

**EUREKA COUNTY BOARD OF COMMISSIONERS**

**April 20, 2022**

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, 2022. Present were Chairman J.J. Goicoechea, Commissioner Rich McKay, District Attorney Ted Beutel, and Administrative Assistant Jackie Berg. Vice Chair Michael Sharkozy was absent. 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 between Crescent Valley and Eureka for the entire meeting.

**APPROVAL OF AGENDA**

The following items were removed from the agenda: Commissioners #1; Nevada Department of Indigent Defense #3, and Sheriff #6. Chairman Goicoechea noted that the Medical Clinics Advisory Committee and the Sheriff would be taken earlier than the times listed on the agenda. Commissioner McKay motioned to approve the agenda with the stated changes; Chairman Goicoechea seconded the motion; motion carried 2-0.

**PUBLIC COMMENT**

Chairman Goicoechea opened the floor for public comments; there were none.

**APPROVAL OF MINUTES**

February 22, 2022: Chairman Goicoechea motioned to approve minutes of the February 22, 2022, meeting; Commissioner McKay seconded the motion; motion carried 2-0.

**MEDICAL CLINICS ADVISORY COMMITTEE**

Crescent Valley Clinic RFP: Irma Davila, Chair of the Medical Clinics Advisory Committee, presented a draft Request for Proposals (RFP) for the Board’s review. The RFP will be advertised and distributed with the goal of securing a medical provider for the Crescent Valley Clinic.

After discussion of timeline and final edits, it was agreed to advertise the RFP for a minimum of 60 days. The Commissioners will review the finalized RFP and consider approval during the May 6<sup>th</sup> meeting. After the RFP submission deadline, MCAC will meet to open and review the proposals and will present its recommendation on the top ranked candidate(s) during a regularly scheduled Commission meeting.

Survey Regarding Weekend On-Call Services: After reviewing low usage statistics, hearing some feedback, and considering the high cost of weekend on-call services provided at the Eureka Clinic, the Committee voted to conduct an email based survey to hear the community’s wishes on continuing the service.

The weekend on-call service costs Eureka County an additional \$108,160.00 per year (\$9013.33/month) on the clinic contract. In the first 15 months, there were 42 encounters, averaging 0.8 calls per weekend. Only 45% of these were seen in person, with 32% resolved over the phone, and 23% referred to a higher level of care.

There were concerns that this may not be the best use of taxpayer money. Ms. Davila said the Committee hopes the survey will reveal if the community is simply unaware of the service, if they’ve had problems accessing it, or if it is underutilized for another reason.

Ms. Davila described how she will build the email database to capture a broad section of the community; hard copies of the survey will be available at the Senior Center. There was a brief discussion, which helped streamline the survey questions.

FY 2023 Clinic Contract: Ms. Davila relayed that MCAC had the following recommendations for renewing the clinical services contract with William Bee Ririe for Fiscal Year 2023:

- Eliminate physician visits for a contract savings of \$104,000.00 annually, due to cost versus patient numbers;
- Pending results of the RFP, leave Crescent Valley services in the contract, including the clause that would allow the contractor to opt-out of those services (if mutually agreed) should an alternate provider be secured, at which time the monetary consideration will be adjusted accordingly;
- Potential reduction if weekend on-call services are eliminated or reduced.

Commissioner McKay motioned to accept the recommendation of the Medical Clinics Advisory Committee to renew the clinical services contract with William Bee Ririe Hospital & Rural Health Clinic for Fiscal Year 2022-2023, with the stated changes and potential additional reductions, for an annual not to exceed amount of \$533,160.00. Chairman Goicoechea seconded the motion. Motion carried 2-0.

## **COMPROLLER**

Payment of Expenditures: Expenditures were presented for approval by Comptroller Kim Todd. Commissioner McKay motioned to approve expenditures in the amount of \$415,103.26 for accounts payable, and \$282,777.30 for payroll and benefit related expenses (including employee paid deductions), for a grand total of \$697,880.56. Chairman Goicoechea seconded the motion. Motion carried 2-0.

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

## **FISCAL YEAR 2022-2023 BUDGET – Proposed Changes**

Budget Reductions: The Comptroller explained that two utility trucks, included in the upcoming year's budget, have been received before the end of the current fiscal year and can be deducted. The Capital Projects Fund and the Town of Eureka Fund will each be reduced by about \$45,000.00, accounting for the trucks.

Sheriff: Sheriff Jesse Watts requested an additional \$10,000.00 for the investigations line item in his budget, for a total of \$30,000.00 in that category. He explained this will offset increases to the forensic services contract.

IT Department: IT Director Misty Rowley relayed a large request. Since the amount that the County wishes to seek through the broadband grant has increased (doubled), she needed to double the 5% commission that the grant writer can potentially earn if the full \$20 million is secured – for an additional \$500,000.00.

The County Engineer estimated the environmental work (NEPA) required as part of the grant application will be \$150,000.00. This may be reduced somewhat with changes to network design, but the recommendation was to budget the full amount. Thus, the total increase requested for contract services in the Technology Support budget was \$650,000.00.

Ms. Rowley reminded the Board that each part of the planned broadband infrastructure buildout project must come before the Board before money is expended, and the Board has the ability to deny or reduce the project at those times.

Approve Budget Additions: Commissioner McKay motioned to approve the proposed budgetary changes, an increase of \$30,000.00 in the Sheriff's budget and an increase of \$650,000.00 in the Technology Support budget. Chairman Goicoechea seconded the motion. Motion carried 2-0.

### **UNR COOPERATIVE EXTENSION**

Diesel Pickup Purchase: Extension Educator Gary McCuin requested authorization to spend \$60,000.00 for a diesel pickup truck for Cooperative Extension, explaining a vehicle is badly needed. He and the current herd manager are driving personal pickups that are "junk." The replacement herd manager should arrive in July and will require a vehicle.

In the current market, Mr. McCuin found that some dealers are no longer doing government sales and discounts. He was able to obtain quotes on three low-mileage used Dodge Ram pickups ranging in price from \$60,000.00 to \$77,000.00 from Dolan Dodge in Reno. Elko Dodge provided a cover letter and a quote, and can order a new 3500 Dodge Ram pickup for just under \$58,000.00.

There was a brief discussion to clarify that this vehicle will be a University/Cooperative Extension owned, maintained, and housed vehicle, but requires County approval for purchase. The Board noted that a second quote for a new pickup of the same model and specifications was required before Mr. McCuin can proceed with the purchase.

Commissioner McKay motioned to authorize purchase of a 2022 Dodge 3500 Tradesman diesel pickup for a not to exceed amount of \$60,000.00 utilizing monies budgeted for capital outlay (030-120-55010-000) in the Agricultural Extension Fund. Chairman Goicoechea seconded the motion. Motion carried 2-0.

### **COMMISSIONERS**

Contract with Black Rock Resource Services LLC: Jake Tibbitts explained that the County contracted with Steve Walmsley and William Price (Black Rock Resource Services) as consultants and expert witnesses to testify in the Diamond Valley Adjudication case in District Court. At the time, it was unknown that the court would invoke a *de Novo* review (requiring full discovery and complete depositions), nor that it would order post-trial blind briefs. This caused the time needed for preparation and post-trial work to increase substantially, and the contract amount should be adjusted accordingly.

Commissioner McKay motioned to amend and increase the contract with Black Rock Resource Services LLC by \$30,000.00 to cover additional, previously unanticipated, expertise related to BLM depositions and post-trial assistance in the Diamond Valley Water Adjudication. Chairman Goicoechea seconded the motion. Motion carried 2-0.

ARPA Funds: The County received two distributions of American Rescue Plan Act monies (\$197,000.00 each) and, last September, the Board took action to allocate the second distribution towards identifying and developing wells to supply water for road maintenance and as a backup source for fire suppression. The County since learned that the project didn't qualify under the Act. Staff recommended that the Board reallocate the second distribution of \$197,000.00 to a drinking water project, which does qualify.

Commissioner McKay motioned to reallocate all remaining American Rescue Plan Act funds to the Devil's Gate GID water mainline extension; Chairman Goicoechea seconded the motion; motion carried 2-0.

Fiscal Accountability & Credit Card Spending: On April 6<sup>th</sup>, the Board appointed a working group to examine local codes and policies and to make recommendations to improve fiscal accountability. The group consisted of the District Attorney, Comptroller, and Treasurer.

District Attorney Beutel relayed that the resulting recommendation was to eliminate the current practice of issuing credit cards to every employee and to revise County Code accordingly.

Employees would use expense reports to request funds in advance or to request reimbursement for expenses paid by them or charged to a personal credit card. This was the practice about ten years earlier, before individual credit cards were issued.

In explaining why credit cards are problematic, Mr. Beutel said the working group found that over \$500,000.00 was charged to County credit cards over the past two years. When employees use credit cards to purchase a product or service, it eliminates the Board's ability to deny the purchase. By the time the Board reviews the credit card statement, the product has already been received or consumed and, in most cases, the opportunity for return and refund has passed.

The group recognized that using expense reports would cause additional paperwork and recommended an additional position to ensure existing staff aren't overburdened and to avoid delays in issuing advance funds for emergency purchases or reimbursements.

Chairman Goicoechea asked if the group contemplated issuing a single credit card to each department, as in the past. Mr. Beutel responded that he recognized the convenience of having a card available in each department, but the group felt that the damage the County was experiencing from credit card misuse was staggering and led to the recommendation of eliminating all cards.

Comments from staff included one from Dorothy Rowley. She said Justice Court employees use the credit cards responsibly and she felt the County should identify where the problem exists rather than making a 'blanket' decision that affects everybody.

Chairman Goicoechea said Ms. Rowley made a good point – for example, over the last two years (2020 & 2021), Justice Court charged a total of \$12,000.00 to credit cards, Natural Resources charged \$3,000.00, the Commissioners charged \$3,000.00, and the Sheriff's Office charged over \$185,000.00. The Comptroller offered to make these records available to any employee or member of the public upon request.

Commissioner McKay recognized there was a problem, but felt eliminating all credit cards was a drastic step. He agreed with Ms. Rowley that the source of the problem should be identified, and he wanted to hear Commissioner Sharkozy's opinion as well.

Chairman Goicoechea agreed that this was a decision for the entire Board. He said he will continue reviewing the documentation provided by the working group and this issue will be addressed further at a future meeting when the entire Board is present.

Donation to Boys & Girls Club: Mark Jacoby, Rural Director for the Boys & Girls Club of Truckee Meadows, was in attendance seeking a \$10,000.00 donation. He explained that Boys & Girls Clubs typically serve youth ages six to 18, but the Truckee Meadows Club has had tremendous success in establishing early learning centers and is currently in the process of opening a center in Ely. The local "moms' group" submitted a letter supporting the donation, which will be used to create conceptual drawings of the eventual Eureka County Boys & Girls Club. Mr. Jacoby said the Truckee Meadows Club has been working extensively with the local moms, who reached out for assistance in establishing a much-needed licensed child care facility in Eureka.

Commissioner McKay motioned to donate \$10,000.00 from miscellaneous grants in the Commissioners' budget to the Boys & Girls Club of Truckee Meadows to select and hire an architect or engineer to provide conceptual drawings and preliminary plans for a club/child care facility in Eureka. Chairman Goicoechea seconded the motion. Motion carried 2-0.

Public Defender Contract: Kelly C. Brown, Esq., sent a letter with requested changes as the Board considered renewal of the public defender contract. Due to an increase in workload, he asked for an annual consideration of \$75,000.00 (previously \$60,000.00). He recommended a \$15,000.00 reduction in the amount budgeted for conflict counsel, which will result in a direct offset of the increase in his contract.

Mr. Brown explained that, in the past, his wife was the prosecutor for domestic violence cases. To avoid a conflict of interest, he could not serve as public defender on these cases and conflict counsel was appointed. He will now be taking all of those cases.

Commissioner McKay motioned to extend the public defender contract with Kelly C. Brown, PLLC, for Fiscal Year 2022-2023 in the amount of \$75,000.00; Chairman Goicoechea seconded the motion; motion carried 2-0.

Continued Review of Sheriff Vehicle Purchases: During the April 6<sup>th</sup> meeting, Sheriff Jesse Watts presented bid documents for review concerning previously purchased vehicles and vehicles yet to be received. When asked, at the time, if he had presented all required documentation, he responded that he had. At that meeting, the Board asked the Comptroller to audit the documentation and provide her findings for the Board's review at the next meeting (this meeting). Following are the results outlined in the Comptroller's letter (not verbatim; summarized for these minutes).

- **2021 Ford Explorer purchased October 20, 2021**
  - Vehicle approved at June 21, 2021, Commission meeting; however, vehicle was ordered through Gallagher Ford on April 28, 2021 (order confirmation attached to letter)
  - Only one quote provided by Gallagher Ford (State law/County Code require two quotes); State Purchasing contract amounts are not vendor quotes/bids
  - Invoice (actual amount paid) exceeds quote by over \$2,000
- **2021 Ford Expedition purchased August 20, 2021**
  - Vehicle approved at June 21, 2021, Commission meeting; however, vehicle was ordered through Gallagher Ford on April 30, 2021 (order confirmation attached to letter)
  - Only one quote provided by Gallagher Ford (State Law/County Code require two quotes): State Purchasing contract amounts are not vendor quotes/bids
  - Invoice amount exceeds quote amount; options added after quote
- **Two (2) 2021 Ford F-150 Supercrew Cab 4x4**
  - Vehicles approved at June 21, 2021, Commission meeting; no documentation provided on date ordered from Gallagher Ford, trucks expected to arrive by the end of May
  - Only one quote provided by Gallagher Ford (State law/County Code require two quotes); State Purchasing contract amounts are not vendor quotes/bids
  - No order documents provided; it is unknown if 2021 models were ordered; it is unknown if invoice will match quote

Chairman Goicoechea commented that the County can expect an audit finding due to the vehicles being purchased in violation of State law. He noted that the County paid more for at least some of the vehicles than if State Purchasing had been used. The Sheriff had previously claimed he saved the County \$16,625.00 by not going through State Purchasing. Comptroller Kim Todd confirmed that the Explorer cost \$2,000.00 more than State Purchasing.

Chairman Goicoechea said to the Sheriff, *"You actually ordered these in April and we didn't approve them until June."*

Sheriff Jesse Watts responded, *"I didn't order them; I got the quotes in April."*

**(Note: Contrary to the Sheriff's claim, the Comptroller contacted Gallagher Ford directly for any order sheets not included among the Sheriff's documentation and she personally received confirmation of the order dates of April 28<sup>th</sup> and April 30<sup>th</sup> listed in her audit letter to the Board.)**

Consider Action to Avoid Further Audit Findings: In order to avoid additional audit findings, Chairman Goicoechea directed the Sheriff to not take delivery on the Ford F-150 Supercrew Cab trucks not yet received, and motioned that the Sheriff and Comptroller contact Gallagher Ford to stop delivery of the two Ford F-150 trucks. Commissioner McKay seconded the motion. Motion carried 2-0.

The Sheriff was reminded that all vehicle purchases are to be made through Public Works. Chairman Goicoechea motioned that two quotes must be produced to the Board for any vehicle purchases not made through State Purchasing, and the Comptroller and Public Works Director must confirm that all vehicle purchases are appropriate and in accordance with the budget before being presented to the Board for approval. Commissioner McKay seconded the motion. Motion carried 2-0.

Reaffirming County Regulations Concerning Surplus Property: As a refresher for staff, the steps (in County Code) required to determine whether an item is surplus property were briefly reviewed. This includes written determination by an employee, department head confirmation, Public Works approval on vehicles, and IT Department approval on computer or peripheral items before the item is presented to the Board for final approval.

Commissioner McKay motioned to reaffirm Eureka County Code, Title 3, Internal Control Policy, Chapter 20, Purchasing Procedures, as it relates to disposal of surplus property or personal property of a local government entity, pursuant to NRS 332.185. Chairman Goicoechea seconded the motion. Motion carried 2-0.

## **SHERIFF**

Quarterly Report: Sheriff Watts provided computer generated reports showing statistics for January, February, and March. There were 2,637 incidents during the quarter. Quarterly inmate statistics showed that the number of inmates varied between two and three on any given day, but the Sheriff explained that inmates are actually transferred to neighboring counties to be housed. One inmate was kept for a short stay during March.

Overage on Pre-Approved Tuition: On March 21<sup>st</sup>, the Board approved \$900.00 in tuition for two Search & Rescue volunteers to attend training, but the credit card was charged \$970.00. The Sheriff explained that Search & Rescue missed a cutoff date for discounted tuition and had to pay the extra \$70.00 (\$35.00 per person).

Commissioner McKay motioned to authorize the overage of \$70.00 for additional tuition fees for two Search & Rescue volunteers to attend training in Albuquerque, New Mexico, November 2-7, 2022. Chairman Goicoechea seconded the motion. Motion carried 2-0.

Front Line PSS QA Tracker Link Software: The Sheriff submitted a quote for software that will link quality control front line software from Dispatch to the report writing system, which will save manual transfer of the data.

Commissioner McKay motioned to approve a quote from Sun Ridge Systems Inc. for RIMS to FrontLinePSS QA Tracker Link Software for an amount not to exceed \$5,100.00 utilizing monies budgeted for communication support (010-034-53010-044) in the Sheriff's budget. Chairman Goicoechea seconded the motion. Motion carried 2-0.

Forensic Services Contract for FY2023: Sheriff Watts presented the forensic services contract for the upcoming year, with a slight increase over the current contract fee of \$10,369.00.

Chairman Goicoechea motioned to approve and sign a contract with Washoe County Sheriff's Office, Forensic Science Division, for forensic services in Fiscal Year 2023, with Scope of Work Option A in the amount of \$12,967.00. Commissioner McKay seconded the motion. Motion carried 2-0.

Interlocal Agreement with Lander County: The Sheriff presented an agreement with Lander County to house Eureka County inmates for \$125.00 per 24-hour period and transportation costs of \$60.00 per hour and \$0.55 per mile. The District Attorney reviewed and approved the agreement after obtaining a copy from Lander County.

Commissioner McKay motioned to approve the Interlocal Agreement between Lander County and Eureka County for housing of Eureka County inmates for Fiscal Year 2023 for an amount not to exceed \$25,000.00. Chairman Goicoechea seconded the motion. Motion carried 2-0.

## **TREASURER**

**Treasurer's Report:** The Treasurer's Report for March was submitted by Treasurer Pernecia Johnson, showing an ending General Fund balance of \$43,881,693.12.

**Delinquent Tax Sale:** Ms. Johnson reported that her office was currently opening bids from the delinquent property tax auction that closed at 4:00 p.m. on April 19<sup>th</sup>, and sales appeared quite profitable. Upon conclusion of the auction, the County officially became owner of the parcel it retained in northern Eureka County for development of a gravel pit.

## **CRESCENT VALLEY TOWN ADVISORY BOARD**

**Crescent Valley Fun Days:** A request was received from the Crescent Valley Town Advisory Board to use \$3,100.00 from the North End Activity Fund to pay for food, prizes, permits and other services and supplies to support the annual Fun Days scheduled for June 25<sup>th</sup> in Crescent Valley. Chairman Goicoechea noted that this donation will deplete the Activity Fund for the current fiscal year (leaving a balance of \$7.00), and the Board will not entertain or consider any augmentation to this fund.

Chairman Goicoechea motioned to donate \$3,100.00 from the North End Activity Fund for the 2022 Crescent Valley Fun Days, with the check issued to Cindy LaRoche, Chair of the Crescent Valley Town Advisory Board. Commissioner McKay seconded the motion. Motion carried 2-0.

## **NEVADA DEPARTMENT OF INDIGENT DEFENSE SERVICES**

**County Plan:** Kelly Brown, Esq., updated the County's Plan for submission to the State by May 1<sup>st</sup>. In a letter to the Board, he noted a minor change to align with a statutory update, and indicated the budgetary changes for his contract and conflict counsel.

Commissioner McKay motioned to approve the Eureka County Plan for Provision of Indigent Defense Services for Fiscal Year 2022-2023 as presented by the public defender for submission to the Nevada Department of Indigent Defense Services. Chairman Goicoechea seconded the motion. Motion carried 2-0.

**Quarterly Financial Status Report:** Chairman Goicoechea motioned to approve the Quarterly Financial Status Report showing a total of \$24,677.00 was spent on indigent defense during the quarter (January, February, March), which was due to the Nevada Department of Indigent Defense Services by May 1<sup>st</sup>. Commissioner McKay seconded the motion. Motion carried 2-0.

## **AMBULANCE & EMS**

**Report on Activities:** EMS Director Kenny Sanders reported there were a total of 20 calls for ambulance service in March, with 10 responses from the Eureka station, and 10 responses from the Crescent Valley station. Five patients were transferred to air medical services. He noted there were a total of 69 runs for the quarter. EMS continues providing CPR training to interested individuals. Mr. Sanders and staff are conducting the semi-annual check of all AEDs (automated external defibrillator) throughout the County.

**Quarterly Report:** EMS submitted a report showing federally mandated write-offs of Medicaid and Medicare ambulance accounts. A total of \$541.00 was written off for the quarter - \$291.00 for January, \$250.00 for February, and zero for March.

**Hiring Freeze Waiver Justification – EMT I, II, III:** The Board reviewed the Hiring Freeze Waiver for a full-time paid EMT position in Crescent Valley that will be vacant as of April 22<sup>nd</sup>. Commissioner McKay motioned to waive the hiring freeze and authorize the Director to fill the position of EMT I, II, or III; Chairman Goicoechea seconded the motion; motion carried 2-0.

## **JUSTICE COURT**

**JAVS Upgrade:** Justice of the Peace Dorothy Rowley explained that Justice Court has authority to spend funds collected in the Administrative Assessment account, and in turn reports any purchases to the Board. She brought this matter forward for approval in keeping with the Board's purchasing guidelines, documented in a resolution adopted earlier in the year.

Chairman Goicoechea motioned to approve upgrades to the JAVS (Justice Audio/Video Solutions) System in the amount of \$48,403.13 to be paid with Justice Court Administrative Assessment fees (230-275-55010-000). Commissioner McKay seconded the motion. Motion carried 2-0.

## **COUNTY FACILITIES**

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

**Opera House:** The Opera House had 63 tourists in March. A total of 738 people attended meetings and events. March events included a blood drive, dance recital, the Lincoln Day Dinner, i80 Gold open house, and various meetings. Events to-date in April include Tylor & the Train Robbers on April 2<sup>nd</sup> and a piano concert by Christina Cuda Robertson on April 8<sup>th</sup>. Upcoming events include a performance by Doug Figgs on May 21<sup>st</sup>; the Old Time Fiddlers Contest May 6<sup>th</sup>-7<sup>th</sup>; Alumni Dinner on May 28<sup>th</sup>; and the annual VFW Memorial Day Ceremony on May 30<sup>th</sup>.

**Sentinel Museum:** The Museum had 45 visitors in March.

**Swimming Pool:** The Pool had 248 swimmers for the month, including four birthday parties. Water Safety Instructor Training is scheduled for June 4<sup>th</sup>-5<sup>th</sup>, and should result in five new certifications, which will be a great help when swimming lessons begin in June.

**Eureka Canyon Subdivision:** The preliminary title report is pending for the two lots being purchased by Nevada Department of Transportation. Ms. Jeppesen called the title company that morning about the fast-approaching deadline, and she hopes to receive the title report soon.

**Eureka Landfill:** The Landfill had 328 municipal customers and 56 commercial customers in March. It received 94 tons of municipal waste and 108 tons of construction and demolition debris. 150 feet of litter fence has been installed.

**Eureka Airport:** Fuel sales for the month totaled \$5,157.00 – accounted for by sale of 300 gallons of avgas and 824 gallons of Jet A fuel.

## **PUBLIC WORKS**

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

**Upcoming Road & Utility Project:** He provided the Board with a tentative timeline - schedule of tasks – for the upcoming multi-year road and utility project. Concentrated preparations in Crescent Valley are ongoing and will continue into the next month. The 30% plans for Eureka Phase 1 have been reviewed. The 21-day advertising period for the CMAR (construction manager at risk) will begin April 29<sup>th</sup>. The CMAR selection committee will be established in May, proposals will be reviewed and interviews will be conducted in June, and a recommendation should be forthcoming by the second Commission meeting in June.

Lumos & Associates will submit a proposal for design and permitting of a 3,500 feet 8-inch water line in Crescent Valley along Airport Avenue. The permitting will take about three months.

**MOU with Nevada Gold Mines:** Mr. Rowley and Raymond Hodson met with Nevada Gold Mines concerning the Memorandum of Understanding for road maintenance on Grass Valley Road and JD Ranch Road. The mine plans on closing the Lodge at Pine Valley which will increase traffic on the roads. This MOU will be tied to an amount for maintenance related to road use above that which is usual and customary and won't be tied to a specific operator position. The MOU is not ready for signature, but progress was made at the meeting.

Devil's Gate Main Line Extension: Work is actively underway on the water line looping in Devil's Gate GID, aka the Third Street Subdivision.

Volunteer Fire Departments: Jeremy Rice was selected as new Fire Chief for the Volunteer Fire Department in Crescent Valley. On March 11<sup>th</sup>-12<sup>th</sup>, Diamondback Fire & Rescue serviced all extrication equipment in Crescent Valley, Beowawe, Diamond Valley, and Eureka.

Cooperative Fire Protection Agreement & Annual Operating Plan: Mr. Rowley explained that it was time to renew the Cooperative Agreement and Annual Operating Plan, which are part of the Wildland Fire Protection Program and specifically identify areas of response, operation, reimbursements, and how attacks on wildland fire are cooperatively managed between Eureka County, the different BLM Districts, and Nevada Division of Forestry. The US Forest Service was added as a party to the agreement in 2017.

Chairman Goicoechea motioned to approve the Cooperative Fire Protection Agreement between Eureka County Fire Protection District; USDA Forest Service, Humboldt-Toiyabe National Forest; and US Department of the Interior, Bureau of Land Management, Battle Mountain District and Elko District; and the Annual Operating Plan for the Cooperative Fire Protection Agreement. Commissioner McKay seconded the motion. Motion carried 2-0.

Mr. Rowley added that the annual coordination meeting with the BLM will be April 21<sup>st</sup>.

Residential Water Services: Chairman Goicoechea motioned to approve two applications for 3/4-inch residential water hookups in Devil's Gate GID, one for APN 007-397-05, and one for APN 007-398-02. Commissioner McKay seconded the motion. Motion carried 2-0.

Proposal for Aerial & Topographic Survey: Lumos & Associates provided a proposal to fly the town of Crescent Valley (one square mile) in order to show elevations, boundary lines, and other features, to be used for material estimations, water line relocation, etc., as the County moves forward with the multi-year road and utility project. County staff is participating in the survey work to reduce overall costs.

Commissioner McKay motioned to approve Proposal LA22.238 from Lumos & Associates for Task 1, Project Area Orthophotography in Crescent Valley, for a not to exceed amount of \$17,000.00 to be paid with funds budgeted for capital outlay (025-110-55010-000) in the RTC Fund. Chairman Goicoechea seconded the motion. Motion carried 3-0.

Proposal for Tank Repainting Project: Mr. Rowley explained that permitting must be obtained through Nevada Division of Environmental Protection since this tank painting project involves drinking water. Lumos & Associates prepared a proposal to complete technical specifications, permitting, bidding, and construction administration for the project.

Chairman Goicoechea motioned to approve Proposal LA22.248 from Lumos & Associates for the Crescent Valley Tank #2 Re-Painting Project for an amount not to exceed \$16,840.00 to be paid with funds budgeted for capital outlay (042-140-55010-746) in the Capital Projects Fund. Commissioner McKay seconded the motion. Motion carried 2-0.

Pickup Truck Purchases: Mr. Rowley said the next three agenda items were for pickup trucks and all will be procured using Nevada State Purchasing contracts, so no bids were required. Two of the pickups were previously budgeted, but were not available due to supply chain issues. The window to pre-order contract vehicles from the vendor for the current year opens April 21<sup>st</sup> and is expected to close in a few weeks, but will secure a build slot for the vehicles. Projected amounts were based on 2022 models with 15% contingency; the Board will be advised of final quotes once 2023 pricing is posted to the State of Nevada contract site.

Chairman Goicoechea motioned to approve purchase of one new 2023 Chevrolet Silverado 2500 Crew Cab and Chassis 1LT pickup from Champion Chevrolet, for a projected amount of \$40,895.80, utilizing funds budgeted in Fiscal Year 2023 for capital outlay (020-106-55010-000) in the Road Department Fund. Commissioner McKay seconded the motion. Motion carried 2-0.

Chairman Goicoechea motioned to approve purchase of one new 2023 Chevrolet Silverado 2500 Standard Cab and Chassis pickup from Champion Chevrolet, for a projected amount of \$36,715.55, utilizing funds budgeted in Fiscal Year 2023 for capital outlay (020-106-55010-000) in the Road Department Fund. Commissioner McKay seconded the motion. Motion carried 2-0.

Chairman Goicoechea motioned to approve purchase of one new 2023 Chevrolet Silverado 2500 Crew Cab Short-bed 1LT pickup from Champion Chevrolet, for a projected amount of \$43,983.15, utilizing funds budgeted in Fiscal Year 2023 for capital outlay and earmarked for the County Car Pool (042-140-55010-091) in the Capital Projects Fund. Commissioner McKay seconded the motion. Motion carried 2-0.

Flatbeds: Approval was sought to purchase flatbeds for the first two pickups approved. Chairman Goicoechea motioned to approve purchase of one CM RD2 Model 8'6" Flatbed from Semi Service for an amount not to exceed \$4,392.91, utilizing funds budgeted in Fiscal Year 2023 for capital outlay (020-106-55010-000) in the Road Department Fund. Commissioner McKay seconded the motion. Motion carried 2-0.

Chairman Goicoechea motioned to approve purchase of one CM RD2 Model 7' Flatbed from Semi Service for an amount not to exceed \$4,180.79, utilizing funds budgeted in Fiscal Year 2023 for capital outlay (020-106-55010-000) in the Road Department Fund. Commissioner McKay seconded the motion. Motion carried 2-0.

Water Rates Discussion: Ms. Jeppesen has been working on water rates in order to make a reasonable rate increase proposal for the Board's consideration. But the numbers are challenging, and she doesn't anticipate balancing expenses and revenues for easily ten years, and that's with a higher percentage increase than the suggested 8%. She would like to review the data again to ensure calculations are correct before formally offering any proposals to the Board.

## **NATURAL RESOURCES**

Report on Activities: Natural Resources Manager Jake Tibbitts reported on recent activities.

NDOT Meeting: Mr. Tibbitts had a productive meeting with Nevada Department of Transportation on April 6<sup>th</sup> concerning possibility of partnering with the County or Conservation District on a sage grouse project. In exchange for financial assistance on a qualifying project, NDOT could earn the conservation credit needed under the Conservation Credit System for construction of the new maintenance yard.

Webinar: On April 7<sup>th</sup>, Mr. Tibbitts attended a webinar hosted by Department of the Interior related to allocation of \$9.5 million towards wildlife corridors and seasonal habitats. There are potential implications on both private land and on grazing permits on federal land. The greatest local impact will likely involve fencing modifications; but these will create drift between grazing allotments and, much worse, will create a public safety issue.

Chairman Goicoechea noted that the wildlife-friendly fences the Department of the Interior is placing with these funds are not legal fences according to State statute – Nevada Revised Statutes has a legal fence definition. When requested, Nevada Department of Transportation will install these fences on rights-of-way adjacent to grazing allotments. NDOT and Nevada Department of Wildlife have been asked who will be responsible when livestock are entering the roadways. Both agencies have claimed they will take responsibility.

Intergovernmental Executive Committee: Mr. Tibbitts and the Chairman attended the Navy's IEC meeting on April 11<sup>th</sup>. The committee was formed to work on compromises and find common ground, but each meeting has just been the Navy repetitively talking about all the great things the expansion will do for the military.

Conservation District: Eureka Conservation District met on April 13<sup>th</sup>. The District has applied for Greater Sage Grouse funding through the State to continue Pinyon Juniper removal projects.

NRAC Meeting: Natural Resources Advisory Commission met on the evening of April 13<sup>th</sup> and provided input and recommendations regarding the day's Natural Resource agenda items.

NDOT/BLM NEPA Meeting: NDOT had its official NEPA kickoff meeting with the BLM on April 14<sup>th</sup> related to the Environmental Assessment for construction of the new maintenance yard. NDOT is considering two sites in Diamond Valley, but is leaning towards the site off Highway 50 near the Sharrow Circle Subdivision. The alternate site is near the Collingwood gravel pit.

Subcommittee on Public Lands: On April 15<sup>th</sup>, Mr. Tibbitts traveled to Ely for the Legislative Subcommittee on Public Lands meeting. He discussed the Legislature's tendency to start new programs rather than providing adequate funding and capacity to existing programs. He encouraged reliance on local communities and existing groups for self-determination and finding common ground.

NEPA Regulations: Mr. Tibbitts said another rulemaking process was beginning for revision of NEPA regulations. This is more of what Mr. Tibbitts is calling "NEPA whiplash," the Biden Administration's attempt to undo everything the prior administration accomplished. The new administration already reinstated the pre-2020 NEPA regulations. This constant flux creates a lot of issues for mines that are in the process of permitting projects. The mining companies aren't "grandfathered in" so to speak, but instead are caught in limbo while the government goes through the change process, involving comment periods, publications, and other delays.

Upcoming Meetings: On April 21<sup>st</sup>, Mr. Tibbitts will attend a BLM scoping meeting on the Juniper Project for expansion of the Bald Mountain Mine. On April 22<sup>nd</sup>, he will attend the NACO Public Lands & Natural Resources Committee meeting. On April 26<sup>th</sup>, the BLM is hosting its annual meeting related to use of helicopters for wild horse and burro management. The first meeting of the local Area 14 working group for the State Wildlife Commission's Mule Deer Enhancement Program is scheduled for the evening of April 26<sup>th</sup>. The County Advisory Board to Manage Wildlife will meet on April 28<sup>th</sup>. And there are multiple mine permitting update meetings each week.

Juniper Project EIS: Mr. Tibbitts prepared a letter with scoping comments in response to the BLM's notice of intent to prepare an Environmental Impact Statement related to the Juniper Project. Eureka County has participated as a cooperating agency on the Bald Mountain Mine expansion a few years back. Mr. Tibbitts said much of the comments are the same, focusing on socioeconomic and regional impacts (from a mine that provides no tax revenue to Eureka County) as workers move into the community and students enroll in the local schools.

Chairman Goicoechea motioned to send the letter with scoping comments to the Ely District BLM in response to its Notice of Intent To Prepare an Environmental Impact Statement for the Bald Mountain Mine Plan of Operations Amendment Juniper Project. Commissioner McKay seconded the motion. Motion carried 2-0.

BLM Hearing – Use of Motorized Vehicles & Aircraft in Management of Wild Horses: A hearing has been scheduled on April 26<sup>th</sup> for the BLM to accept comments on the use of motorized vehicles and aircraft in the management of wild horses and burros. In the County's comment letter, Mr. Tibbitts wrote that it is essential that helicopter and other motorized vehicle use continue as the recognized efficient, effective, and humane methods for gathers over wide areas and rugged terrain. The letter cites studies and articles by expert Dr. John Derek Scasta, University of Wyoming, that report significantly lower death rates during helicopter gathers.

Chairman Goicoechea motioned to send the comment letter to the Bureau of Land Management in Washington, DC, supporting the use of motorized vehicles and aircraft in the management of wild horses and burros. Commissioner McKay seconded the motion. Motion carried 2-0.

In a related comment, Mr. Tibbitts noted that the Natural Resources Director for Elko County commented on recent criticism in the media about use of helicopters for gathers, stating that proper training for the pilots on handling horses and herding animals was appropriate instead of disparaging the entire program.

**CORRESPONDENCE**

Correspondence was received from: Anonymous letter regarding Sheriff employee workouts while on duty; Attorney Ted Beutel; Comptroller Kim Todd; Crescent Valley Town Advisory Board; Elko County Natural Resources; White Pine County; Kelly C. Brown Esq.; Nevada Dept. of Business & Industry (2); Nevada Div. of Environmental Protection (3); UNR CABNR; Congressman Mark Amodei; National Assoc. of Counties; US Dept. of Agriculture (2); US Dept. of the Interior-BLM; EOPA; and Governing E-news (multiple).

Commissioner Reports: Chairman Goicoechea reported that the Path Forward group has an upcoming meeting with representatives from both House and Senate Appropriations concerning shortfalls in the budget that could stifle the forward movement on improving wild horse management.

Representing rural interests, the Chairman will participate over two days in discussions concerning wildfire hosted by the US Forest Service the first week in May.

**PUBLIC COMMENT**

Chairman Goicoechea called for public comments; there were none.

**ADJOURNMENT**

The meeting was adjourned at 12:15 p.m.

*Approved by vote of the Board this 21<sup>st</sup> day of June, 2022.*

/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, 2022, meeting of the Board of Eureka County Commissioners.*

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

*I, Kathy Bacon Bowling, 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/ Kathy Bowling  
Katherine J. Bowling, Clerk