

# EUREKA COUNTY BOARD OF COMMISSIONERS

May 6, 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 May 6, 2022. Present were Chairman J.J. Goicoechea, Vice Chair Michael Sharkozy, District Attorney Ted Beutel, and Administrative Assistant Jackie Berg. Commissioner Rich McKay 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

Chairman Goicoechea made one correction to the agenda; the party representing Nevada Gold Mines should read Joel Donalson (not Jeff). Commissioner Sharkozy motioned to approve the agenda with that change; 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

March 7, 2022: Commissioner Sharkozy motioned to approve minutes of the March 7, 2022, meeting; Chairman Goicoechea seconded the motion; motion carried 2-0.

## COMPTROLLER

Payment of Expenditures: Expenditures were presented for approval by Comptroller Kim Todd. In reviewing the expenditure report, the Chairman asked if it was correct that over \$9,000.00 in overtime was paid for Sheriff's Office staff to attend the Leadership Summit in April. He also noted that one speaker at the Summit was paid over \$7,000.00. Ms. Todd confirmed that both statements were true.

Commissioner Sharkozy motioned to approve expenditures in the amount of \$413,804.51 for accounts payable, \$524,429.84 for payroll and benefit related expenses (including employee paid deductions), and the following pass-through tax allocations: \$180,393.47 to the Nevada State Controller (\$140,010.39 in school taxes and \$40,383.08 in other taxes), \$419.93 to the Nevada Department of Taxation, \$50.00 to the Nevada Division of Minerals, and \$168.00 to the Washoe County Crime Lab, for a grand total of \$1,119,265.75. Chairman Goicoechea seconded the motion. Motion carried 2-0.

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

## COMMISSIONERS

Resignation of Clerk Recorder: On April 29<sup>th</sup>, Clerk Recorder Lisa Hoehne submitted her letter of resignation to the Board indicating that May 11<sup>th</sup> would be her last day of work. Commissioner Sharkozy motioned to accept Lisa Hoehne's resignation as Clerk Recorder effective at close of business on May 11, 2022. Chairman Goicoechea seconded the motion. Motion carried 2-0. Chairman Goicoechea thanked Ms. Hoehne for her years of service to Eureka County.

Certification of Vacancy: Pursuant to NRS 245.150, the Secretary of State must be notified within ten days after a vacancy has occurred in an elected county office. Commissioner Sharkozy motioned to provide written notification to the Nevada Secretary of State certifying vacancy of the office of Clerk Recorder effective May 12, 2022. Chairman Goicoechea seconded the motion. Motion carried 2-0.

Appointment of Interim Clerk Recorder: Pursuant to NRS 245.170, the Board of County Commissioners is authorized to appoint a qualified elector to a vacant county office. Chairman Goicoechea recommended Kathy Bacon-Bowling, noting that she was the sole candidate on the 2022 ballot for the office of Clerk Recorder.

Commissioner Sharkozy motioned to appoint Kathy Bacon-Bowling to the office of Clerk Recorder for the remainder of the unexpired term, beginning May 12, 2022, through January 2, 2023. Chairman Goicoechea seconded the motion. Motion carried 2-0.

Chairman Goicoechea thanked Ms. Bowling for her willingness to serve in the interim. He also thanked Assessor Michael Mears for his cooperation, as his office loses its senior employee in this process.

Certification of Appointment: Within ten days after appointment of a qualified person to a vacant county office, written notification must be filed with the Secretary of State pursuant to NRS 245.020, and filed with the County Clerk pursuant to NRS 283.125.

Commissioner Sharkozy motioned that written certification of Kathy Bacon-Bowling's appointment to the office of Eureka County Clerk Recorder, effective May 12, 2022, be filed with the Nevada Secretary of State and the office of Eureka County Clerk. Chairman Goicoechea seconded the motion. Motion carried 2-0.

Annual Financial Report: Commissioner Sharkozy motioned to approve the Indigent Defense Annual Financial Status Report for Fiscal Year 2021 for transmittal to the Department of Indigent Defense Services. Chairman Goicoechea seconded the motion. Motion carried 2-0.

Public Defender Contract: Kelly Brown, Esq., sent a letter requesting Board approval for two changes to his new contract. He increased the term to two fiscal years (in keeping with his current contract), and annual consideration was increased by \$15,000.00. Mr. Brown explained that the District Court budget for conflict counsel could be reduced by \$15,000.00 as he will now be handling domestic abuse cases. His wife is no longer the prosecutor on those cases, removing the previous conflict of interest.

Commissioner Sharkozy motioned to approve the public defense services contract with Kelly C. Brown, PLLC, through June 30, 2024, for an annual consideration of \$75,000.00. Chairman Goicoechea seconded the motion. Motion carried 2-0.

Joint Letter Regarding Health District: Chairman Goicoechea has kept the Board apprised of efforts with Churchill County and other counties on creating a health district. The counties currently pay an assessment for mandatory services provided by the Department of Health & Human Services, but would like those to transition to the health district. Since the assessment is outlined in statute, the counties must seek an exemption.

Commissioner Sharkozy motioned to sign a joint letter with Churchill, Mineral, and Pershing Counties addressed to Churchill County Manager Jim Barbee and Governor Steve Sisolak requesting an exemption under NRS 439.4905, which would allow the counties to collaborate on an implementation plan for a health district. Chairman Goicoechea seconded the motion. Motion carried 2-0.

Public and Accessory Roads: The Board has received complaints recently, and has been asked to take action, concerning certain roads in the County that have been blocked. Chairman Goicoechea explained that the Board is bound by County Code and State law to oppose the blocking of public roads and accessory roads. Eureka County Code, Title 9, Chapter 50, Public Roads, states the following (in part):

“The County will:

1. Protect and defend against all interference the right of the public to travel and use the public roads within the County;
2. Oppose closure of any public roads except as authorized by this chapter; and
3. Maintain the public roads by conventional or other appropriate means, as from time to time authorized by the Board of County Commissioners, or designate certain public roads as

roads to be maintained only by passage and use without liability to the County, as permitted by Nevada Revised Statutes.”

State law not only supports what is outlined in County Code, but extensively addresses public roads, the public’s right to access and travel on said roads, prohibits obstruction of roads, and recognizes the jurisdiction of the local Board of Commissioners in relation to those roads.

Furthermore, the County is bound by a detailed Resolution, adopted in 1994 and still in effect today, that recognizes historic and public roads and states (in part):

“WHEREAS, it is the policy of Eureka County to ensure that all roads established in any way pursuant to R.S. 2477 be retained in perpetuity for the use of the public, and that the county as the governmental unit closest to the general public is the proper entity to maintain and defend the public’s rights declared in the grant of 1866.”

Chairman Goicoechea thanked Jake Tibbitts for compiling a packet of County plans, policies, and controls regarding public roads; pertinent Nevada case law regarding public roads across private land; and Nevada statutes regarding public roads. The Chairman offered that copies of the packet will be provided upon request to anyone who has not already received a copy. Copies can be requested from the Commissioners’ office or the Natural Resources Department.

Upon receiving complaints about the obstructed roads, the Chairman and Mr. Tibbitts researched and confirmed by historic survey maps and documentation that both roads in question existed prior to issuance of land patents and, therefore, were in existence before the land was private property.

Mr. Tibbitts added that there have been multiple complaints over the years on a number of roads, when people who have always used a road suddenly encounter a locked gate or a pile of dirt. He concurred that the authority over these roads falls to the County Commissioners, which is why they received the request to address the issue. Mr. Tibbitts relayed details of a recent case in Storey County with similar circumstances. A person purchased property and built a barricade on a road that had always been open to public use. It involved a federal right-of-way, so the case ended up in Federal District Court, and the court upheld that the road was established before the land became private.

Mr. Tibbitts commented that the County needs to undertake the venture of doing a comprehensive inventory in order to identify, with historical documentation, which roads are public and meet the legal standard of an RS 2477 right-of-way, as established in the Mining Act of 1866. He referenced NRS 113.065, which requires an open range disclosure when selling a home or an improved lot adjacent to open range. The statute recognizes that parcels may be subject to claims of RS 2477 rights-of-way. Mr. Tibbitts noted that the properties impacted by the subject roads have the required open range disclosures that specifically state, *“The parcel may be subject to claims made by the county or the state or rights of way granted by Congress over the public lands not reserved for public uses, commonly referred to as RS 2477 and accepted by general public use and enjoyment.”*

Mr. Tibbitts said it’s important to find solutions that work, so that the public can continue to use the public roads and the private landowner can continue to secure and protect their private property.

Chairman Goicoechea noted that State law allows property owners to install a gate across a public road but the gate cannot be locked. The landowner can post “no trespassing” or “no hunting” signs, but cannot impede travel on the public roadway.

There were several people in attendance impacted by this issue and Chairman Goicoechea invited their comments.

Daniel Venturacci and others agreed they were willing to “sit down at the table” with the Commissioners to discuss potential solutions. Some noted they are already working with property

owners towards a solution. Gary McCuin commented, *"We very much appreciate when landowners are willing to work with us to get our [sheep] camps where we need to be...but that isn't always the case."*

Ray Bailey stated it would be helpful if the County could install signage informing people that they are only permitted on the road. Jim Evans said the BLM plans to attend the next CAB (County Advisory Board to Manage Wildlife) meeting to provide information relative to alternative routing at Black Point.

Chairman Goicoechea cautioned that alternative routing usually isn't the best solution, because new routes don't have the RS 2477 protections and are subject to restrictions. There are roads in the County with seasonal restrictions limiting travel at specific times, due to their proximity to sage grouse leks. The Chairman advised that, until the County can complete a comprehensive roads inventory, any impacted parties should bring the matter before the Board of Commissioners.

Follow-Up on Decision to Transfer or Return MRAP: Chairman Goicoechea referenced Board action on February 22<sup>nd</sup> to transfer or return the Mine Resistant Ambush Protected Vehicle (MRAP) within 60 days, a deadline that has passed.

At that time, the County sent a letter to involved State agencies notifying that the MRAP was transferred to Eureka County Sheriff's Office without the Board's authorization, acknowledgement, awareness, or approval, which placed responsibilities on the local governing body. Public Works informed the Board that it does not have the capability to maintain such a vehicle. Concerns were also voiced regarding the vehicle's weight on town roads, especially in light of the tunneling under the Town of Eureka.

A response letter was received from the Nevada Department of Public Safety, Office of Criminal Justice Assistance, that a Program Compliance Review was scheduled for April 27<sup>th</sup>, which would include inspection of the MRAP. The County awaits a report on that review.

The Chairman observed that the MRAP was currently sitting in a parking lot at the Sheriff's Office with six flat tires, and he wanted to ensure that no monies were expended for maintenance, repairs, or operation. Chairman Goicoechea motioned that no funds be expended in relation to the MRAP, other than those necessary to facilitate its relocation outside of Eureka County. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

SO Employees Working Out on Shift: There have been Board discussions lately concerning credit card abuse. Some of the vouchers submitted for credit card charges included purchase of exercise equipment for the Sheriff's Office. It recently came to the Board's attention that Sheriff's Office staff were working out while on duty. Upon investigation, it was learned that some have even earned overtime pay for working out, and that it included all employees in the department, not just patrol staff.

Chairman Goicoechea said the department could have justified the purchases for officers to prepare for the physical requirements to achieve POST (Peace Officers Standards & Training) certification. But the Board wasn't informed until the credit card statement arrived weeks after the equipment was delivered and in use. But the Chairman saw no justification for paying overtime.

Sergeant Marcial Evertsen said the original intent was not to extend the program to all staff, and that approval came from someone higher than he or Sergeant Umina. Miles Umina added that the original intent was for retention of pre-POST staff that were unable to attain certification because of the physical requirements, and a targeted program was developed for that purpose. He has since spoken with dispatch and clerical staff who don't care if they get paid or not.

District Attorney Ted Beutel cautioned that there are liability and workers' compensation issues that should be considered. Sergeant Umina advised that each user completes a form signifying existing conditions or prior injuries. Chairman Goicoechea asked him to provide the form to Human Resources and the Comptrollers office to be shared with POOL/PACT.

Chairman Goicoechea motioned to authorize certified staff, including sworn pre-POST staff, of the Sheriff's Office to work out while on duty earning straight-time and not overtime. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

Vehicle Use Policies: The Board considered the County's policies concerning vehicle use and questioned whether they needed to be updated or simply reaffirmed. The Chairman reviewed the current policies. Section 1.15.1 says, "*Employees are prohibited from transporting non-employees in the employer's vehicles unless specifically authorized to do so...*"

Section 8.2.1 includes, "*Employer vehicles are provided primarily for business purposes. However, occasional personal use may be approved in writing in advance for well-considered exceptions;*" and, "*Employer vehicles will be made available to qualified county employees and appointed board members only.*"

The Chairman reminded everyone that the option for mileage reimbursement exists for those wanting to combine a trip for business, meetings, or training with personal business or want to take a family member along.

The Board wants to ensure that the policy clearly includes volunteers – for instance, EMTs, volunteer emergency drivers, and volunteer firefighters – who operate County vehicles in the course of their duties. There are also instances, during fires or other emergencies, when someone from another agency may ride in (not drive) a County emergency response vehicle. The Sheriff's Office provides public service "courtesy" rides when people are impaired and shouldn't drive. The Board wants to ensure that policy isn't written in such a way to restrict these types of vehicle use.

District Attorney Beutel said the Board may want to declare in policy that authorizations concerning vehicles come from the Commission, and not from individual departments that may feel they have the authority to provide authorization separate and apart from the Board.

Millie Oram wanted the Board to know that the transportation grant from the State includes liability coverage for transporting residents in the senior vans. The Chairman felt that should be acknowledged in policy as well.

A recent resolution reaffirmed the responsibilities assigned to Public Works concerning vehicles. Jeb Rowley felt that should be detailed in policy where it is more accessible to all departments, particularly in instances where departmental policies may exist that don't align with the County's policies. Human Resources Director Heidi Whimple noted that Section 1.2. Scope, says, "*Nothing in department policy will supersede with the Eureka County Personnel Policy.*"

The Chairman acknowledged Mr. Rowley's concern and motioned that Public Works and Human Resources work with him on refining vehicle policies, which the Board can review and potentially propose at a future date. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

Patrol Vehicles & Commute Time: Last September, the Board asked the Sheriff and Undersheriff to propose a reasonable policy concerning usage of patrol vehicles when a deputy resides outside of the County. The Chairman again asked Undersheriff Thomas about this at the March 7<sup>th</sup> meeting. At that time, the Undersheriff said that Sheriff Watts felt it was an operational decision, but Undersheriff Thomas said he understood it had to be in policy and stated they would get something to the Board.

Since out-of-County commuting began last September (or earlier), the Chairman said it was time to get this figured out. There was an incident that morning in Crescent Valley and it took an officer over an hour to respond from Elko. The Chairman has contacted other jurisdictions and other agencies and the policy is – if you reside elsewhere, you drive your own vehicle to commute and you pick up your government owned vehicle when you report for duty.

He referenced the Sheriff's request earlier this year to budget for five new vehicles, citing high mileage as one of the reasons. The County is accumulating a lot of mileage and paying for fuel, tires, and other maintenance for deputies to commute, yet the (twice) promised policy proposal has not been forthcoming. The Chairman is concerned that other deputies will move out of County and simply commute because it is being so liberally allowed, despite the total lack of authorization to do so from this Board.

Commissioner Sharkozy said he felt it was reasonable to require employees to use private vehicles for commuting. He voiced concerns that this commute time was contributing to the overtime paid out by that department.

The District Attorney confirmed that employment law defaults on the side of the employee, meaning the County can justify not paying commute time for those living in Eureka County, but not paying for commute time outside the area of jurisdiction could create a liability. Mr. Beutel observed that this practice was catering to recruitment needs at the expense of the people in our communities, who will suffer from the increase in response time.

The Commissioners understand that the lack of housing at both ends of the County is contributing to this problem. They briefly discussed solutions, such as a hot rack (a type of bunkhouse). They agreed that using patrol cars to commute was not a fiscally responsible solution.

Sergeant Evertsen commented that it's best when deputies become a part of the community, and temporary solutions don't encourage them to move their families here. Both Sergeants asked for a grace period for the deputies' sakes, if the Board intended to act on the matter, and suggested three months.

Commissioner Sharkozy motioned that starting September 1, 2022, patrol vehicles cannot be used to commute to residences outside Eureka County, but will be parked at the Sheriff's Substation in Crescent Valley or the Justice Facility in Eureka. Chairman Goicoechea seconded the motion. Motion carried 2-0.

## **SENIOR CENTERS**

Update Report: Senior Center Program Director Millie Oram reported on activities at the Eureka Senior Center and Fannie Komp Senior Center. In April, Eureka served 724 meals and Crescent Valley served 751 meals. A total of \$4,171.86 was deposited for the month.

## **IT DEPARTMENT**

IT Update: IT Director Misty Rowley reported on IT projects and activities, noting she has been training Jessica Santoyo, the new IT Helpdesk Technician. They have been importing projects and tasks to the new project management system through Monday.com. Four new workstations were set up. IT exported data from an old ID card system at the Justice Facility.

Homeland Security reported that the penetration testing (for election security) revealed no nothing major, just a couple minor things that IT can remediate.

Broadband Grant: Background work and paperwork necessary for the broadband grant and related NEPA work continues. The fee was successfully renegotiated with the grant writer, reducing the commission from 5% down to 1%, and Ms. Rowley thanked Jake Tibbitts and Ted Beutel for their assistance on that.

Networking Equipment – Courthouse: Commissioner Sharkozy motioned to approve Quote #22-04-28 C9300-48U-ISR4221 from Quest for networking equipment at the Courthouse for a not to exceed amount of \$19,260.65 utilizing funds budgeted for capital outlay (010-018-55010-000) in the Technology Support budget. Chairman Goicoechea seconded the motion. Motion carried 2-0.

## **EUREKA CANYON SUBDIVISION**

Request for Variance: Kirsten Schroeder asked the Board to grant a variance for Lot #20, 10 Canyon Street, APN 001-230-20, related to Eureka Canyon Subdivision Development Agreement, Section 6.b., which requires that all structures be no more than three years old from the date of manufacture.

Ms. Schroeder provided photos and paperwork showing the 1996 manufactured home currently on a rented lot in Eureka, explaining it must be moved. As she stated, the home was in excellent condition and very well maintained. She provided photos of existing homes (and potential neighbors) in the subdivision to show that the home's presentation and style would fit the surrounding community.

The Commissioners sympathized with the situation, but were wary of granting a variance that could invite requests from homeowners who did not have dwellings in like condition. The Chairman commented that he had no concerns about the condition or appearance of the structure, which he was familiar with since his parents lived next door for many years, but didn't think it was good business to set a precedence that varied substantially from the development agreement.

## **NEVADA GOLD MINES**

Update on Goldrush Mine Project: Joel Donalson, Head of Permitting, Environmental, Ranches & Land for Nevada Gold Mines was in attendance with Kimberley Wolf, Permitting Specialist, to provide an update on the Goldrush Mine Project. Mr. Donalson said Nevada Gold Mines employs 7,000 people across four counties in northeastern Nevada, with much of their operations in Eureka and Lander Counties.

He described the Goldrush Project, which has two underground declines. Bringing the project into full production will include underground ventilation, underground mining and backfilling, dewatering, and shipping ore for processing at the Goldstrike and Gold Quarry operations.

The Plan of Operations is for a 24-year mine life. The construction phase will provide 500 jobs, with about 570 jobs once the mine is in operation. The mine currently employs about 200 for exploration. Since 2017, over \$300 million has been spent on exploration and development. Buildout of the entire project will be about \$1 billion. With \$1200/ounce gold, Nevada Gold Mines anticipates there will be \$326 million in net proceeds attributable to this project. Another \$142 million will be paid in education funds due to passage of AB 495.

This project was designed as underground for environmental reasons and to address cultural and historic concerns of the Western Shoshone tribes by accessing the resource from the Horse Canyon side to avoid surface disturbance.

A Bank Enabling Agreement was signed in 2015 with the Department of Interior, BLM, and US Fish & Wildlife Service. A model will be run to determine impacts to sage grouse, and projects will be done to offset impacts and to bank conservation credits before any ground disturbance is done. The Nevada Conservation Credit System will be utilized. About \$7 million has been spent, of the \$40 million committed, on restoration in the Cortez district.

The draft EIS for the project is currently under review at BLM headquarters in Washington, DC. Upon approval, notice will be published in the Federal Register kicking off the public review process. Mr. Donalson asked for the County's support during the public review and thanked Jake Tibbitts for faithfully participating in the weekly project meetings.

## **TREASURER**

Delinquent Tax Notices: Treasurer Pernecia Johnson provided the Affidavit of Mailing of delinquent tax notices for real property parcels. A total of 249 first-year, 45 second-year, and 28 third-year notices were sent.

Tax Delinquent Properties Auction: The sealed-bid auction of delinquent tax parcels concluded on April 20th, with 14 properties offered for sale. Properties sold for a combined total of \$82,820.99. After deduction of taxes and fees, \$66,547.90 in excess proceeds will be held for the statutory one-year period. Funds not claimed during that time will revert to the General Fund.

Commissioner Sharkozy motioned to accept the Treasurer's Verified Return of Sale & Reconciliation of Trust Property for the Tax Delinquent Properties Auction on April 20, 2022. Chairman Goicoechea seconded the motion. Motion carried 2-0.

Quitclaim Deeds Resolution: Commissioner Sharkozy motioned to adopt a resolution directing the County Treasurer to execute and file Quitclaim Deeds with the County Recorder and to deliver said Quitclaim Deeds to purchasers of the properties sold at the April 20, 2022, auction; Chairman Goicoechea seconded the motion; motion carried 2-0.

**SUMMARY: Return of Sale of Trust Property**

WHEREAS, the Board of County Commissioners of Eureka County, Nevada, on the 20<sup>th</sup> day of January, 2022, duly ordered the sale at public auction of the hereinafter described real property held by Pernecia Johnson, as County Treasurer and Ex-Officio Tax Receiver of Eureka County, Nevada, in trust; and

WHEREAS, after due and legal notice of the place and manner of said sale was duly given in the manner required by NRS 361.595, by publication in the *Eureka Sentinel*, a newspaper published within the County of Eureka, State of Nevada, and posted as required by NRS 361.595 and the 2019 Order of the Board of Commissioners Directing the County Treasurer to Offer All Tax Delinquent Properties for Sale, said property was sold by sealed bid on the 20<sup>th</sup> day of April, 2022, of said day in the Treasurer's office of the Eureka County Courthouse, Eureka County Nevada, in pursuance of said Order of Sale; and

WHEREAS, at said sale the property described in the Reconciliation of Tax Auction Held April 20, 2022, attached hereto was sold to the persons or entities listed for the total sum of Eighty-Two Thousand Eight Hundred Dollars and Ninety-Nine Cents (\$82,820.99), which were the highest and best bids for the same and the whole amount bid and paid for said property;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Eureka County, Nevada, as follows:

1. That the Eureka County Treasurer and Ex-Officio Tax Receiver of Eureka County, Nevada, in trust, execute and file Quit Claim Deeds for record with the County Recorder of Eureka County, Nevada, and deliver said Quit Claim Deeds for properties sold to said purchasers on the attached list.

ADOPTED the 6th day of May, 2022, by the Board of County Commissioners, Eureka County, Nevada.

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

ATTEST: /s/ Pernecia Johnson  
Pernecia Johnson, Eureka County Treasurer

**ASSESSOR**

Hiring Freeze Waiver Justification: Appointment of Kathy Bowling, earlier in the meeting, to the position of County Clerk Recorder created a vacancy in the Assessor's office, and Assessor Michael Mears submitted the required Hiring Freeze Waiver Justification.

Commissioner Sharkozy motioned to waive the hiring freeze and authorize the Assessor to fill the position of Appraiser I, II, or III; Chairman Goicoechea seconded the motion; motion carried 2-0.

**MEDICAL CLINICS ADVISORY COMMITTEE**

Request for Proposals – Crescent Valley: Jackie Berg, Vice Chair to the Medical Clinics Advisory Committee, presented a final RFP (Request for Proposals) seeking a medical provider for the Crescent Valley Clinic. She explained the committee received correspondence from the District Attorney informing that the type of services sought aren't subject to the competitive bid process, so the committee is able to reach out to specific providers. Commissioner McKay (liaison to MCAC) has already reached out to some interested parties.

Commissioner Sharkozy motioned to approve the final Request for Proposals for medical services at the Crescent Valley Clinic, and authorized a minimum 60-day advertisement period; Chairman Goicoechea seconded the motion; motion carried 2-0.

**SHERIFF**

Surplus Property: Sheriff Jesse Watts was not in attendance, but completed paperwork requesting that four pistols be declared surplus property to be used for trade-in credit as outlined in Eureka County Code, Title 3, Chapter 20, Section .130.

Commissioner Sharkozy motioned to declare four Glock 9mm pistols (each with night sights and two magazines) surplus property to be utilized as a trade-in allowance through Proforce Law Enforcement of Prescott, Arizona. Chairman Goicoechea seconded the motion. Motion carried 2-0.

## **ROAD DEPARTMENT**

Report on Activities: Jayme Halpin, Road Equipment Operator III, reported on Road Department projects and activities. The northern crew is doing some finishing work on the Barth Road, which will complete that ongoing gravel haul project. Work continues on prepping Crescent Valley roads for the upcoming multi-year road work that includes asphalt treatment in the next fiscal year. Commissioner Sharkozy thanked the crew and said he is hearing favorable feedback in the community.

The southern crew concentrated on areas with potholes and worked on Mustang Road, 14<sup>th</sup> Street, County Road 101, 17<sup>th</sup> Street 10<sup>th</sup> Street (west), 4<sup>th</sup> Street, and Collingwood Lane. The crew is currently on Antelope Road working back to Highway 50. A new cattle guard was installed at the northern County line in Grass Valley. The Board thanked Nevada Gold Mines for partnering on the cattle guard.

## **PUBLIC WORKS**

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

Topographic Survey: Lumos & Associates plans to fly Crescent Valley Town on May 7<sup>th</sup> for the topographic survey. Jayme Halpin has been gathering field data with a portable GPS unit and is coordinating with Assessor Mears on GIS (geographic information system) mapping. Airport Avenue will be flown the same day for future relocation of 3,500 feet of 8-inch water line.

Crescent Valley Water Tank: Public Works will coordinate with Nevada Division of Environmental Protection in a few weeks to obtain permitting to repaint one of the municipal water tanks in Crescent Valley. Divers have verified that the other tank does not need maintenance at this time.

Devil's Gate Mainline Extension: The buildings and grounds crew has nearly completed the first phase of the loop on the 8-inch water mainline between El Dorado and El Camino in the Devil's Gate Subdivision.

Commercial Water/Sewer Service: Commissioner Sharkozy motioned to approve the application for a 2-inch commercial water and commercial sewer service for APN 001-094-02 in the Town of Eureka; Chairman Goicoechea seconded the motion; motion carried 2-0.

Residential Water Service: Commissioner Sharkozy motioned to approve the application for a 3/4-inch residential water service for APN 007-380-42 located in Devil's Gate District #1; Chairman Goicoechea seconded the motion; motion carried 2-0.

Sewer Supplies: Mr. Rowley said a sewer extension at the Eureka Fairgrounds was budgeted to complete work to tie the BLM wildland fire station into the sewer system. This will provide service the new crew quarters planned for construction this year.

Commissioner Sharkozy motioned to approve utilizing funds budgeted for capital outlay (045-278-55010-000) in the Eureka Sewer Fund to purchase sewer supplies for an amount not to exceed \$10,000.00; Chairman Goicoechea seconded the motion; motion carried 2-0.

Pickup Purchases for Sheriff's Office: Mr. Rowley explained that Public Works was able to obtain two vendor quotes for each of the two pickup purchases proposed by the Sheriff, and Gallagher Ford had the lowest quotes. The vehicles were originally ordered as 2021 models, but due to build time, will be 2022 models. The costs are lower than the State Purchasing contract for these models, since Gallagher Ford is honoring the price quoted when originally ordered.

Gallagher Ford said the units will be available the end of May. They won't be put into service until after-market upfitting with lights, etc., and Public Works is awaiting those quotes.

Chairman Goicoechea motioned to approve purchase of (a) one 2022 Ford F-150 XL Super-cab pickup, Stock No. 2039W1E, per build sheet and quote from Gallagher Ford; and (b)

one 2022 Ford F-150 XL Super-cab pickup, Stock No. 2040W1E, per build sheet and quote from Gallagher Ford, for a not to exceed amount of \$75,302.10 (\$37,651.05 each), to be paid with funds budgeted for capital outlay (042-140-55010-000) in the Capital Projects Fund. Commissioner Sharkozy seconded the motion. Motion carried 2-0.

Airport Entitlement Funds: The FAA is one of several agencies that hasn't fully returned to work after the COVID shutdown. This has slowed processing of notices and grant applications related to entitlement funds that small airports rely on to fund infrastructure.

Mr. Rowley explained that paperwork has been prepared for relinquishment of \$150,000.00 in FAA Airport Improvement Program (AIP) Fiscal Year 2019 funds, but asked that it be tabled. The FAA is working to broaden the scope of how these funds can be used, which will impact the subsequent requests for engineering and planning services for the Airport.

Airport Consultant: Mr. Rowley requested approval to advertise two RFQs (requests for qualifications) for planning services and for engineering services related to the Eureka Airport per FAA Circular 150-5100-14E. Notice will be published in the newspaper for three weeks.

Commissioner Sharkozy motioned to approve advertising two Requests for Qualifications for an airport consultant for planning services and an airport consultant for engineering services related to the Eureka Airport. Chairman Goicoechea seconded the motion. Motion carried 2-0.

## **NATURAL RESOURCES**

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

Juniper Project EIS: On April 21<sup>st</sup>, Mr. Tibbitts attended the BLM's kickoff meeting for the Bald Mountain Juniper Project EIS and was able to resolve an unforeseen issue with the County's cooperating agency status.

BLM Annual Helicopter Hearing: On April 26<sup>th</sup>, he attended the BLM's annual meeting related to use of helicopters for wild horse and burro management. The County provided written comments. For those who signed up to give spoken comments, Mr. Tibbitts was the only one to give a positive comment about the BLM's use of helicopters.

Mule Deer Enhancement Program: The Mule Deer Enhancement Program team for Area 14, which Mr. Tibbitts serves on, met on April 26<sup>th</sup>. The goal is to engage local people to identify issues and suggest projects. The group learned that the Diamond Range mule deer herd is the most stable in the State, which Mr. Tibbitts attributes to the pinyon-juniper thinning projects. Other herds in Area 14 are struggling, and the team has scheduled a tour with Nevada Department of Wildlife on May 26<sup>th</sup>.

Eureka Conservation District: The State Conservation Commission met on May 4<sup>th</sup>, and Eureka Conservation District had the top-ranked grant proposal to receive funding under the State Sage Grouse Competitive Grant, which will fund additional pinyon-juniper projects in sage grouse habitat. The BLM has agreed to work with the Conservation District on 700 acres.

BLM Grazing Decisions: Mr. Tibbitts noted that his office is beginning to see BLM grazing decisions related to drought, primarily from the Battle Mountain District; all so far have been voluntary with the permittees offering to make adjustments.

Geothermal: There is potential geothermal interest at the Blackburn Oil Field. A provision in federal law allows noncompetitive geothermal leases to those holding an oil and gas lease. Grant Canyon Oil is the leaseholder at Blackburn.

Ormat continues geothermal exploration near Crescent Valley on a mix of both public and private land. There's talk that this will move into full development of a plant. Mr. Tibbitts reached out to Scott Nichols, Ormat's Director of Regulatory Affairs, and he has committed to providing an update at a future meeting.

Weeds: The weed work has kicked off in earnest, except for mechanical issues with the current trucks. Mr. Tibbitts has contacted Tri-County Weed Control and plans to utilize some of the funds budgeted for contract work.

Federal Lands Access Program: The Federal Highway Administration has established the Federal Lands Access Program, an initiative to increase access to public lands; which Mr. Tibbitts finds somewhat ironic under the current administration and after dealing with federal agencies who often don't recognize existing legal routes.

Adding to the irony, Chairman Goicoechea said he's been asked to testify at a House hearing against efforts to codify the Clinton-era Roadless Rule.

Upcoming Meetings: Mr. Tibbitts has signed up for a May 9<sup>th</sup> webinar on the referenced Federal Lands Access Program. He will travel to Reno that morning to attend the Nevada Mining Industry Value Network & Supply Chain Mapping Symposium hosted by UNR College of Business. The Natural Resource Advisory Commission will meet on May 11<sup>th</sup>. Nevada Association of Counties and the NACO Public Lands Natural Resource Committee both meet on May 13<sup>th</sup>. Eureka Conservation District will meet on May 18<sup>th</sup>.

Nevada Gold Mines 3M Plan: Mr. Tibbitts said he was happy to present the Nevada Gold Mines LLC Water Resources Monitoring, Management, and Mitigation Plan for the Goldrush Project, commenting that it's been a long but good process. When Barrick Gold originally applied for water rights on the Goldrush Project, Eureka County filed protests, which eventually led to a Stipulated Agreement after Barrick worked diligently with the County to work through concerns related to the two water applications.

When the State Engineer granted the water rights, he made approval subject to the Stipulated Agreement and the requirement in the agreement that Barrick and the County jointly develop a Water Resources 3M Plan.

After the Barrick-Newmont merger, Nevada Gold Mines assumed all responsibilities and utilized a comprehensive model to predict effects of the groundwater pumping. Then, based on a request from the County, the mine addressed all of the predicted impacts up-front (affecting individual water rights holders), and no conflicts remain.

Mr. Tibbitts explained that the 3M Plan does not address predicted impacts, but is for the potentially unknown and unpredicted impacts, and ensures early detection of effects on seeps, springs, and water rights. Mr. Tibbitts said it was a good plan based on a good model, and he recommended that the Board approve the 3M Plan with no changes.

Chairman Goicoechea noted one quote that appeared to have an extra word that didn't fit the context. That was the only change requested, and then, only if it was truly an error.

Commissioner Sharkozy motioned to approve the Nevada Gold Mines LLC Water Resources Monitoring, Management, and Mitigation Plan for the Goldrush Project as presented, with no changes other than consideration of the Chairman's comment, and authorized the Chair to sign the Plan outside of the meeting. Chairman Goicoechea seconded the motion. Motion carried 2-0.

Clean Energy Minerals Reform Act: Mr. Tibbitts said there have been many bills through the years proposing changes to 1872 Mining Law, but Nevada's representatives have done a good job keeping provisions of the 1872 Act in place. The current bills in Congress are HR 7580 and SB 4083, companion bills entitled Clean Energy Minerals Reform Act of 2022, with really only one difference between them related to the proposed federal royalty.

Mr. Tibbitts voiced strong concern over the proposed legislation, which would move mining to a lease system rather than a claim system, would create a reclamation fund (saddling current and future mines with the costs of reclaiming historic mines across the US), would add layers of environmental requirements (in addition to NEPA and state laws), would add a royalty on gross income that can be deducted from net proceeds, and contains a lot of ambiguous language and blanket references.

Commissioner Sharkozy motioned to send a letter voicing concerns in response to the Clean Energy Minerals Reform Act of 2022, adding any concerns that the Natural Resources Advisory Commission takes action on at its May 11<sup>th</sup> meeting, with the Chairman authorized to sign the letter outside of the meeting. Chairman Goicoechea seconded the motion. Motion carried 2-0.

TS Power Plant Permit Renewal: Mr. Tibbitts reviewed the Notice of Proposed Action for renewal of the Class I Air Quality Operating Permit for the TS Power Plant. He prepared a letter citing Eureka County's policies on safeguarding air resources. The letter states that the permit conditions are sufficient to protect air resources and granting of the permit is warranted.

Commissioner Sharkozy motioned to approve sending a letter to Nevada Division of Environmental Protection, Bureau of Air Pollution Control, supporting renewal of Nevada Gold Energy's Class I Air Quality Operating Permit AP49I 1-2502, FIN A0359, for its TS Power Plant. Chairman Goicoechea seconded the motion. Motion carried 2-0.

Out-of-State Travel: Commissioner Sharkozy motioned to approve out-of-state travel for the Natural Resources Manager to attend the Western Rural Development Center (WRDC) Board of Directors' Meeting in Bend, Oregon, May 23<sup>rd</sup> & 24<sup>th</sup>. Chairman Goicoechea seconded the motion. Motion carried 2-0.

Mr. Tibbitts serves on the WRDC Board representing western Council for Agricultural Research, Extension, & Teaching (CARET) and full expenses for travel, lodging, meals, and per diem will be paid for by the University of Nevada, Reno College of Agriculture, Biotechnology, & Natural Resources (CABNR).

## **CORRESPONDENCE**

Correspondence was received from: Lisa Hoehne; County Advisory Board to Manage Wildlife; Natural Resources Advisory Commission; Crescent Valley Town Advisory Board; Nevada Assoc. of Counties (2); Northeastern Nevada Regional Development Authority; Nevada Gold Mines; Let Nevada Vote; Nevada Div. of Environmental Protection (4); Nevada Rail Coalition; Nevada Water Resources Assoc.; US Dept. of the Interior-BLM; US Senator Jacky Rosen (2); National Assoc. of Counties; and Governing E-news.

## **PUBLIC COMMENT**

Chairman Goicoechea called for public comments; there were none.

## **ADJOURNMENT**

The meeting was adjourned at 12:40 p.m.

*Approved by vote of the Board this 7<sup>th</sup> day of July, 2022.*

/s/ J.J. Goicoechea

J.J. Goicoechea, Chairman

*I, Jackie Berg, Commissioner Administrative Assistant, attest that these are a true, correct, and duly approved minutes of the May 6, 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 Bowling, Clerk