureka County Television District; Commissioner McKay seconded the motion; motion carried 3-0.

**CONTINUED MEETING WITH TELEVISION DISTRICT**

The joint meeting with the Television District continued to allow the District to discuss ongoing and recent transmission issues and to offer short-term solutions, a long-term strategy, and a communication plan for informing citizens about status of delivery of television service.

Transmission Issues: President Leppala invited input from the Commissioners. Chairman Goicoechea reflected on the comments heard from Ms. Garaventa, Ms. Bisoni, and Mr. Pastorino, noting that he hears complaints about television service all the time, but recently people are telling him that when they complain to the Television District, the District members are blaming the Commissioners. Chairman Goicoechea stated, “...*that’s not gonna fly much longer.*”

President Leppala responded that most people contact Mr. Lotspeich directly with their complaints. He agreed that there have been some significant problems in the last six months to a year, and he described various transmission problems from Elko, Winnemucca, and Salt Lake City. He stated the District plans to budget for microwave equipment and installation of an air fiber system in Fiscal Year 2020-2021.

Short-Term Remediation: Commissioner McKay asked if the District had a short-term plan to supply television signals so residents weren’t without service the entire winter.

Dale Lotspeich, Eagle Communications, described various transmission failures, noting that there are multiple potential points of failure and many are beyond control of the local District. He explained that Humboldt County and Elko County have a short-term agreement to address end-of-life equipment, which caused lost microwave signals to Eureka County. This provides for delivery of the signal to Grindstone Mountain, and Eureka County Television District is responsible for the signal from Grindstone to the mountaintops in Eureka County.

The District has a temporary antenna system in place and has addressed some router and circuit issues. Mr. Lotspeich stated that testing has shown that the signals are reliable, but some antennas may need to be adjusted until the District can purchase the omni-directional antennas that are needed. Because of the lead-time in getting these and the higher installation costs during winter, the new antennas won’t be installed for several months.

Mr. Lotspeich reminded everyone that several channels were lost when the District received notice in 2018 to vacate channels that were purchased by T-Mobile in the 2017 FCC auction. This created licensing and channel issues while the District worked to license new frequencies and install new equipment.

Mid-Term Plan: Mr. Lotspeich noted the omni-directional antennas are covered in the current fiscal year budget, so will be installed before June, as soon as weather allows. This should greatly improve service. The District will continue working with Elko and Humboldt Counties for continuation of the temporary signals. Eagle Communications staff monitors transmission five days a week, but may need to step that up to seven days a week until issues are resolved.

Long-Term Strategy: The Television District is working to prepare the next budget to include installation of air fiber. The District is looking into various options and may need to look into the benefits of being linked directly to the Switch Data Center. The District is also working with an ad hoc committee that includes the County’s IT and Public Works staff, and the School District’s IT staff. This group is working to address all communication and connectivity issues in the County in a consolidated and cooperative manner to create a robust and redundant system that benefits all.

Communication Plan: Mr. Lotspeich relayed that an email was set up for people to communicate signal issues, but he has found that most people utilizing the local television service are not the folks who are using home computers, email, or social media. He agreed with the Commissioners that a local phone number, properly advertised to the public, and forwarded to

the appropriate person or location, would be a more viable communication solution. Mr. Lotspeich offered to contact Michael Mears and to provide current information that can be published on the County website.

Conclusion of Joint Meeting: President Leppala called for final public comment and adjourned the meeting of the Television District Board.

## **ELKO COUNTY DISTRICT ATTORNEY**

Child Advocacy Center: Elko County District Attorney, Tyler Ingram, was in attendance to introduce plans to build a Child Advocacy Center in Elko to serve Elko County and surrounding counties. This would provide a centralized location with a team of professionals to immediately respond to allegations of child sexual or physical abuse. The overall goal of a Child Advocacy Center is the well-being of the child. It will also provide the necessary resources to properly investigate and prosecute allegations of child abuse.

Mr. Ingram stated, as District Attorney for Elko County, he was appalled at the number of child sexual abuse cases that his office sees. He noted that seasoned attorneys and seasoned law enforcement officers can seem like rookies when faced with these types of cases. Elko County has worked to develop a multi-disciplinary team of professionals made up of doctors, nurses, social workers, law enforcement officers, attorneys, and Division of Child & Family Services staff to address these cases as a team. Now they are working to establish a one-stop facility, by either building or remodeling an existing building, to serve as a Child Advocacy Center.

Mr. Ingram described how children who are victims of this type of abuse (often over a period of time) will eventually report the abuse, and then will be required to retell it over and over to all of the various professionals involved in investigating and prosecuting these cases. The one-stop-shop design of the Child Advocacy Center will protect children from this cycle of having to retell and relive the abuse.

Families of children who have experienced physical or sexual abuse are often not economically or otherwise capable of taking their children to Reno or Salt Lake City for the follow-up care required. Mr. Ingram stated the Child Advocacy Center will also meet this need.

Mr. Ingram asked for Eureka County's support for the Center, noting that sometime in the future he would like to return to ask for financial support as well. He asked the Commissioners to keep it in mind as they approach the upcoming budget cycle.

District Attorney Beutel joined the meeting as Mr. Ingram was giving his presentation. He voiced the need for a structured facility as described by Mr. Ingram and encouraged the Board to consider funding for such a facility that will certainly benefit Eureka County.

Chairman Goicoechea agreed, offering that the Board may consider memorializing support with a Memorandum of Understanding (MOU) or Interlocal Agreement to ensure that future Boards consider the value of supporting the facility financially as well as conceptually.

Laura Oslund, Executive Director of PACE Coalition, introduced herself stating that PACE Coalition in Elko is acting as the fiscal agent for the Child Advocacy Center. PACE has the administrative ability to manage funding, write grants, and can often make things happen faster than a local government entity can. Ms. Oslund also serves on the Advisory Board for the Child Advocacy Center.

As a forensic interviewer, Ms. Oslund stated she has worked in several rural counties. She supported the idea of an MOU, stating that an MOU can clarify for the court why a professional from a neighboring county is interviewing, treating, or testifying on behalf of a child who resides outside her jurisdiction.

Ms. Oslund reminded the Board that PACE already has a relationship with Eureka County and funds many of the juvenile programs here. She encouraged a continued relationship through support of the Child Advocacy Center.

Mr. Ingram said he has cried over cases of child abuse that have not been successfully prosecuted, or instances where a child was contemplating suicide because they felt a jury didn't believe them. He vowed to never allow that to happen again if he could do anything to prevent it.

He added that the City of Elko has been amazing in working with them and an existing building has been identified as a possible suitable location for the Center. Mr. Ingram concluded by thanking the Board and adding thanks to Sheriff Jesse Watts for his "unreal support and cooperation."

## **COUNTY COMPTROLLER**

Payment of Expenditures: Expenditures were presented for approval by Comptroller, Kim Todd. Commissioner Sharkozy motioned to approve expenditures in the amount of \$529,051.44 for accounts payable; \$194,626.89 for payroll related expenses (including employee paid deductions); \$126.86 for a pass-through tax allocation to the Nevada Department of Taxation; and \$79.95 in Yucca Mountain expenses, for a grand total of \$723,885.14. Commissioner McKay seconded the motion. Motion carried 3-0.

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

Comptroller Administrative Assistant I/II: Ms. Todd explained that the Senior Department Assistant in her office is performing many specialized duties unique to the office of Comptroller and these are not listed in the current job description. Ms. Todd worked with staff and POOL/PACT Human Resources to draft a job description to more accurately reflect the work performed.

Commissioner Sharkozy motioned to approve the Comptroller Administrative Assistant I/II job description with corresponding range 115/122 on the Eureka County salary scale; Commissioner McKay seconded the motion; motion carried 3-0.

Sick Leave Policy Waiver: Personnel Policy 6.3.1.3.b. and 6.3.1.3.e. limit the times per year (to once) that an employee may donate sick leave to an individual and limits the maximum amount an employee can draw from the individual sick leave donations to 120 hours per event. After being approached by several employees wishing to donate sick leave to an individual, Ms. Todd placed this on the agenda to request a waiver from the Board. It was clarified that a waiver was requested for this one specific event and not as a blanket waiver of policy. Ms. Todd emphasized that all donations are voluntary and all other guidelines set forth in policy will apply.

Commissioner Sharkozy motioned to waive Personnel Policy 6.3.1.3.b. and 6.3.1.3.e. to allow employees to donate an additional time within the year to a specific employee, and allowing that specified employee to draw an additional 240 hours of donated sick leave for the current event. Commissioner McKay seconded the motion. Motion carried 3-0.

## **COMMISSIONERS**

Lobbyist Contract: The County contracts with Walker & Associates for lobbyist and other professional services related to natural resources, water, etc. Steve Walker has offered to come in January to give a report to the Board. The Board agreed to postpone renewal of the lobbyist contract in order to discuss contract services with Mr. Walker for Calendar Year 2020, which is an interim legislative year.

Water Application Protests: The Board considered protesting water rights Applications 89295 and 89296. Chairman Goicoechea felt a protest was consistent with past actions of the Board and the County's position that decisions are based on best scientific information, and the belief that if someone is harmed they should be made whole. The other Commissioners agreed. Commissioner McKay observed that the protests align with the County's decision to support the Diamond Valley Groundwater Management Plan.

Commissioner McKay motioned to file protests with the Nevada State Engineer on water rights Applications 89295 and 89296; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **TREASURER**

**Treasurer's Report:** The Treasurer's Report for November was submitted by Treasurer, Pernecia Johnson, showing an ending General Fund balance of \$30,207,694.51, a slight increase over the previous month.

Commissioner McKay noted that the auditor was very complimentary concerning the County's investments, which are producing some nice dividends.

**Investment Policy:** Ms. Johnson presented the Investment Policy for Eureka County, which was updated to reflect recent changes in legislation. The last Investment Committee meeting included discussion on potential value of investing in foreign bonds and supranationals. Ms. Johnson reported that she spoke with the investment advisor following the meeting and, upon closer look at the County's portfolio, he felt these types of investments wouldn't have much impact. Ms. Johnson stated that she preferred to keep investments on the conservative side.

Commissioner Sharkozy motioned to adopt the updated Eureka County Investment Policy; Commissioner McKay seconded the motion; motion carried 3-0.

## **CLERK RECORDER**

**Court Document Conversion:** Clerk Recorder Lisa Hoehne was not available for the meeting, but provided a letter explaining that Precision Document Imaging submitted an invoice for \$8,600.00 for conversion of court document images into the new Benchmark software program.

Commissioner Sharkozy motioned to approve payment of \$8,600.00 to Precision Document Imaging for court document imaging conversion to the Benchmark software program to be paid with funds budgeted in the Capital Projects Fund for the data process conversion; Commissioner McKay seconded the motion; motion carried 3-0.

**Benchmark Cost for AOC Report:** Benchmark is working with the Administrative Office of the Courts to create the monthly AOC report and has notified all Clerks that each county will be charged an additional \$5,000.00 for this work. Ms. Hoehne's letter stated that the County's original contract with Benchmark was \$95,000.00 creating a total expenditure of \$100,000.00.

Commissioner Sharkozy motioned to authorize an additional payment of \$5,000.00 to Benchmark Software for creation of the Administrative Office of the Courts monthly report, to be paid with monies budgeted in the Capital Projects Fund for the data process conversion; Commissioner McKay seconded the motion; motion carried 3-0.

**Replacement Map Copier:** Ms. Hoehne's letter reported that the current map copier has been problematic for several years. She obtained a quote from Office Products Inc. for a replacement and noted that this was budgeted as a capital outlay item in the current fiscal year.

Commissioner McKay motioned to approve the quote from Office Products Inc. for an Epson T5470M 36-inch Printer/Scanner (map copier), in the amount of \$5,777.00 (purchase price of \$6,277.00 less trade-in value of \$500.00), to be paid with capital outlay monies in the Recorder's budget. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

## **COUNTY FACILITIES**

**Activities/Events at County Facilities:** Assistant Public Works Director-Administration, Joyce Jeppesen, reported on activities at County managed facilities.

**Eureka Opera House:** In October, the Opera House had 185 walk-in visitors and 170 attendees at various events, which included the Nevada Pinyon-Juniper Partnership meeting/dinner. In November, there were 56 walk-in visitors and 305 attendees at events including the annual Conservation District dinner, a job fair for Robinson Mining, and the Holiday Bazaar (which also had 22 vendors). The Opera House was closed for approximately two weeks in November for the Thanksgiving holiday and for refinishing of the hardwood floor and other repairs.

**Sentinel Museum:** The Museum had 344 visitors in October and 141 in November. Ree Taylor is working through approximately 75 donations in addition to the seven boxes of historical

items donated by the Swick family. She is also working on updated information and images for the “walking tour” brochures.

Eureka Swimming Pool: There were 201 swimmers at the Pool in October. In November, there were 239 swimmers, which included two birthday parties. The utility crew made adjustments to the air handler and this should result in a decrease in propane usage. Clint Tognotti will teach a lifeguard class in January and this will benefit some of the seasonal student workers.

## **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.

Kobeh Valley Test Well Project: Boart Longyear Drilling Services will be here after the first of the year to begin the Kobeh Valley Test Well Project.

Klindt Building Demolition: Notice of completion was filed on December 3<sup>rd</sup> for the Klindt Building Demolition and retention will be released 40 days after the filing date. Administrative staff is working with the Labor Commission to correct the certified payroll before the retention deadline.

Devil’s Gate Mainline Extension: Mr. Damele has been in contact with the BLM and was assured that the right-of-way application is being processed. This is needed for the Devil’s Gate water mainline extension.

Radio Repeater Upgrades: Mr. Damele worked with Western States Enterprises to plan next season’s radio repeater upgrades. The modifications require some changes to licensing. Necessary documentation was prepared and sent to a licensing coordinator in preparation for submission to the FCC.

EMS Radio Upgrade: EMS has been experiencing some major communication problems. Western States Enterprises provided a quote to upgrade the system to P-25 (Project 25 standards were created to specifically meet public safety and first responder needs). All parts will be purchased under the Northeastern Association of States Transportation Contract. Mr. Damele explained that this will upgrade EMS to a digital system with the ability to operate in mixed-mode.

Commissioner Sharkozy motioned to approve the quote from Western States Enterprises to upgrade the EMS portion of the County’s radio system to FCC P-25 compliance, for a not to exceed amount of \$56,029.56, utilizing monies budgeted for radio repeater upgrades in the Capital Projects Fund. Commissioner McKay 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.

Court Case on Groundwater Management Plan: Proceedings were held at the Eureka Opera House on December 10<sup>th</sup> & 11<sup>th</sup> for Judge Gary Fairman to hear oral arguments in the Seventh Judicial District Court lawsuit challenging the Diamond Valley Groundwater Management Plan. Mr. Tibbitts observed there were some compelling arguments, but nothing earth shattering. Judge Fairman cautioned everyone that he has a very full schedule and, unless something opens up, it will be a while before he renders a decision.

Diamond Valley Groundwater Management Plan Annual Meeting: The first mandatory annual meeting between the Groundwater Management Plan Advisory Board and the State Engineer (Nevada Division of Water Resources) was held at the Opera House on December 12<sup>th</sup>. There was a lot of discussion related to irrigation water meters now required in Diamond Valley. An informative pamphlet created by the Division of Water Resources with information on meters and best management practices is available from the Division or at the Natural Resources Office.

Central Nevada Regional Water Authority: Mr. Tibbitts, Fred Etchegaray, and Jim Gallagher attended the Central Nevada Regional Water Authority meeting in Fallon on December

13<sup>th</sup>. Topics included recent legislation, southern Nevada water issues, and CNRWA voted to become a member of the Nevada Water Resources Association.

Prospect Mountain Project: On December 16<sup>th</sup>, Mr. Tibbitts had a phone conversation with Nevada Division of Environmental Protection related to the County's comment letter on the Draft Water Pollution Control Permit for the Prospect Mountain Project (Gullsil, LLC). NDEP agreed to bolster requirements in the permit based on the County's concerns.

Legislative Committee on Public Lands: The first interim meeting of the Legislative Committee on Public Lands was held in Las Vegas on December 17<sup>th</sup>. Mr. Tibbitts attended via a video link from Carson City and noted that most of the topics concerned issues specific to southern Nevada. The Committee elected Senator David Parks to serve as Chair through the interim. The Committee plans to hold one of its future meetings in Eureka.

Fallon Range Training Complex Modernization: On December 19<sup>th</sup>, Mr. Tibbitts attended a follow-up meeting in Carson City with the Navy on expansion of the Fallon Range Training Complex. The meeting involved the Governor's office, State agencies, affected counties, and tribal governments. The Navy originally planned on noise avoidance areas around the towns of Eureka, Crescent Valley, and the airports, but has now agreed to make these exclusion areas. There will be a five-mile buffer around the towns of Eureka and Crescent Valley and a three-mile buffer around the Eureka Airport.

The Navy is requesting that Congress authorize additional land withdrawals in the form of mineral withdrawals in areas around the bombing site where other exercises are conducted. This would stop further mineral exploration in the area, but will not affect other multiple uses such as hunting, grazing, off-highway vehicle use, etc. There are concerns over the proposed withdrawals and many feel a compromise is justified that would allow mining under certain defined conditions.

Sage Grouse Issues: Idaho Court Injunction on BLM Plan: As a protective measure, the Department of the Interior (DOI) did file an appeal of the October 2019 preliminary injunction issued by US District Court of Idaho, which blocked the BLM's 2019 Plan Amendments from being implemented and reinstated the sage grouse plans adopted by the BLM in 2015.

Judge Winmill, of the Idaho court, requested more information from the BLM and DOI hopes it can provide sufficient information and clarification to bolster the record in the current pending action, but the appeal will protect its right to future action if warranted. DOI's appeal requests that state-developed plans be severed from the Idaho court and addressed in the respective states. A couple of western states, as well as other groups, have also filed appeals.

**Objection Resolution Meeting on Forest Service Plan**: Chairman Goicoechea, along with counsel Laura Granier Esq., attended the objection resolution meeting that began December 10<sup>th</sup> in Salt Lake City concerning the US Forest Service Greater Sage Grouse Land Management Plan Amendment. The Chairman and Ms. Granier were able to stand against some of the unreasonable opinions put forth by special interest groups, which were highly represented at the meeting. Chairman Goicoechea felt it was worth attending, but commented that nothing remarkable was resolved.

USDA APHIS Wildlife Services EA for Predator Damage Management: Mr. Tibbitts explained that the US Department of Agriculture periodically examines its assessments under NEPA (National Environmental Policy Act) to ensure guidance is current. The latest pre-decision on its Environmental Assessment for Predator Management in Nevada includes several alternatives.

Mr. Tibbitts prepared a comment letter asking that, at a minimum, the predation management program be maintained at its current level (Alternative 1), but that Eureka County supports Alternative 2, which will allow for increased efforts to manage damage associated with predation in wilderness areas and wilderness study areas.

Commissioner Sharkozy motioned to approve the response letter to US Department of Agriculture, Animal & Plant Health Inspection Service, Wildlife Services related to its pre-decision

Environmental Assessment on Predator Damage Management in Nevada. Commissioner McKay seconded the motion. Motion carried 3-0.

BLM Oocyte Growth Factor Vaccine Study EA: Mr. Tibbitts prepared a letter supporting the BLM's proposed fertility study as part of integrated management of wild horse populations utilizing all available tools. The letter emphasizes that a focus on removing excess horses from rangelands across all states is imperative while this and other studies are being done.

Chairman Goicoechea motioned to approve the response letter to the BLM supporting the proposed Environmental Assessment for a population growth suppression study to test contraceptive effects of an oocyte growth factor vaccine on wild horses. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Goldrush Exploration Project: Mr. Tibbitts thanked Consulting Hydrogeologist, Dale Bugenig, for his assistance in reviewing the Draft Water Pollution Control Permit for the Goldrush Exploration Project. Mr. Tibbitts prepared a letter supporting this permit, noting that the letter acknowledges that a large amount of water and drilling fluid will be discharged, but the water will not infiltrate groundwater or surface waters that may cause concern for Eureka County.

Commissioner Sharkozy motioned to approve sending a letter to Nevada Division of Environmental Protection, Bureau of Mining Regulation & Reclamation, with comments related to the Draft Water Pollution Control Permit for the Goldrush Exploration Project. Commissioner McKay seconded the motion. Motion carried 3-0.

Eureka Trailing Permit Environmental Assessment: Mr. Tibbitts prepared scoping comments in a letter to the Elko District BLM concerning the Eureka Trailing Permit Environmental Assessment. The letter notes that Eureka County adamantly supports protection of vested rights and historical prescriptive rights-of-way for trailing livestock. The letter asks the BLM to clarify the legal mechanism it is using to allocate new AUMs for trailing and where these new AUMs are originating from, since it is the County's understanding that "suspended" AUMs must go to the preference holder. The letter also asks the BLM to work with the operator on an annual basis on best management practices for trailing adjacent to active sage grouse leks.

Commissioner Sharkozy motioned to approve the scoping comment letter to the Elko District BLM regarding the Eureka Trailing Permit Environmental Assessment. Commissioner McKay seconded the motion. Motion carried 3-0.

Mountain Bike Kiosk: A grant-funded inventory of existing trails suitable for recreational use, particularly mountain biking, was conducted by Great Basin Institute in 2018. The Commissioners supported the grant and later affirmed support of the inventory and committed to providing space for placement of a kiosk identifying these trails. At the onset of this process, the County did not own the lot on Main Street (11 North Main Street) where the train caboose is located, but has since purchased the lot, which would serve as a suitable location. Mr. Tibbitts informed that money is currently available to purchase the kiosk and he asked for the Board's approval to place the kiosk on this lot.

Commissioner McKay motioned to approve cleanup, improvement, and reconfiguration of the lot located at 11 North Main Street in Eureka for placement of a mountain bike trail kiosk; Commissioner Sharkozy seconded the motion; motion carried 3-0.

## **CORRESPONDENCE**

Correspondence included: several Christmas cards; Mary Bisoni; Sheriff Jesse Watts; Treasurer Pernecia Johnson; Natural Resources Manager Jake Tibbitts; Television District; Dale Lotspeich; Northeastern Nevada Regional Development Authority; Nevada Assoc. of Counties; Nevada Supreme Court; Nevada Dept. of Transportation; Nevada Div. of Environmental Protection; University of Nevada Cooperative Extension; US Dept. of the Interior-BLM (2); National Assoc. of Counties; and News article: *Barrick power-plant conversion to natural gas*.

**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 12:39 p.m.

*Approved by vote of the Board this 21<sup>st</sup> day of January, 2020.*

/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 20, 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