

EUREKA COUNTY BOARD OF COMMISSIONERS

April 20, 2021

STATE OF NEVADA)
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COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on April 20, 2021. The meeting was conducted telephonically pursuant to Governor Sisolak’s Declaration of Emergency Directive 006, which was extended by subsequent Directives through duration of the current State of Emergency. Present were Chairman J.J. Goicoechea; Vice Chairman Mike Sharkozy (via telephone); Commissioner Rich McKay; District Attorney Ted Beutel; and Administrative Assistant Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance.

APPROVAL OF AGENDA

Chairman Goicoechea noted that the Sheriff’s agenda items would be heard earlier than the designated time on the agenda in order to accommodate a conflict with his schedule. Commissioner McKay motioned to approve the agenda with that change; Commissioner Sharkozy seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Goicoechea opened the floor for public comments, and began by introducing Abbi Hilligrass, Rural Representative for Congressman Mark Amodei, who traveled to Eureka to meet with local officials.

Crescent Valley resident, Angie Shirley, asked how the County responds to a report of a public nuisance. Chairman Goicoechea replied that a written complaint can be filed with the County, the matter is investigated, the Board works with the District Attorney’s office to try to resolve the matter, and a public hearing is held if the issue is not resolved.

Ms. Shirley also asked about the County’s hiring policy and age restrictions. She was aware that high school students were employed at the Swimming Pool, but asked whether a 17-year-old could work for the Road Department. Raymond Hodson responded that a CDL (commercial driver’s license) is required to work for the Road Department.

Crescent Valley Little League: June Adkins told the Board that Little League is starting up in Crescent Valley and things are going well, but the organization needs financial assistance. The group needs \$1,600.00 for equipment and supplies (\$600.00 has already been raised) and \$1,100.00 to purchase uniforms for three teams. They also want to bring the field up to Little League standards so games can be hosted in Crescent Valley.

Chair of the Crescent Valley Town Advisory Board, Mikayla Kersey, said the CVTAB recommended that the Commissioners give a donation from the North End Activity Fund to sponsor Little League, and hoped the County could assist with purchasing the uniforms.

Chairman Goicoechea asked the ladies to place the requests on the next agenda for the Board’s consideration, and said they should speak with Public Works about the improvements needed at the ball field.

APPROVAL OF MINUTES

March 19, 2021: Commissioner McKay motioned to approve minutes of the March 19, 2021, meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0.

SHERIFF

Quarterly Report: Sheriff Jesse Watts provided a quarterly report showing Administration, Communications, Detention, and Patrol statistics for January, February, and March. He reported

there were 5,930 calls for the quarter. There were 16 new bookings in the jail and an average of 3.58 inmates per day.

The Sheriff said highlights of the quarter were the elementary school coloring contests, retirement of Sandy Eastwood, a resolution honoring search and rescue teams, and the Leadership Summit earlier in the month. He added that he has been talking with another County Sheriff about the possibility of housing inmates in an adjacent county.

Out-of-State Travel: Members of Search & Rescue plan to attend training in November and requested travel approval. Commissioner Sharkozy motioned to approve out-of-state travel for up to three Search & Rescue members to attend the International Technical Rescue Symposium in Denver, Colorado, November 4th-8th. Commissioner McKay seconded the motion. Motion carried 3-0.

HUMAN RESOURCES

Updated Job Description: HR Director Heidi Whimple worked with Kim Todd to update the Administrative Assistant job description for the Comptroller's office. Essential functions were better defined, and duties related to Human Resources were removed. POOL/PACT has reviewed the updated job description.

Commissioner McKay motioned to adopt the updated Comptroller Administrative Assistant I, II, & III job description; Commissioner Sharkozy seconded the motion; motion carried 3-0.

COMPTROLLER

Payment of Expenditures: Expenditures were presented for approval by Comptroller Kim Todd. Commissioner Sharkozy motioned to approve expenditures in the amount of \$283,445.19 for accounts payable, \$427,713.37 for payroll and benefit related expenses (including employee paid deductions), and \$30.00 for a pass-through tax allocation to the Nevada State Controller, for a grand total of \$711,188.56. Commissioner McKay seconded the motion. Motion carried 3-0.

Fund Balance Report: The Board reviewed the report showing current fund balances.

POOL/PACT Assessment Audit Report: In January, POOL/PACT Human Resources conducted an HR Phase II Assessment of Eureka County, which examined exempt job descriptions, the volunteer program, overtime pay practices, FMLA compliance, workers' comp compliance, ADA compliance, PERS contributions, policies related to employee leave and compensation, and contracts with independent contractors. POOL/PACT HR recently sent the report outlining areas where the County is compliant and providing recommendations in other areas. Ms. Todd and Ms. Whimple reviewed the following recommendations with the Board, noting that some have already been, or are in the process of being, addressed.

- Remove "*performs other duties as required*" from job descriptions
- Require job descriptions and time sheets for volunteers
- Require time sheets for exempt employees
- In relation to independent contractors: use the economic realities test to analyze proper status; require proof of insurance; avoid long-term and automatically renewing contracts; don't reimburse normal expenses; and procure contracts with all independent workers
- Amend personnel policies to clarify overtime calculations, stipends, compensatory time, catastrophic leave, sick leave donations, etc.

Chairman Goicoechea commented that shorter-term contracts aren't always practical for the County or the contractor. For instance, the janitorial contract requires a substantial up-front investment in equipment and supplies, and parties won't be willing to make that investment for a contract that's only guaranteed for one or two years.

Concerning independent contractors, the Chairman noted the janitorial contract is already in place for the current term, the FBO contract is up for consideration in June. He asked staff to

continue working with the Fair Board, Television District, and Recreation Board to procure and finalize agreements with their respective contractors. Most other recommendations will be addressed with the personnel policy update that is currently under review and will come before the Board at a future date.

Commissioner Sharkozy motioned to direct staff to continue working to ensure that all independent contractor agreements are in place, to work on removing “*performs other duties as required*” from job descriptions, and that other recommendations be collectively addressed in the personnel policy revision. Commissioner McKay seconded the motion. Motion carried 3-0.

Waiver of Hiring Freeze: Ms. Todd submitted a Hiring Freeze Waiver Justification for the vacancy that will occur in her office in July. Commissioner McKay motioned to waive the hiring freeze and authorize the Comptroller to fill the vacant position of Comptroller Administrative Assistant I, II, & III. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

COMMISSIONERS

Local COVID-19 Plan: Earlier in the day, the Board of Health approved the Eureka County Local COVID-19 Transition Plan. As addressed in Governor Sisolak’s Emergency Directive 041, this Local Plan will allow transition of delegated authority for COVID-19 mitigation and enforcement to local County officials effective May 1st.

Commissioner Sharkozy motioned to approve the Eureka County Local COVID-19 Transition Plan and authorized the Chairman to present the Local Plan to the Nevada COVID-19 Task Force on April 22nd. Commissioner McKay seconded the motion. Motion carried 3-0.

Diamond Valley FY21-22 Water Assessments: The Division of Water Resources sent an amended budget for Fiscal Year 2021-2022 water assessments in Diamond Valley, with minimal changes. This is a State tax that the County has no authority over. The County Treasurer collects the assessments on real property tax statements and in turn pays the Division.

Jake Tibbitts informed that these assessments fund management of the basin, including Bryce Vorwaller’s position as full-time GMP Water Manager assigned to Diamond Valley, and Mr. Vorwaller is a valuable asset to the producers.

Commissioner Sharkozy motioned to approve Nevada Division of Water Resources’ amended budget for Diamond Valley Groundwater Basin for Fiscal Year 2021-2022; Commissioner McKay seconded the motion; motion carried 3-0.

Nevada Legislative Session: Legislators have been putting in some late nights as they work to pass bills in their respective houses by April 20th (deadline to pass legislation out of the house where it was introduced). Chairman Goicoechea said SB77, the bill that would allow accommodations under Open Meeting Law for Cooperating Agencies, is still being debated and looks like it will pass in the Senate. This bill was proposed by Eureka County and introduced to the Legislature by NACO. Jake Tibbitts provided the Board with an updated worksheet tracking natural resources legislation.

AMBULANCE & EMS

Report on Activities: EMS Director Kenny Sanders reported there were 26 calls for ambulance service in March. Crescent Valley responded to four calls and Eureka responded to 22 calls. Twelve patients were transferred to air medical services.

Quarterly Report: The quarterly report on federally mandated write-offs of Medicaid and Medicare ambulance account balances showed zero write-offs for January, \$54.00 for February, and zero write-offs for March.

Volunteer Stipend: Volunteer EMTs are eligible to receive a stipend when responding to a call for service and, during earlier budget discussions, Mr. Sanders asked that it be increased from \$50.00 to \$75.00 for the upcoming fiscal year.

Commissioner McKay motioned to increase the stipend paid to volunteers responding to an ambulance call to \$75.00 per volunteer, per event, effective July 1, 2021. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

IT DEPARTMENT

Server for SO: IT Director Misty Rowley reported that the server at the Sheriff's Office is running out of resources and is in need of replacement. Commissioner Sharkozy motioned to approve purchase of a new server for the Sheriff's Office for an amount not to exceed \$22,704.97 utilizing monies budgeted for capital outlay (010-018-55010-000) in the Technology Support budget. Commissioner McKay seconded the motion. Motion carried 3-0.

Cabinet & Power Backup: Ms. Rowley explained that a cabinet and backup power supply should be installed to support and protect new radio equipment in Diamond Valley. She estimated total costs of \$10,623.38, but requested a 20% contingency.

Commissioner McKay motioned to approve purchase and installation of a rackmount cabinet and UPS power backup for the 3rd Street well and Diamond Valley Fire Station, for a not to exceed amount of \$12,800.00, to be paid with monies budgeted for capital outlay (010-018-55010-000) in the Technology Support budget. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

COMMUNITY CRISIS FUND

Nonprofit Community Crisis Fund: Local high school student, Quade Filippini, addressed the Board explaining he was establishing a nonprofit organization to create an emergency fund that would assist people in times of crisis. When unforeseen emergencies occur, such as a house fire or car accident, this fund can provide people and families with monies to cover travel, lodging, or other immediate expenses that are incurred related to a crisis.

The Board of Directors has been established and includes Gabby Minoletti, Natalie Whimple, Quinn Filippini, Tyler Watts, Holli Else, and Rich McKay. Quade asked the Board for monetary assistance to help cover fees for filing this nonprofit organization with the Secretary of State. Due to his involvement in this organization, Commissioner McKay recused himself from any deliberation or action related to this fund.

Chairman Goicoechea motioned to donate \$750.00 to Quade Filippini, to be paid from the miscellaneous grants fund in the Commissioners' budget, to assist with filing fees and startup costs related to the nonprofit Community Crisis Fund. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

JUSTICE COURT

Tentative Budget: Justice of the Peace Dorothy Rowley was in attendance to request additional funds for the upcoming year's budget. She described several bills that are moving forward in the State Legislature that, if passed, will have a huge impact on Justice Court. Judge Rowley explained the judicial system is moving away from punishment as the primary approach and shifting towards rehabilitation efforts, which are to be administered by the local courts. In larger jurisdictions, these extra duties are handled by specialty courts, but in Eureka County the responsibility will fall on Justice Court.

Among other changes, the bills under consideration would increase the number of jurors for certain trials, shorten the timeframe when certain hearings must be conducted, require Justice Courts to administer domestic violence treatment programs, and change factors in determining bail or release. Justice Court staff currently monitors community service and other court-ordered treatment, and these are time consuming tasks. New legislation would add more duties and increase the level of monitoring services done by the court.

Judge Rowley said the outcome of the legislation will determine how much and where these additional funds will be applied. The best solution may be an additional position that oversees the monitoring programs and assists with general court services. She suggested that the job description include a requirement to seek grants that will, in turn, help fund the position.

Chairman Goicoechea commended Judge Rowley for conservative management of her budget over the years, but agreed that these unfunded mandates would probably create the need for an additional position. Commissioner Sharkozy and Commissioner McKay agreed.

Commissioner Sharkozy motioned to increase the Justice Court budget by \$175,000.00 for Fiscal Year 2021-2022; Commissioner McKay seconded the motion; motion carried 3-0.

Comptroller Todd suggested that Judge Rowley work with Human Resources to create a job description before July. The PERS Board will meet in July and may need to determine whether this position qualifies as law enforcement.

DISTRICT ATTORNEY

Hiring Freeze Waiver Justification: District Attorney Ted Beutel submitted a Hiring Freeze Waiver Justification for the vacant position of Casual Department Assistant. Commissioner Sharkozy motioned to waive the hiring freeze and authorize the District Attorney to fill the position of Casual Department Assistant at range 111 on the salary scale. Commissioner McKay seconded the motion. Motion carried 3-0.

TREASURER

Treasurer's Report: The Treasurer's Report for March was submitted by Treasurer Pernecia Johnson, showing an ending General Fund balance of \$35,467,412.57. Ms. Johnson informed that her office has been preparing for the tax delinquent property auction the following week. They've had a lot of inquiries and have already been receiving bids in the mail, so she expects it to be a profitable auction.

COUNTY FACILITIES

Facilities Update: Joyce Jeppesen, Public Works Assistant Director-Administration, gave an update on activities at County managed facilities.

Eureka Opera House: In March, the Opera House had 44 tourists and 211 participants in meetings or events, which included mine trainings, Road Department training, and the Leadership Conference sponsored by the Sheriff's Office. Upcoming events include the Old-Time Fiddlers' Contest May 7th-8th and the Irrigation Workshop on May 11th-12th hosted by the Eureka Conservation District.

Sentinel Museum: The Museum had 103 visitors in March. Ree Taylor updated the showcase in the Courthouse and it now displays historic livestock brands of Eureka County.

Swimming Pool: The Pool has resumed regular operating hours and had 166 swimmers for the month, including members of the swim team which is active again. Individual swimming lessons will be offered beginning May 1st, with group lessons scheduled in June and July. Ms. Jeppesen is working on a risk management grant from POOL/PACT, which will provide for preventative safety measures at the Pool.

Eureka Airport: In March, \$1,251.60 was collected for avgas sales at the Eureka Airport. LA Perks has begun working on the fuel skid system and will be traveling back and forth to Reno as they work to fabricate parts.

Eureka Canyon Subdivision: Fifty-eight lots are available in the subdivision, and one application is still outstanding. The FAA notified Public Works that the initial navigational fixed point at the Airport is causing issues, so will need to be adjusted. This will be worked into a future Airport project.

Eureka Landfill: The Landfill had 505 customers in March, collecting 251 tons of commercial waste and 117 tons of municipal waste. Two loads of tires will be hauled away prior to the Free

Dump Days in May. The NDF honor camp crew worked at the Landfill on April 19th gathering 75 bags of debris; they will continue on April 20th and 21st. A Landfill inspection is scheduled on April 21st. Nevada Department of Agriculture has begun its avian predator bait program, so this should help reduce the blackbirds at the Landfill.

Administration: Ms. Jeppesen announced that the Administrative Assistant position has been filled with an employee transfer. Annelle Watts will transfer from the Comptroller's office into Public Works beginning in July. Ms. Jeppesen said this is a good fit since Ms. Watts previously worked for Public Works.

PUBLIC WORKS

Public Works Update: Public Works Director Jeb Rowley reported on projects and activities.

COVID Vaccines: Emergency Management continues working with EMS on the vaccine program. A vaccine POD (point of dispensing) is scheduled on April 21st. The team will continue with weekly PODs for now, but the numbers have diminished significantly.

Emergency Management: The Department is working on emergency response preparedness. This will involve communicating with local mines on response protocol and identifying hazardous materials that may be on site at the various operations.

Radio Network: Work continues with Galena Group and Western States Enterprises on the radio network. Proof of concept testing resulted in a successful high-quality transmission from Crescent Valley to Eureka, resulting in a recommendation to install a P25/LTE base station in Crescent Valley for the Sheriff's Office.

New frequencies, provided by BLM Fire and Nevada Division of Forestry, will be incorporated during the next radio reprogramming. Mr. Rowley will be notified of the implementation date soon.

A radio receiver on Mary's Mountain was damaged, apparently from lightning. This reinforced the value of keeping an inventory of components and parts, as the receiver was replaced right away.

SERC Opti Grant: The town siren in Eureka will be upgraded, utilizing a \$25,000.00 SERC (State Emergency Response Commission) Opti grant. The siren is the same model as the one currently in use, just 26 years newer and more user-friendly for operation and repairs.

Crescent Valley Town Park: The park project in Crescent Valley is progressing nicely. Mr. Rowley commended the crew on what they have accomplished. With the considerable increase in lumber prices and the difficulty in obtaining a contractor during the pandemic, using in-house labor kept this project on schedule and within the budget.

Water Service in Crescent Valley: Public Works received an application for a 3-inch commercial water service in Crescent Valley. Mr. Rowley said it may be downsized to a 2-inch hookup, and the water system has the capacity to serve either one.

Commissioner Sharkozy motioned to approve the application for a 3-inch commercial water service in the Town of Crescent Valley to service APN 002-026-12, Lots 9 and 10 of Block 3 of CVR & FU #1. Commissioner McKay seconded the motion. Motion carried 3-0.

Annual Repeater Maintenance: Mr. Rowley obtained a quote for the annual radio and mountaintop repeater maintenance. This includes inspections and parts/equipment replacement as needed. Typically, one tower site is selected each year for more extensive upgrades. Mr. Rowley pointed out this does not include maintenance of towers on Tank Hill and Prospect Peak, because they are under the purview of the Television District, but annual maintenance is done for the County's equipment placed on those towers.

Commissioner Sharkozy motioned to approve a quote from Western States Enterprises for annual radio and mountaintop repeater maintenance for an amount not to exceed \$11,689.62 utilizing funds budgeted for radio repeater upgrades (042-140-55010-094) in the Capital Projects Fund. Commissioner McKay seconded the motion. Motion carried 3-0.

Crescent Valley Radio Base: The Galena Group prepared a quote for an LTE/P25 radio base station in Crescent Valley. The quote includes installation of components at Eureka Dispatch, Mary's Mountain, and Mount Tenabo. To save on labor costs, Mr. Rowley is coordinating installation with the annual radio maintenance, and noted that due to extended lead time for equipment, this project may continue into the next fiscal year.

Commissioner McKay motioned to approve a quote from the Galena Group and authorize purchase of parts and equipment for implementation of a base station in Crescent Valley employing LTE (cellular) connectivity to Eureka County Dispatch, for an amount not to exceed \$46,040.00 utilizing monies budgeted for radio repeater upgrades (042-140-55010-094) in the Capital Projects Fund. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

NATURAL RESOURCES

Report on Activities: Natural Resources Manager Jake Tibbitts reported on recent activities, noting that legislative issues have taken the bulk of his time, and he has been participating in ongoing meetings regarding the Goldrush Project (Nevada Gold Mines), the Gibellini Project (Nevada Vanadium), and Gold Bar South (McEwen Mining).

Sage Grouse Issues: The Board took action earlier in the year to support continued involvement with the federal Greater Sage Grouse Land Management Plan Amendment (LMPA) by seeking intervention in the case before the US District Court for Idaho (*Western Watersheds Project et al v. Schneider, Case No. 1:16-cv-00083-BLW*). The court had issued an injunction in February to halt implementation of the 2019 LMPA (amendments to the 2015 Plan). Mr. Tibbitts reported that, on April 13th, Judge Winmill granted intervention to Eureka County and the other petitioners (Elko County, Humboldt County, and a mining/mineral exploration company).

Mr. Tibbitts explained the County's involvement in prior litigation challenging the 2015 Plan, in US District Court in Reno, which resulted in Judge Du's order partially remanding the Record of Decision back to the BLM to do a Supplemental EIS. The BLM used the 2019 amendment process as a means to cure the issues, but the Idaho injunction has halted this process.

The Idaho court was recently notified that the BLM is preparing a report, under the current administration, which will outline the BLM's intentions concerning the 2019 Plan, and the report is expected in May.

Oil & Gas Leases: The County has been notified of proposed oil and gas and geothermal projects in or affecting Eureka County, including Ormat Crescent Valley Geothermal Project, Grant Canyon Oil Three Bar Wells, and Diamond Oil Well. Mr. Tibbitts placed this item on the agenda in case the Natural Resources Advisory Commission had formal recommendations for the Board, but it didn't at this time.

Currently, very little is known about Ormat's proposed geothermal project near Crescent Valley but, in the next week, Mr. Tibbitts and Jeb Rowley will meet with Ormat's environmental representative to discuss the project. All proposed projects are in the preliminary stage and the federal NEPA process has not yet begun.

CORRESPONDENCE

Correspondence was received from: Dan Stevens (2); Mike Gilbert; Sheriff Jesse Watts; Natural Resources Advisory Commission; Eureka County Television District; GMP Water Manager Bryce Vorwaller; Crescent Valley Town Advisory Board; Rehab Services of Nevada; Nevada POOL/PACT; Nevada Div. of Water Resources; Nevada Dept. of Transportation; Nevada Dept. of Business & Industry (2); Nevada Dept. of Health & Human Services; Nevada Dept. of Agriculture; US Dept. of the Interior, BLM; National Assoc. of Counties (5); and Governing electronic newsletters.

Commissioner Reports: Commissioner McKay said he had an interesting meeting with NV Energy and Sheldon Mudd recently in Elko concerning the company's green energy goals.

Chairman Goicoechea participated in a webinar with Rocky Mountain Mineral Law Foundation, and sage grouse was the primary topic of discussion. Other attendees included Laura

Granier Esq., representatives of Western Watersheds Project and the US Department of Interior. The Chairman was a presenter for the webinar and was able to champion the Nevada State Plan and the Conservation Credit System.

PUBLIC COMMENT

Chairman Goicoechea opened the floor for public comments, beginning with an announcement that on April 24th the County's oldest living resident, Floyd Slagowski (Sally Goicoechea's grandfather) will celebrate his 105th birthday. There were no other public comments.

ADJOURNMENT

Commissioner Sharkozy motioned to adjourn the meeting at 11:50 a.m.; Commissioner McKay seconded the motion, and the meeting was adjourned.

Approved by vote of the Board this 20th day of May, 2021.

/s/ J.J. Goicoechea, DVM
J.J. Goicoechea, Chairman

I, Jackie Berg, Commissioner Administrative Assistant, attest that these are a true, correct, and duly approved minutes of the April 20, 2021, meeting of the Board of Eureka County Commissioners.

/s/ Jackie Berg
Jackie Berg, Commissioner Administrative Asst.

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 Administrative Assistant.

/s/ Lisa Hoehne
Lisa Hoehne, Clerk