

EUREKA COUNTY BOARD OF COMMISSIONERS

November 19, 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 November 19, 2021. Present were Chairman J.J. Goicoechea, Vice Chair Michael Sharkozy, Commissioner Rich McKay, District Attorney Ted Betel, and Administrative Assistant Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance. The interactive video conferencing system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

APPROVAL OF AGENDA

Commissioner Sharkozy motioned to approve the agenda as posted; Commissioner McKay seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Goicoechea opened the floor for public comments.

Sheriff Watts asked for a moment of silence in honor of Judy Costa, longtime member of the Crescent Valley community, who recently passed away.

The Sheriff invited everyone to help send off and cheer on the Eureka High School Vandals football team, during the escort down Main Street at noon on their way to Las Vegas for the State football playoffs.

APPROVAL OF MINUTES

October 6, 2021: Commissioner Sharkozy motioned to approve minutes of the October 6, 2021, Commission meeting; Commissioner McKay seconded the motion; motion carried 3-0.

COMPTROLLER

Payment of Expenditures: Expenditures were presented for approval by Comptroller Kim Todd. It was noted that there were two invoices that exceeded the six-month limit and required separate approval. Commissioner Sharkozy motioned to pay two Quill invoices, one dated 04/19/21 in the amount of \$105.58 and one dated 04/26/21 in the amount of \$73.46. Commissioner McKay seconded the motion. Motion carried 3-0.

Commissioner Sharkozy motioned to approve expenditures in the amount of \$274,517.50 for accounts payable and \$229,242.60 for payroll and benefit related expenses (including employee paid deductions), for a grand total of \$5,03,760.10. Commissioner McKay seconded the motion. Motion carried 3-0. *(Note: Totals include the two delinquent Quill invoices.)*

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

SHERIFF

Award Presentation: Sheriff Jesse Watts stated he was humbled and honored to present awards in recognition of the dedicated men and women of the Eureka County Sheriff’s Office.

Years of Service Award: The first award was presented to Jakea Ratliff who achieved five years of service as a Dispatcher on September 22, 2021.

Employees of the Quarter: Although the employees were not at the meeting, Sheriff Watts recognized Employees of the Quarter, Deputy Nicholas Collins (Q1), and Sergeant Miles Umina (Q2), noting that they both tied for Quarter 3.

Exemplary Service Award: The Sheriff described the dedication and selflessness of Clara Bundy, Jakea Ratliff, and Heather Peterson who all serve in the Communications Division, presenting them with Exemplary Service Awards.

Sheriff's Star: Sheriff Watts presented Heather Peterson and Trina Webster with the Sheriff's Star award. He explained that they were working dispatch this past June when a call came in concerning an incident in northern Eureka County that Eureka County Sheriff's Office and several other agencies responded to. It involved gunfire and vehicle pursuit as a suspect fled south on State Route 278. Sheriff Watts commended Ms. Peterson and Ms. Webster for the exceptional and courageous way they handled the incident.

Sheriff's Award: Sheriff Watts presented Clara Bundy and Jakea Ratliff with the Sheriff's Award. Both were off duty the day the incident occurred, but immediately went to the Sheriff's Office to assist the on-duty Dispatchers and other staff in any way they could. The Sheriff praised them for their service, stating their actions were above and beyond the call of duty.

COMMISSIONERS

State Redistricting & Reapportionment: Earlier in the week, Governor Sisolak signed the redistricting bill upon approval by the Nevada Legislature of a redistricting plan to redefine electoral district boundaries in the State based on the 2020 Census. Chairman Goicoechea voiced concern over the intended changes and impacts to Eureka County. The new northern boundary moves residents in the Palisade/Barth area and all residents north of I-80 into different Assembly and Senate Districts. Census data shows this involves 23 residents. This will now require a completely different ballot for an area currently comprised of only 10 active voters. There are other counties in the State similarly impacted – where new district lines don't preserve existing county, or even town, boundaries.

The redistricting plan is highly controversial and there is already talk in the State of a legal challenge. Chairman Goicoechea stated that the County cannot take the lead on this type of case, but he felt involvement was important, and the County can file a petition to intervene or an amicus brief. He has spoken to outside counsel and the District Attorney concerning the matter.

District Attorney Beutel commented that the reapportionment will have huge consequences on the local election process. Proponents of any legal challenge are certain to consider the implications to the impending 2022 election season and, therefore, matters could move quickly. He advised the Board to act if there was interest in supporting a challenge.

Commissioner Sharkozy motioned to support a legal challenge to the redistricting plan adopted by the Legislature and signed by the Governor, and authorized the Chairman and District Attorney to take the necessary steps, including retention of outside legal counsel. Commissioner McKay seconded the motion. Motion carried 3-0.

Meal Allowance Variance: During the recent water adjudication hearings in District Court, the Clerk Recorder's office purchased meals for the judge and two law clerks that exceeded the meal allowance limits outlined in Policy 8.2.3 (2). To avoid an audit finding, this requires either one of two things: (1) the individual reimburses the difference, or (2) a variance is granted by the Board. The Comptroller informed that one party has reimbursed the County, leaving a total of \$4.42 outstanding.

Commissioner McKay motioned to grant a variance on meal allowance limits, authorizing an additional \$4.42 for meals purchased for the District Judge and his staff during a recent District Court hearing. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

PUBLIC HEARING – WORK SCHEDULES

Notice: Notice was given that the Board of Eureka County Commissioners would hold a public hearing to invite public comments and taxpayer input in relation to a request from certain department heads to allow employees currently working a five day, 40-hour work week, to be

allowed to change to a four day, 40-hour work week (“4/10s”). The Board scheduled the hearing to gather information, facts, and public opinion.

Open Public Hearing: Chairman Goicoechea opened the public hearing, announcing that no action would be taken and the Board was simply seeking information and public opinion. When the Board was first asked to consider this change, he asked HR Director Heidi Whimple to research the subject. He invited her to share that information.

HR Guidance: Ms. Whimple said, in addition to researching this, she was able to visit with public sector colleagues across the State at the recent POOL/PACT HR Leadership Conference. The overwhelming recommendation was that offices with hours mandated by NRS 245.040 must maintain a five day work week unless faced with financial hardship. Statute also dictates that, regardless of schedules, County Clerk offices must remain open on all election days.

Ms. Whimple offered two scenarios. In option one, offices could move employees to a 4/10 schedule and meet the mandated hours of operation with a 50-hour workweek and staggered employee coverage. For departments with low staff numbers, this typically results in more overtime and increased costs. Employees, who have already worked 40 hours, may be called upon to cover another employee’s absence.

In option two, offices that can prove financial hardship could condense the 40-hour workweek to four days. Pros include reduced energy costs, reduced commute costs, and improved employee morale. Longer days are more conducive to certain projects (particularly those that involve travel to and from work sites). Cons include reduced services to the public, employee fatigue, burnout, decreased productivity, the need for policy revisions, and the need to provide notification to the public.

Ultimately, Ms. Whimple advised the Board and employees that they need to consider the purpose of the County, which is to serve the people. The County is funded with tax dollars for the purpose of providing a range of vital services to its citizens. Ms. Whimple felt this was a worthwhile request to investigate but, at the current time, there was no need to condense the workweek due to financial hardship, and continuing “as is” was in the best interest of the citizens and the County as a whole.

Other Comments: Commissioner McKay felt a five day 10-hour workweek would benefit the public with extended service hours. He understood it wasn’t feasible for smaller offices, but asked if it could be considered for offices with more staff. The District Attorney clarified that, per statute, the Board may entertain it if a cost savings can be shown.

Sheriff Watts commented that he believed each official has the responsibility, and the statutory authority, to determine staff hours, work schedules, and ensure offices are open as mandated in their respective departments.

Assessor Michael Mears recognized that a four day workweek doesn’t make sense for every department, but his office does field reappraisal work five months out of the year, traveling an average of 200 miles a day. He calculated that longer shifts would reduce travel by up to 14 days per year resulting in fuel savings and reduced vehicle mileage. With a community of mine employees and others who work long hours, he felt extended work days would be appreciated by a public who could complete necessary in-person or over-the-phone transactions after 5:00 p.m. Mr. Mears felt the County has successfully increased services to the public with 24/7 online access.

Mary Jane Hodson commented that the four day schedule has worked well for the school. She felt keeping County offices open during the lunch hour would be very beneficial, and could be done with or without moving to 10-hour days.

Clerk Recorder Lisa Hoehne was in favor of 10-hour days, noting that most people access services online, by mail, or other means, and there is very little customer traffic in the office. District Attorney Beutel noted that an 8-hour employee out for two days loses 16 hours of productivity, while a 10-hour employee loses 20 hours. Undersheriff Tyler Thomas felt department heads should have authority to determine schedules in their respective offices. Jeb Rowley said many

departments are reliant on the services of other County departments and, in working towards a solution, everyone should keep in mind what is best for the County overall.

Chairman Goicoechea reached out to a variety of people to see how the taxpayers felt. People in the community already working a Monday-Thursday schedule were concerned County offices would not be open on Fridays, the day they conduct personal business. He spoke with some in the mining industry, and one employer observed that, due to 12-hour shifts and commute time, 10-hour days wouldn't accommodate them any more than an 8-hour day. Many of the senior population will not utilize the online options and prefer conducting business in person. Correspondence was also received stating the County's purpose is to serve the people and should remain open five days per week.

Being no further comments, the hearing was closed.

ASSESSOR

Resolution to Publish Tax Roll: Pursuant to NRS 361.300, Commissioner Sharkozy motioned to adopt a resolution directing the County Assessor to prepare and publish a list of all taxpayers and property valuations on the secured tax roll of Eureka County. Commissioner McKay seconded the motion. Motion carried 3-0.

RESOLUTION

OF THE EUREKA COUNTY BOARD OF COMMISSIONERS

A RESOLUTION DIRECTING THE COUNTY ASSESSOR TO PREPARE AND PUBLISH A LIST OF ALL TAXPAYERS ON THE SECURED TAX ROLL IN THE COUNTY, AND THE TOTAL VALUATION OF PROPERTY ON WHICH THEY WILL SEVERALLY PAY TAXES PURSUANT TO N.R.S. 361.300

WHEREAS, Nevada Revised Statute requires that the County Assessor be directed by Board Resolution to prepare and publish the secured tax roll annually.

NOW THEREFORE BE IT RESOLVED, that the Eureka County Board of Commissioners does hereby direct the County Assessor prepare and publish a list of all taxpayers on the 2022-23 secured tax roll in the County, and the total valuation of property on which they will severally pay taxes, pursuant to N.R.S. 361.300;

BE IT FURTHER RESOLVED, that the Eureka County Board of Commissioners does hereby direct the County Assessor to cause such list and valuations to be published on the Eureka County website on or before January 1st of the fiscal year in which assessments are made and a public notice be published in a newspaper of general circulation in the County that said list will also be printed and made publicly available at the Eureka County Assessor's Office and available via the County website.

PASSED AND ADOPTED this 19th day of November, 2021.

/s/ J.J. Goicoechea, DVM
J.J. GOICOECHEA, DVM, CHAIRMAN
EUREKA COUNTY BOARD OF COMMISSIONERS

Attest: /s/ Jackie Berg
JACKIE BERG, COMM. ADMIN. ASST.

Redistricting Proposals: Assessor Michael Mears compiled information for the 2020 Census redistricting project, along with Census data and comparisons, a narrative of criteria utilized, and county District/Precinct maps with a variety of redistricting options. Mr. Mears said this is the third Census and subsequent redistricting that he has been involved in for Eureka County. He and Department Assistant Michael Nunn have worked over the past two weeks to create over 20 scenarios, and Mr. Mears presented the Board with the top four options.

Eureka County is made up of three Commission Districts: District 1 (Precinct 1), District 2 (Precinct 2), and District 3 (Precincts 3 & 4). Although each Commissioner resides in his District, all Commissioners are voted into office by the County at-large. The 2020 Census reported a County population of 1,855, a reduction of 132 people. NRS 244.050 states that each Commission District must embrace, as near as may be, one-third of the population of the County. Commission Districts must follow natural and easily identifiable boundaries to simplify the process of legally describing the districts.

In presenting the different options, Mr. Mears explained that the new ESRI Redistricting software allowed them to quickly move proposed district boundaries among the different Census tracts with “real time” population data, which aided them in coming up with the recommendations.

Proposal 1: The main feature of Proposal 1 was the combination of Eureka Town into a single district, rather than the current divide on Main Street. It also placed two Commissioners in a single district. (Following the meeting, the District Attorney clarified in a letter that this would not impact incumbent Commissioners or their respective terms because they are elected at-large.)

Proposal 2: Proposal 2 used SR278 as a district boundary, splitting Pine Valley into two different districts – one on the west side of the highway and one on the east side of the highway. The Commissioners preferred to keep Pine Valley intact in a single district.

Proposal 3: This proposal was very clean geographically and, in considering district representation, had a distinct northern, middle, and southern district. It again placed two of the current Commissioners in the same district and placed Eureka Town in a single district.

Proposal 4: Proposal 4 placed Eureka Town in a single district, but made some adjustments in Diamond Valley that weren’t as clean as the other versions. Mr. Mears stated he just wanted to give the Commissioners a variety of options.

Discussion: After a lengthy discussion, Mr. Mears and Mr. Nunn took the Commissioners feedback to create another proposal and returned later in the meeting with Proposal 5.

Proposal 5: Proposal 5 kept Eureka Town in a single district, kept Pine Valley in a single district, and kept the Commissioners in their existing districts. After some discussion, the Board agreed this version was preferred, but postponed action until the next meeting. The Assessor agreed to continue refining the most workable options.

AMBULANCE & EMS

Report on Activities: EMS Director Kenny Sanders reported there were 37 calls for ambulance service in October, 23 from the Eureka station and 14 from the Crescent Valley station. Of those, 8 were transferred to air medical services. Mr. Sanders said ambulance runs have increased 27% over the previous year. Due to this, some long distance runs, and inflated fuel prices, the fuel budget is already in the negative for the current fiscal year; fortunately, the overall budget is doing well and should absorb this.

TREASURER

Treasurer’s Report: The Treasurer’s Report for October was submitted by Treasurer Pernecia Johnson, showing an ending General Fund balance of \$43,178.538.13.

COUNTY FACILITIES

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

Opera House: In October, the Opera House had 116 tourists and 490 attendees at meetings and events. This included a blood drive, the VFW Veterans Day dinner, the Holiday Bazaar, and multiple mine meetings by Ledcor, GRP Pan, McEwen Mining, and Ruby Hill Mine. Every available day in January is already booked. Upcoming events in December include Rocky Mountain Elk Foundation Dinner, i-80 Gold open house, a Christmas program by Two Blokes & a

Squeezebox on December 17th, and the Eureka Fire Department's New Year's Eve Ball. Luz Dory is staying busy setting up and tearing down meetings and events.

Sentinel Museum: The Museum had 84 visitors in October. Desiree Gonzalez is working on a photo collage book showing the upstairs displays for visitors who cannot, or prefer not to, climb the stairs. She has been helping cover at the Opera House as well.

Swimming Pool: The Pool had 107 swimmers for the month. A lifeguard instructor from Battle Mountain visited to teach a lifeguard refresher course on November 7th for all lifeguards. She was impressed with the guards swimming skills and safety techniques. Interviews were conducted November 10th for the Swimming Pool Supervisor position. Candidates will complete a swimming test and skills display on November 19th (today).

Eureka Canyon Subdivision: There is one pending application for a subdivision lot. Cow County Title is preparing paperwork.

Eureka Airport: Fuel sales weren't available due to a temporary computer glitch, but Nevada Department of Wildlife has purchased \$1,500.00 in Jet A fuel this week as it conducts its aerial counts.

Eureka Landfill: The Landfill had 75 municipal customers and 23 commercial customers in October. It received 25 tons of municipal waste and 34 tons of construction and demolition debris. A stockpile of 708 tires is ready to be picked up for recycling.

PUBLIC WORKS

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

Vaccines: There has been a steady demand for third-round COVID vaccines and some interest in vaccines for the 5 to 11 age group. Inventory includes Moderna and Pfizer/adult & pediatric.

LEPC: The State Department of Public Safety will be in Eureka on December 6th to stage a tabletop exercise during the LEPC meeting.

Spring Street Ditch: Crews continue working on the Spring Street Ditch in Eureka – cleaning, leveling, and preventing sediment accumulation in the box culverts.

Devil's Gate Water: Day Engineering is surveying and preparing engineering plans for Nevada Division of Environmental Protection for water line improvements along El Paso Street and El Rancho Street in the Devil's Gate GID.

Potential Well Sites: Raymond Hodson has visited with landowners concerning interest in potential well sites, and there has been positive feedback. This will involve working out a lease agreement between any property owners and the County. Public Works is working to identify water rights in Kobeh Valley and Antelope Valley to be utilized for potential wells, and is working with Nevada Gold Mines to identify potential water rights to further this project.

Eureka Canyon Subdivision: Michael Mears and Jake Tibbitts visited the subdivision with Public Works as part of the effort to determine what further parceling or mapping may be needed. There are 14 additional residential lots identified in the original documents creating the subdivision that have not been constructed.

McEwen Mining (who owns the townhomes at the subdivision) is interested in making land available for development of a daycare, which will require surveying and a parcel map.

Backup Generator for Annex: Public Works obtained a quote from Gust Electric for a backup generator for the Administrative Facility. Commissioner McKay motioned to approve the quote from Gust Electric for a backup generator for the Administrative Facility in an amount not to exceed \$56,615.00, utilizing funds budgeted for capital outlay in the Building Reserve Fund (040-130-55010-000). Commissioner Sharkozy seconded the motion. Motion carried 3-0.

NATURAL RESOURCES

Report on Activities: Natural Resources Manager Jake Tibbitts was not in attendance and will provide an update at the next meeting. Chairman Goicoechea said Mr. Tibbitts had just forwarded an email informing that the BLM published a notice of intent to revise the land use plans regarding Greater Sage Grouse conservation. The Chairman said this means the BLM intends to review the 2021 modification to 2019 plan (held up in US District Court in Idaho) against the 2015 plan that Eureka County defeated (in 2017 in US District Court in Reno).

As an update on wild horse gathers, the Chairman said there are roadblocks going up on the national level and approval has not been forthcoming from Washington DC on the Pancake HMA or the Triple B Complex wild horse gathers. Chairman Goicoechea will be in Washington DC in January and will look into it.

CEQ Proposed NEPA Regulations: Mr. Tibbitts prepared a letter to the Council on Environmental Quality concerning movement to reinstate regulations in effect before 2020. The letter states Eureka County does not support the reversion to 40 year old regulations that have created intractable “Paralysis through NEPA Analysis” indefinitely delaying crucial projects. The letter points out other problems with past regulations and states concerns that efforts to undo the 2020 NEPA regulations are being pursued simply because a prior administration made the change. Comments are due by November 22nd.

Commissioner Sharkozy motioned to approve signing the letter to the Council on Environmental Quality outlining the County’s concerns over proposed regulations for implementing National Environmental Policy Act to generally restore regulations in effect before 2020. Commissioner McKay seconded the motion. Motion carried 3-0.

CLERK RECORDER

Request for Recurring Meal Variance: Clerk Recorder Lisa Hoehne requested an automatic and recurring meal variance for all employees and non-employees serving in an official capacity as jurors, poll workers, Ballot Board members, Election Board members, Counting Board members, Recount Board members, Voting Board members, and/or Accuracy Board members for Eureka County.

After recently exceeding meal limits, she said she just wanted to “cover everybody” and avoid it happening again.

Chairman Goicoechea responded that policy was updated in January 2020, and the meal and per diem rates were increased at that time to align with GSA (General Services Administration) rates. He stated he was hesitant to give ‘carte blanche’ to any department, particularly concerning local policies.

Commissioner Sharkozy felt this could open a door and other departments will want to ask for a standing variance. Commissioner McKay asked how often the rates are updated. Comptroller Kim Todd responded that the Board can update the rates at any time, but she cautioned doing so mid-budget year and impacting travel budgets.

The Board agreed to look at GSA rates as they get into budget preparations. If a change is needed, they will make it effective with the new fiscal year. In the meantime, they are willing to consider variances on a case-by-case basis.

CORRESPONDENCE

Correspondence was received from: Jared Sellard (2); Shalene (from Crescent Valley, no last name given); Lisa Wolf; Cindy Beutel; District Attorney Ted Beutel; Natural Resources Manager Jake Tibbitts; Natural Resources Advisory Commission; Eureka County Television District; Crescent Valley Town Advisory Board (3); White Buffalo Nation; Northeastern Nevada Regional Development Authority; Nevada Assoc. of Counties (3); Nevada Dept. of Transportation; UNR CABNR newsletter; Nevada Div. of Environmental Protection; Nevada Dept. of Veteran Services; US Senator Jacky

Rosen; US Senator Cortez Masto; US Dept. of Homeland Security; National Assoc. of Counties (multiple); Governing E-news (multiple); and America First Policy Institute (multiple).

PUBLIC COMMENT

Chairman Goicoechea called for public comments.

Lisa Wolf, Crescent Valley resident, invited anyone with news to email her at lisajwolf@gmail.com for her Central Valley Report, which is an open-forum online news program. She said the Battle Mountain BLM office indicated Deb Haaland may be planning a visit to the area and hopes to interview her. She plans to resume work on the Pony Express kiosk and is working with a federal tribal chief on funding opportunities to complete the White Buffalo Nation facility in Crescent Valley.

ADJOURNMENT

Commissioner McKay motioned to adjourn the meeting; Commissioner Sharkozy seconded the motion; the meeting was adjourned at 11:58 a.m.

Approved by vote of the Board this 20th day of December, 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 November 19th, 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