

Title 2

EUREKA COUNTY COMMISSIONERS

**Title 2: Eureka County Commissioners**

**Chapter 10: General Provisions**

**Sections: .010 through .060**

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## Chapter 10 - GENERAL PROVISIONS

### .010 Chair and Vice Chair

The County Commissioners shall elect one of their members as Chair of the Board and another of their members as Vice Chair of the Board and fix the terms of office of the Chair and Vice Chair. N.R.S. 244.070.

### .020 Records

The Clerk shall keep a full and complete record of all the proceedings of the Board, together with a full and complete alphabetical index and page citation of and for the record and proceedings, and all such proceedings shall be entered upon the record. The record of each day's proceedings of the Board shall be signed by the Chair and the Clerk. The books, records, and accounts of the Board shall be kept at the office of the Clerk of the Board, and shall during business hours, be kept open to public inspection free of charge. N.R.S. 244.075.

### .030 Meetings

- A. Board meetings shall be held in the County seat of Eureka at the Courthouse, 10 South Main Street, Eureka, or at a place not more than ten (10) miles from the County seat within the boundaries of the County.
- B. Except as otherwise provided herein, meetings shall be held the 6th and 20th of each month beginning at 9:30 a.m. If this day falls on a nonjudicial day, the meeting will be held on the closest judicial day.
- C. In odd numbered years, the first meeting of the Board in January shall be the first Monday, but if the first Monday is a nonjudicial day, the meeting will be held on the next judicial day.
- D. Special meetings may be called by the Chair, or Vice Chair in the Chair's absence, whenever there is sufficient business to come before the Board, or upon written request of two members. To change the meeting day and place, notice of the proposed change will be published once a week for three (3) consecutive weeks in the Eureka Sentinel and Elko Free Press.
- E. Additional meetings of the Board may be held at any place within the County. By vote of the Board February 19, 2010, there shall be additional meetings of the Board at the Crescent Valley Town Center Boardroom, 5045 Tenabo Avenue, Crescent Valley, every 15<sup>th</sup> day of January, April, July, and October beginning at 9:30 a.m. If this day falls on a nonjudicial day, the meeting will be held on the closest judicial day.

- F. Members of the Board may attend conventions, conferences, seminars, and hearings to gather information or conduct the official business of the sponsoring organization at any location provided no action is taken by the Board in the course of such activity. N.R.S. 244.085, N.R.S. 244.090.

.040 Guidelines for public comment during open meetings

The Eureka County Commissioners during open meetings have, from time to time, several persons who wish to offer public comment on issues of public concern and agree that communication from the public is an important aspect of all public meetings and everyone should have the opportunity to comment. To allow everyone the opportunity to comment and at the same time permit the Commissioners to address all the issues for their meeting's agenda, these guidelines for a person wishing to comment during an open meeting must be followed:

- A. A person must be identified to speak by the Chair of the meeting, to avoid more than one person speaking at once; and
- B. The agenda shall limit the time of public comment to a reasonable period of time to be divided equally among persons who wish to speak, to give all persons present a fair opportunity to speak; and
- C. The person speaking must respect the authority of the Chair to permit or prohibit additional public comment prior to a specific action or discussion item.
- D. The Chair of the meeting may not allow comments that are wilfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amount to personal attacks or interfering with the rights of other speakers.

.050 Rules of procedure during open meetings

- A. Upon recognition by the Chair to speak, a member may engage in discussion regarding the agenda topic to be considered before a motion has been made, after a motion has been made, before a second to the motion, and after a second.
- B. If discussion does not lead a member to make a motion, after the Chair calls for a motion and there are none, the Chair may move the Board to consider a motion provided a member other than the Chair seconds the Chair's motion.
- C. The Chair may second the motion of any other member.

- D. The maker of a motion reserves the right to withdraw the motion up until the vote on the motion, and only the maker may do so.
- E. Any action to reconsider a motion already voted upon may only occur at the next meeting of the Board.
- F. In case of a tie vote on any question, the vote must be postponed to a subsequent meeting. N.R.S. 244.060.

.060 Salary

- A. According to N.R.S. 245.043(3), the Board may, by a majority vote, set the annual salary for Board members only as a percentage of their salary in effect by operation of statute on January 1, 2003, which was \$15,240.00.
- B. The Board declares its salary shall increase in an amount no greater than the annual increase received by other County employees, but in no event will the Board receive more salary than the maximum salary allowed by N.R.S. 245.043(3).
- C. The maximum salary allowed by law for the Board each year is:
  1. For Fiscal Year 2007-2008, 131.716 percent of \$15,240, or \$20,073.52
  2. For Fiscal Year 2008-2009, 136.985 percent of \$15,240, or \$20,876.51
  3. For Fiscal Year 2009-2010, 142.464 percent of \$15,240, or \$21,711.51
  4. For Fiscal Year 2010-2011 and thereafter until state law is amended, 148.163 percent of \$15,240, or \$22,580.04.

.070 Commissioner districts

Pursuant to N.R.S. 244.050 “[e]ach commissioner district must embrace, as near as may be, one-third... of the population of the county, and must consist of adjoining precincts.” In addition, “county commissioners must be elected at large by the qualified electors of the county.” Based on information from the 2010 Census, there exists a population of 1,987 people, with a mean population level for each of the 3 districts to be 662 people. The Board declares the following legal descriptions, which can be easier identified by the Eureka County Commissioner Districts 2010 Redistricting map, shall be the realignment of the three Commissioner districts, and the districts shall only be used to determine if a candidate is

qualified by residency:

- A. **Commissioner District One:** Bounded and described as that portion of Eureka County bounded by a line beginning at a point where the boundary line common to Eureka County and White Pine County meets the centerline of U.S. Highway 50, thence in a northwesterly direction along the center line of U.S. Highway 50 to a point where the said center line intersects the centerline of Eureka County Road G-249 (Frontier Street), thence north along the center line of Eureka County Road G-249 to a point where said centerline intersects the centerline of Eureka County Road G-260 (Selim Way), thence west along the centerline of Eureka County Road G-260 to a point where said centerline intersects the centerline of Eureka County Road G-261 (Sirrah Way), thence south on the centerline of Eureka County Road G-261 to a point where said centerline intersects the centerline of U.S. Highway 50, thence northwesterly on the centerline of U.S. Highway 50 to a point where said centerline intersects the centerline of Eureka County Road M-131 (Eagle Street), thence north on the centerline of Eureka County Road M-131 to a point where said centerline intersects the centerline of Eureka County Road M-119 (3<sup>rd</sup> Street), thence east on the centerline of Eureka County Road M-119 to a point where said centerline intersects the centerline of Eureka County Road G-245 (El Paso), thence north on the centerline of Eureka County Road G-245 to a point where said centerline intersects the centerline of Eureka County Road M-120 (4<sup>th</sup> Street), thence east on the centerline of Eureka County Road M-120 to a point where said centerline intersects the centerline of Nevada State Route 278, thence northerly along the centerline of Nevada State Route 278 to a point where said centerline intersects the centerline of Eureka County Road G-223B (Flynn Ranch), thence southeasterly along the centerline of Eureka County Road G-223B to a point where said centerline intersects the center line of Eureka County Road M-110 (Sadler-Siri-Union), thence northerly along the center line of Eureka County Road M-110 to a point where said centerline intersects the boundary line common to Eureka County and Elko County, thence southerly along the boundary line common to Eureka County and Elko County to a point, thence easterly along the boundary line common to Eureka County and Elko County to a point where the boundary line common to Eureka County and Elko County meets the boundary line common to Eureka County and White Pine County, thence southerly along the boundary line common to Eureka County and White Pine County to the point of beginning.
- B. **Commissioner District Two:** Bounded and described as that portion of Eureka County bounded by a line beginning at a point where the boundary line common to Eureka County and White Pine County meets the centerline of U.S. Highway 50, thence in a northwesterly direction along the center line of U.S. Highway 50 to a point where the said center line intersects the centerline of Eureka County Road G-249 (Frontier Street), thence north along the center line of Eureka County Road G-249 to a point where said centerline intersects

the centerline of Eureka County Road G-260 (Selim Way), thence west along the centerline of Eureka County Road G-260 to a point where said centerline intersects the centerline of Eureka County Road G-261 (Sirrah Way), thence south on the centerline of Eureka County Road G-261 to a point where said centerline intersects the centerline of U.S. Highway 50, thence northwesterly on the centerline of U.S. Highway 50 to a point where said centerline intersects the centerline of Eureka County Road M-131 (Eagle Street), thence north on the centerline of Eureka County Road M-131 to a point where said centerline intersects the centerline of Eureka County Road M-119 (3<sup>rd</sup> Street), thence east on the centerline of Eureka County Road M-119 to a point where said centerline intersects the centerline of Eureka County Road G-245, thence north on the centerline of Eureka County Road G-245 to a point where said centerline intersects the centerline of Eureka County Road M-120 (4<sup>th</sup> Street), thence east on the centerline of Eureka County Road M-120 to a point where said centerline intersects the centerline of Nevada State Route 278, thence northerly along the centerline of Nevada State Route 278 to a point where said centerline intersects the centerline of Eureka County Road G-208A (Whistler), thence southwesterly along the centerline of Eureka County Road G-208A to a point where said centerline intersects the centerline of U.S. Highway 50, thence westerly along the centerline of U.S. Highway 50 to a point where the centerline meets the boundary line common to Eureka County and Lander County, thence southerly along the boundary line common to Eureka County and Lander County to a point where the said boundary line meets the boundary line common to Eureka County and Nye County, thence easterly along the boundary line common to Eureka County and Nye County to a point where said boundary line meets the boundary line common to Eureka County and White Pine County, then northerly along the boundary line common to Eureka County and White Pine County to the point of beginning.

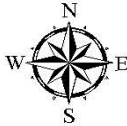
- C. **Commissioner District Three:** Bounded and described as that portion of Eureka County bounded by a line beginning at a point where the boundary line common to Eureka County and Lander County intersects the centerline of U.S. Highway 50, thence northerly along the boundary line common to Eureka County and Lander County to a point where said boundary line meets the boundary line common to Eureka County and Elko County to a point, thence easterly along the boundary line common to Eureka County and Elko County to a point, thence southerly along the boundary line common to Eureka County and Elko County to a point, thence southeasterly along the boundary line common to Eureka County and Elko County to a point where said boundary line intersects the center line of Eureka County Road M-110 (Sadler-Siri-Union), thence southerly along the centerline of Eureka County Road M-110 to a point where said centerline intersects the centerline of Eureka County Road G-223B (Flynn Ranch), thence northwesterly along the centerline of Eureka County Road G-223B to a point where said centerline intersects the centerline of Nevada State Route 278, thence southerly along the centerline of



Nevada State Route 278 to a point where said centerline intersects the centerline of Eureka County Road G-208A (Whistler), thence southwesterly along the centerline of Eureka County Road G-208A to a point where said centerline intersects the centerline of U.S. Highway 50, thence westerly along the centerline of U.S. Highway 50 to the point of beginning.

# Eureka County, Nevada

## EUREKA COUNTY COMMISSIONER DISTRICTS 2010 CENSUS REDISTRICTING



**POPULATION DATA**

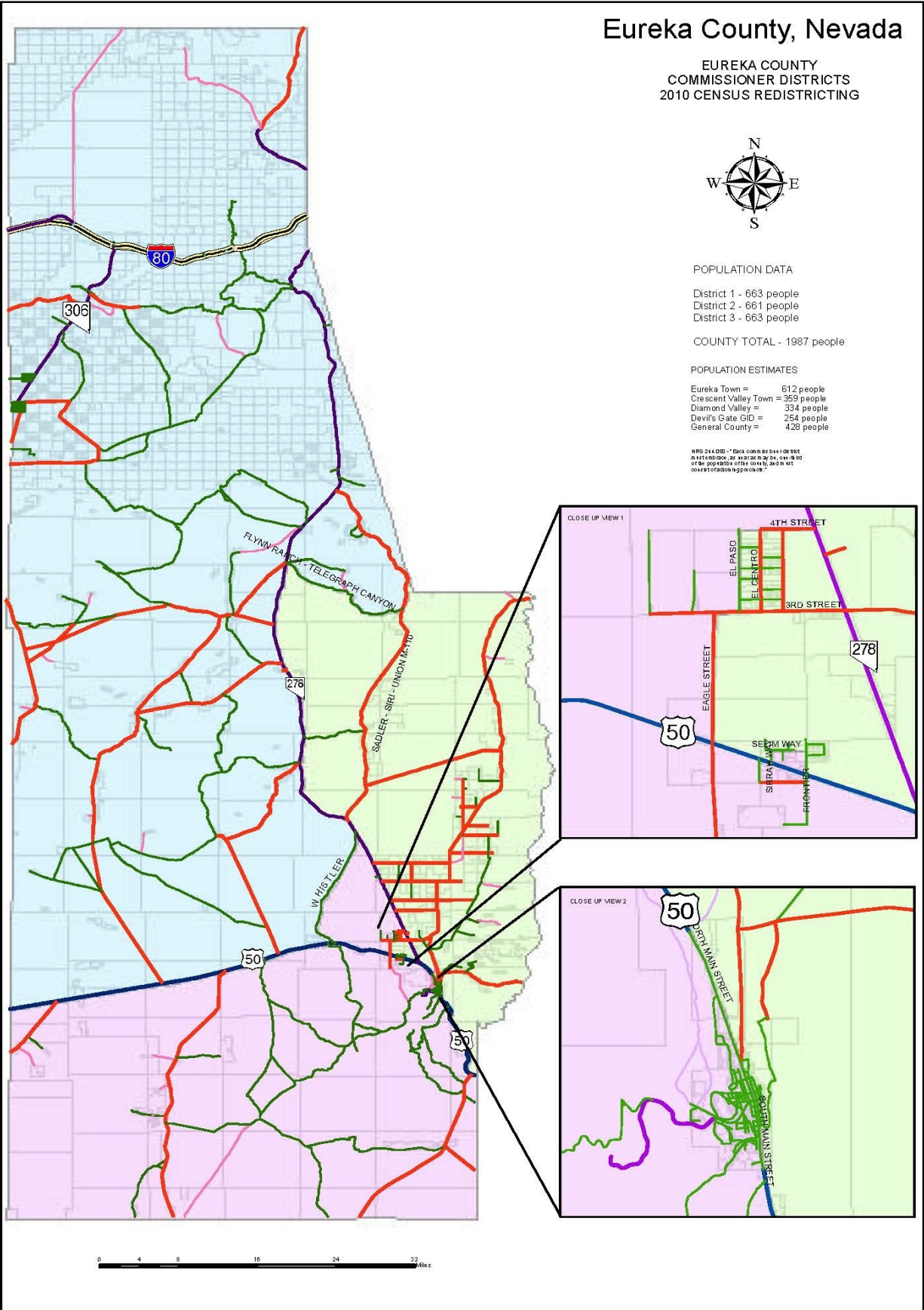
District 1 - 663 people  
 District 2 - 661 people  
 District 3 - 663 people

COUNTY TOTAL - 1987 people

**POPULATION ESTIMATES**

Eureka Town = 612 people  
 Crescent Valley Town = 369 people  
 Diamond Valley = 334 people  
 Devil's Gate CID = 254 people  
 General County = 428 people

NRS 244.030 - "Each county shall determine the population of each district in the county, and in the case of a tie shall give preference to the district with the greater population."



## Chapter 20 - EMERGENCY PAYMENTS

### .010 Specific authorizations

The Eureka County Auditor is authorized to issue warrants, and the Eureka County Treasurer is authorized to sign checks, for the payment between Board of Commissioners meetings of the following County bills:

- A. Payroll, including overtime payments approved by an employee's department head or elected official;
- B. Payroll taxes, and benefits based on payroll;
- C. Payments for contract labor approved by a department head or elected official;
- D. Regular utility bills;
- E. Debt service payments;
- F. Investment or reinvestment of County funds;
- G. Payment to proper beneficiaries of funds held in trust;
- H. Tax refunds to persons properly claiming the same;
- I. Emergency travel expenses approved by a department head or elected official, including youth travel under the auspices of the juvenile probation officer;
- J. Emergency indigent care expenses;
- K. Juror fees, witness fees, and travel expenses of jurors and witnesses, if approved by a court or the District Attorney;
- L. Credit card billings;
- M. Emergency postage;
- N. Fair Board and/or Ag District 15 expenditures.

### .020 Scope and intent

The Eureka County Auditor and Eureka County Treasurer may issue these warrants and checks in payment of certain County bills between regular meetings of the Board of Commissioners. All payments made pursuant to this authority are conditional payments,

subject to ratification by the Board of Commissioners at its next regular meeting. All recipients of payments made pursuant to this authority hereby are notified that such payments are conditional and may be rescinded by the Board of Commissioners and repossessed by the County.

.030 Liability limited

The Eureka County Auditor and/or the Eureka County Treasurer shall not be liable personally or on their fidelity bonds for payments made in good faith pursuant to this authority in the event the Board of Commissioners shall refuse to ratify and move to rescind and repossess such payments.

## Chapter 30 - ACCEPTANCE OF CREDIT CARDS FOR PAYMENTS

### .010 Authorization

Eureka County may contract with a provider of credit card services to allow the use of credit cards by persons owing money to the County for fines, fees, taxes, or any form of bill whatsoever.

### .020 Applicability

The acceptance of credit cards for payment shall be left to the discretion of each department head to determine whether credit cards shall be accepted, and in what manner.

Chapter 40 - UNIFORM COLLECTION AND REMOVAL PROCEDURES  
FOR COUNTY ACCOUNTS RECEIVABLE

.010 Objective

The objective of this authority is to create uniform procedures in the process of collecting accounts receivables and in the removal of uncollectible accounts receivable for all entities of the County.

.020 Definitions

Unless it is apparent from the context that another meaning is intended, the following words and phrases when used herein shall have the meaning as hereinafter defined:

- A. Accounts receivable means any monies that are owed to the County and its entities.
- B. County means the County of Eureka, State of Nevada, and all towns and entities.
- C. County Board means the Board of County Commissioners, County of Eureka, State of Nevada.
- D. Debtor means any person or entity that owes any monies to the County and its entities.
- E. Department means any town board, television board, rodent board, weed board, and any other office that has been granted operating funds by the Board of County Commissioners.

.030 Collection procedure

- A. In the event a debtor does not pay an account receivable that is due to the County in a timely manner, the affected department will perform the following:
  - 1. The department must send a follow-up invoice by regular mail to each debtor at thirty (30) and sixty (60) day intervals. The sixty (60) day follow-up invoice shall contain the following information:
    - a. The date of mailing;
    - b. The account number, department, and amount owed;
    - c. The debtor's name and address; anda short statement that continued failure to pay the amount owed may be referred to a collection agency for action.

2. Within no more than thirty (30) days after the sixty (60) day notice is unanswered or no arrangement for payment has been made, the department will notify the District Attorney's Office in writing that the collection is unsuccessful by providing a copy of the sixty (60) day notice.
  3. The District Attorney will then determine whether the account receivable is collectible or uncollectible by using the following criteria. Whether:
    - a. The debtor has filed bankruptcy; or
    - b. The debtor has died; or
    - c. The amount of the account receivable is less than the amount it would cost to collect it; or
    - d. Some other reason or circumstance.
  4. If the District Attorney believes the account receivable is collectible, he may refer the account to a collection agency or exercise his discretion to take other steps to collect the debt. The County expressly authorizes the use of an outside agency or agencies in attempts to collect debts.
- B. When it is determined by the District Attorney that the account receivable is uncollectible, the District Attorney shall notify the County Auditor in writing that the account receivable is uncollectible and the reasons therefor.

**.040 Removal procedure**

- A. Upon receiving notification that an account receivable is uncollectible, the County Auditor may apply to the Board of County Commissioners to have the amount of the account receivable and the name of the debtor removed from the records of the County.

The application must include:

1. The amount of the account receivable;
  2. The name of the debtor;
  3. A record of the efforts made to collect the account receivable;
  4. The written notice received from the District Attorney's Office.
- B. Only upon the approval of the application by the County Commissioners shall the County Auditor remove the amount of the account receivable and the name of the debtor from the County records.

## Chapter 50 - PERSONNEL POLICY

### .010 Amendment by resolution

- A. In order to permit Eureka County to adequately address the changing rules and regulations governing the administration of personnel, and allow for personnel to comment upon changes to the personnel policy of the County, the County Commission hereby expressly agrees that any and all parts, portions, and sections of the Personnel Policy may be changed by resolution in accordance with the procedures described below.
- B. First, any change must be proposed by a Commissioner during an open meeting of the Board of County Commissioners.
- C. Second, a proposed resolution will be circulated to the Commissioners for their review and modification during an open meeting of the Board.
- D. Third, a copy of the resolution will be circulated to all departments for distribution to County employees, requesting comment.
- E. Fourth, a public hearing will be conducted following publication in a newspaper of general circulation in the County of a hearing notice at least ten (10) days before the hearing.
- F. Fifth, at the public hearing the Commissioners may adopt the resolution, reject the resolution, or adopt the resolution with revisions or amendments.

### .020 Publication of personnel policy

The resolution then modifies the personnel policy of the County, published separately from this Code and made available to employees by the Office of the County Recorder, effective immediately, unless otherwise stated in the resolution.



## Chapter 60 - SALE OF COUNTY OWNED PROPERTY

### .010 Application

This sale or lease process applies to all real property belonging to the County, with the limited exceptions described in N.R.S. Chapter 244. There are six (6) steps in the process to be performed in order.

### .020 Step One - Decide to sell

County Commissioners during an open meeting on an agenda item clearly describing the real property, must decide if the sale or lease of the property is in the best interests of the County, and the real property is not a remnant of another parcel, is not too small to develop, has no deed restrictions, and is not subject to other sale or lease procedures.

### .030 Step Two - Pick appraisers

County Commissioners, during an open meeting on an agenda item clearly describing the real property, must pick two (2) appraisers provided the value of the property is estimated at greater than one thousand (\$1,000.00) dollars, to perform an appraisal independent and confidential from each other, of the real property in not more than six (6) months before the sale or lease award. The Commissioners must choose the two appraisers at random from the following list, which will be changed from time to time by resolution of the Board:

Turner Appraisals - Russell Turner; Bruneau, ID 83604

Jim Davis, SRA Certified General Appraisal - 660 W. Williams Ave., Fallon, NV 89406

Tom Riggins, Real Estate Appraiser - 4505 Carson River Drive, Fallon, NV 89406

Brenda Boren, CRA - HC34 Box 34030, Ely, NV 89301

Margaret Papez, SRA - P.O. Box 151568, Ely, NV 89315

Duvall Appraisal Service - P.O. Box 778, Battle Mountain, NV 89820

Claire Morrow, Ruby Mountain Appraisal - Box 205, Wells, NV 89835

.040 Step Three - Resolution

County Commissioners, during an open meeting on an agenda item clearly describing the real property, must by resolution published in the meeting minutes, declare:

1. A description of the real property; and
2. That the sale or lease of the real property is in the best interests of the County; and
3. That the value of the real property is estimated greater than one thousand (\$1,000.00) dollars; and
4. The sale or lease will be offered for no less than the highest appraised value plus the costs of appraisal and fees; and
5. The names of the two appraisers selected by the Commissioners; and
6. A statement that the appraisers or persons related to the appraisers are not within the first degree of consanguinity or affinity to persons who are interested in or have expressed an interest in the real property or adjoining property; and
7. A statement by the appraisers listing all sources of income that may constitute a conflict of interest or a relationship to the County or owners of any real property adjoining the County's real property to be sold or leased; and
8. The costs to be paid for the appraisals and the expected delivery date of the appraisal reports, to be kept confidential from each appraiser.

.050 Step Four - Set minimum price

Upon receipt of the appraisal reports, the Commissioners, during an open meeting on an agenda item clearly describing the real property, must review the appraisals and set the sale or least minimum bid at the highest appraisal value plus costs and fees.

In a resolution to be posted in public places and published at least once a week for three (3) consecutive weeks in a newspaper within the County, the Commissioners must describe the property, declare the sale or lease, the minimum bid price, the sale or lease award date and procedures, and a list of where the resolution is posted and where additional copies and information may be obtained. The sale terms, at the option of the Commissioners, must be cash or twenty five percent (25%) down and a payment term with interest of no more than ten (10) years secured by a mortgage or deed of trust.

.060 Step Five - Conduct sale

Conduct the sale or lease award process at the date, time, and place indicated in the published resolution.

.070 Step Six - Report to Legislative Counsel Bureau

Submit to the Director of the Legislative County Bureau on or before February 7, 2007, a written report of the sales and leases of County real property from the period beginning October 1, 2005, and ending December 31, 2006.

## Chapter 70 - OFFICE OF CONSTABLE ABOLISHED

### .010 Office of constable abolished

Pursuant to the authority granted by N.R.S. 258.010(3), the Board of County Commissioners finds that the office of constable is not necessary within any of the townships in the County, and the office of constable is abolished.

### .020 Sheriff to serve as ex officio constable

The Sheriff of the County is appointed to serve as ex officio constable for townships within the County.

## Chapter 80 - DEVELOPMENT AGREEMENTS

### .010 Development agreements required provisions

- A. The Eureka County Commissioners may enter into an agreement with any person having a legal or equitable interest in land concerning the development of that land. Any such agreement must:
1. Describe the land which is the subject of the agreement; and
  2. Specify the duration of the agreement; and
  3. Specify the permitted uses of the land; and
  4. Specify the density or intensity of the land use; and
  5. Specify the maximum height and size of the proposed buildings; and
  6. Provide for the dedication of a portion of the land for public use, where such dedication is necessary or convenient; and
  7. Specify other conditions to be placed upon the land to promote the health, safety, morals or general welfare of the community to be impacted by the development.
- B. Unless otherwise stated, development of land subject to a development agreement is governed by the ordinances and regulations in effect at the time the agreement is made.

### .020 Approval by ordinance and recordation

The Board may approve the agreement by ordinance whenever it finds the provisions of the agreement are consistent with the master plan. Upon approval, the agreement must be recorded with the County Recorder.

### .030 Review and amendment or cancellation

Any development agreement may be amended or cancelled in whole or in part by mutual consent of the parties to the agreement or their successors in interest. However, if the Board determines, upon a review of the development of the land held at a minimum of once every 24 months, that the terms of the agreement are not being complied with, the Board may cancel or amend the agreement without the consent of the breaching party provided that:

- A. Notice of intent to amend or cancel any portion of the agreement is given by publication in a newspaper of general circulation in the County.
- B. The County may approve any amendment to the agreement by ordinance if the amendment is consistent with the master plan.
- C. Amendments must be recorded with the County Recorder.

.040 Recordation of development agreement ordinance

A certified copy of any ordinance adopting an agreement for the development of property, and any amendments thereto, must be recorded in the office of the County Recorder.