

EUREKA COUNTY BOARD OF COMMISSIONERS
January 6, 2010

STATE OF NEVADA)
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COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on January 6, 2010. Present were Chairman Jim Ithurralde, Vice Chair Leonard Fiorenzi, Member Mike Page, District Attorney Theodore Beutel, and Clerk & Treasurer Jackie Berg. The meeting was called to order at 9:31 a.m. and began with the Pledge of Allegiance. The interactive video conference system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

APPROVAL OF AGENDA

Several minor changes were requested on the agenda: the 1:55 p.m. District Attorney item was moved to 3:00 p.m.; a case number under the Clerk & Treasurer section was corrected; and the 11:30 a.m. agenda item regarding the Crescent Valley Town Advisory Board was moved to the Commissioners' section. Commissioner Page motioned to approve the agenda with those changes; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Ithurralde called for public comments; there were none. Commissioner Page requested that the next regular agenda include consideration of holding one Commissioners' meeting per quarter in Crescent Valley. Chairman Ithurralde noted that Barrick Ruby Hill had requested time on the next agenda.

APPOINTMENT OF CHAIR AND VICE-CHAIR

Chairperson Appointment: Chairman Ithurralde made a motion to nominate Leonard Fiorenzi as the new Chairperson for the 2010 calendar year; Commissioner Page seconded the motion; motion carried 3-0.

Vice-Chairperson Appointment: Chairman Fiorenzi suggested that the previous Chairman be appointed to the Vice-Chairperson seat yearly in order to provide experience in that position, and with that intent nominated Commissioner Ithurralde to serve as Vice Chair for calendar year 2010; Commissioner Page seconded the motion; motion carried 3-0. At that point, the meeting was turned over to the new Chairman.

APPROVAL OF MINUTES

Commissioner Page motioned to approve the minutes of the December 21, 2009, Commissioner meeting; Commissioner Ithurralde seconded the motion; motion carried 3-0.

FINANCE

Payment of Expenditures: Expenditures were presented for approval by Mike Rebaleati, County Auditor & Recorder. Chairman Fiorenzi noted that he would abstain from voting on vouchers for Pernecia Johnson, Deputy Public Guardian, due to a close family relationship. Mr. Rebaleati informed that the juvenile facility in Elko County, which the County is contracted with, conducted a recent audit and Eureka County was reimbursed about \$25,000.00 for fees. Commissioner Ithurralde motioned to approve expenditures in the

amount of \$691,562.76 (\$2,303.57 in total special accounts payable, \$348,797.08 in payroll, and \$340,462.11 in accounts payable); Commissioner Page seconded the motion; motion carried 3-0. Commissioner Page made a motion to approve Yucca Mountain expenditures in the amount of \$15,372.50; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Auditor's Report: The Board reviewed the Auditor's report without comment.

APPOINTMENT OF COUNTY DIRECTORS / DEPARTMENT HEADS

Director and Department Head Appointments: Commissioner Ithurralde motioned to reappoint the same directors and department heads who report directly to the Board of County Commissioners, including: Public Works Director; Cultural, Tourism, & Economic Development Director; Eureka Senior Center Director; Fannie Komp Senior Center Director; EMS Coordinator; Budget Director; and Human Resources Analyst. Commissioner Page seconded the motion. Motion carried 3-0. The issue of re-categorizing the Human Resources Analyst from non-exempt to exempt, will be considered at the next regular meeting.

APPOINTMENT OF MEMBERS TO VARIOUS BOARDS

Local Emergency Planning Committee (LEPC): A letter was received from LEPC recommending that all members be reappointed, with the following changes: Martin "Sonny" Milano will replace Dave Pastorino as the member representing broadcasting; Phil Schmitz will replace Terry Foster as Crescent Valley Fire Chief; Sam Hicks will replace Joe Anelli as NDF and fire representative; and Ty Hanson will replace Sam Hicks as an alternate. Commissioner Ithurralde motioned to appoint the members as recommended; Commissioner Page seconded the motion; motion carried 3-0.

Recreation Board: Commissioner Ithurralde explained that Marge Hammond has been unable to attend meetings of the Recreation Board, and motioned that Ula Garrison replace her as hotel/motel industry representative (all other members will remain the same, as no seats were expiring); Commissioner Page seconded the motion; motion carried 3-0.

Other Boards and Committees: Commissioner Ithurralde motioned to re-appoint all existing members to the expiring seats on all boards and committees contained on the spreadsheet submitted by the Clerk; Commissioner Page seconded the motion; motion carried 3-0. Boards with remaining vacancies will be advertised requesting letters of interest. The secretary of the Safety Committee, Lisa Hoehne, notified the Board that Todd Hubbard had verbally resigned from the Safety Committee; the Board agreed to officially accept his resignation at the next meeting.

Wage & Salary Committee: Chairman Fiorenzi suggested that current Chairman, Ron Damele, remain on the Wage & Salary Committee, but that letters of interest be requested from all employees and existing members so that all employees have an opportunity to serve on that committee. Commissioner Ithurralde made a motion to this effect, and amended it to state that existing members will remain in service until new appointments are made; Commissioner Page seconded the motion; motion carried 3-0. Appointments will be made at the January 20th Commission meeting.

County Representatives / Commissioner Liaisons: Commissioner Ithurralde motioned to reappoint current Eureka County representatives to non-County boards and affiliations, and reappoint Commissioner liaisons to Eureka County boards, various community groups, and affiliations. Commissioner Page seconded the motion. Motion carried 3-0.

CORRESPONDENCE

Correspondence was received from: Lora Irwin, Klindt Estate; Ted Beutel, District Attorney; Jackie Berg, Clerk & Treasurer (3); Susan Fye, Justice of the Peace; Eureka County

Planning Commission (2); Eureka County Economic Development Program; Eureka County Recreation Board; Eureka County Wage & Salary Committee; Humboldt River Basin Water Authority; Washoe County Manager's eUpdate; Nevada Division of Environmental Protection; Nevada Department of Taxation (3); Nevada Department of Motor Vehicles; Nevada Department of Transportation; NDOT Centerline; Nevada Connections; US Senator Harry Reid; and US Department of the Interior-BLM (3).

Chairman Fiorenzi asked that the Klindt Estate offer be addressed on the next agenda and requested that the Public Works Director provide an estimate for costs related to the building if it were to be purchased by the County. Commissioner Ithurralde noted that sales tax collections are down State-wide and in Eureka County.

ROAD DEPARTMENT

Update Report: Raymond Hodson, Road Superintendant, reported on Road Department activities during the past month. The Road Department has been very busy with snow removal County-wide, placed new street signs in the 3rd Street area, moved equipment to Keg Street, and replaced a cattle guard and installed fencing in the Crescent Valley area. Chairman Fiorenzi requested a copy of the most recent annual pavement condition survey.

County Road Map Update: Mr. Hodson provided the Board with the current County Road Map and reviewed suggested changes. Mr. Damele explained that a public hearing is required in order to update the map once changes are agreed upon. Commissioner Ithurralde made a motion to accept the suggested changes for the County Road Map for review; Commissioner Page seconded the motion; motion carried 3-0.

PUBLIC WORKS

Contract with CarQuest: Ron Damele, Public Works Director, reported that the Commissioners awarded the Road Shop Filter Agreement to CarQuest beginning January 1, 2010, and the County is still awaiting return of the signed document. Commissioner Ithurralde motioned that the Chairman be authorized to sign the CarQuest contract for the Road Shop Filter Agreement outside of the meeting upon its receipt; Commissioner Page seconded the motion; motion carried 3-0. The Beowawe Road Shop was not included in the contract because this contract requires that the vendor visit weekly for inventory and stocking, and the Beowawe shop is not open on a daily basis.

Eureka Justice Facility Remodel and Expansion Project: Mr. Damele reported that progress on the Eureka Justice Facility Remodel and Expansion Project has been minimal since the holidays. Construction is expected to resume next week.

Quote from JAVS for Eureka Justice Facility: A quote was received from Jefferson Audio Video System (JAVS) to install a video system in the Eureka Justice Facility, not to exceed \$11,000.00. This will allow detainees to make court appearances via remote video without transporting them to Justice Court. The equipment may qualify to be paid from the Assessor's Technology Fund; if not, it can be funded through monies budgeted for the Justice Facility Remodel. Commissioner Page motioned to approve the quote from JAVS for installation of a video system at the Eureka Justice Facility, in the amount of \$10,953.00; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Selection Committee for Civil Engineer: Mr. Damele reported that the closing date for Requests for Qualifications for qualified civil engineering consultants to serve as Eureka County Engineer is January 27, 2010. Mr. Damele recommended that a selection committee be appointed to review the submittals and provide a shortlist to the County Commissioners. The consultants on the shortlist will make a presentation to the County Commissioners and enter into negotiations. Chairman Fiorenzi suggested that a public-at-large position be

included in the selection committee. Commissioner Ithurralde made a motion to appoint a selection committee comprised of the Public Works Director, Chairman Fiorenzi, the District Attorney, and a public-at-large position to be chosen by the other three members, and that this committee will narrow the selection to three candidates; Commissioner Page seconded the motion; motion carried 3-0.

COUNTY ENGINEER

Main Street Water and Sewer Project: Tom Young, Lumos & Associates, reported that the Main Street Water and Sewer Project plans were submitted to the necessary agencies approximately 30 days prior for review. The plans have been approved by the Bureau of Water Pollution Control (Nevada Division of Environmental Protection). Comments have been received from Nevada Department of Transportation, AT&T, and Mount Wheeler Power. The County is still awaiting comments from the Bureau of Safe Drinking Water and Centra Com. Plans will be submitted to Suburban Propane because of the presence of a small underground gas system for the downtown core. The cost estimate was updated to approximately \$5 million, including contingencies and a force account, but is subject to change. Mr. Damele explained that the project has been divided into 15 phases and is being planned around the 4th of July events. Public Works will hold informal public meetings regarding the project at their office in the Annex/Administration Building (dates yet to be determined), and it was recommended that the Commissioners host an informational public meeting. Commissioner Ithurralde motioned to set the public hearing for 7:00 p.m. on January 20th at the Eureka Opera House and that a mass mailing be sent to the public for notification purposes; Commissioner Page seconded the motion; motion carried 3-0.

Eureka Town Water Tank and Booster Station Project: Mr. Young reported that a walk-through was conducted on December 22nd for the Eureka Town Water Tank and Booster Station Project, which is fully operational and functional. A Notice of Completion was issued, the Notice to Proceed is being advertised, and the retention will be released after 40 days. The project included a new 1.25 million gallon tank on Tank Hill, a duplex booster pump system, a new generator at the booster station, a new generator at the Diamond Valley wells, and a new telemetry system. The Board was invited to walk through the telemetry system operation with Mr. Damele or Lester Porter, Senior Utility Worker.

SENIOR CENTERS

Update Report: Millie Oram, Eureka Site Director, and Adell Panning, Crescent Valley Site Director, reported on their respective centers. There is an area in the foyer of the Eureka Senior Center where the floor has rotted; an inspector will photograph the damage and check for mold; if needed, meals will be served at the Opera House while the floor is being repaired. The meal counts for December were 1,019 in Eureka and 764 in Crescent Valley. A new ice machine will be ordered for the Fannie Komp Senior Center, and paid for with grant funds. Ms. Panning attended the Northern Nevada Transit Coalition meeting on January 5th where discussion took place on a possible assisted living facility in Elko. Ms. Panning assisted with three financial aid applications and one indigent application.

EUREKA COUNTY HUMAN RESOURCES

Monthly Report: Jerry Larson, Human Resources Analyst, has been working on the recommended changes to the County's Personnel Policy, which is being reformatted and reorganized. Changes will be presented to the employees and managers initially through focus meetings, with the first focus meeting scheduled in Crescent Valley on January 14th at 9:30 a.m. Mr. Larson has been working with the Sheriff's Office to review job descriptions,

pay grades, and human resources policies. Another addition to the Personnel Policy includes a management training program through POOL/PACT, which the Human Resources Analyst is currently attending. Mr. Larson suggests that individual departments hold interdepartmental meetings on a regular basis.

Physicals for the local volunteer fire departments were conducted in Eureka, and in Elko for the Crescent Valley volunteers, and a total of 12 physicals were completed. An detailed quote was requested from Nevada Health Centers for comparative purposes.

CRESCENT VALLEY TOWN ADVISORY BOARD

Advertisement for Secretarial Position: This was addressed under the Commissioners' agenda section. Commissioner Ithurralde motioned that the Crescent Valley Town Advisory Board commence advertising for a secretarial position; Commissioner Page seconded the motion; motion carried 3-0.

NEVADA HEALTH CENTERS

Addendum to Annual Contract: Mr. Beutel explained that correspondence with Michelle Agnew, Chief Operations Officer, indicated that a signed addendum to the Nevada Health Centers contract would be sent via email; however, it was not received prior to the Board meeting. Commissioner Ithurralde made a motion to table the acceptance of the addendum until January 20th; Commissioner Page seconded the motion; motion carried 3-0.

Additional Exam Room: Nevada Health Centers requested that the County outfit an additional exam room in the Eureka Medical Clinic for an estimated cost of \$6,770.00. Commissioner Page made a motion to table the expenditure until more information is available; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Flooring in Additional Exam Room: Mr. Damele explained that if the additional exam room is approved, Nevada Health Centers would like the flooring to be replaced with tile in order to match the flooring in the other four exam rooms. Commissioner Page motioned to table this agenda item until January 20th; Commissioner Ithurralde seconded the motion; motion carried 3-0. Attendance by Nevada Health Centers will be requested for the January 20th meeting.

RECESS FOR LUNCH

The Board recessed for lunch from 11:40 a.m. to 1:01 p.m.

NATURAL RESOURCES

Activity Report: Jake Tibbitts, Natural Resources Manager, reported that a wild horse gather is scheduled in the Calico Mountain Complex near the Black Rock Desert, and 3,000 horses are expected to be gathered. Horse advocacy groups appealed the gather, but the decision to move forward was upheld. Eureka County could face a similar appeal if a gather is scheduled in the County. A wild horse gather is scheduled near Ely and the Natural Resources Advisory Commission (NRAC) will be considering a letter of support at the next NRAC meeting. Mr. Tibbitts informed that a press release reported that the Obama Administration is on the cusp of issuing an order that would expand the National Environmental Policy Act (NEPA) to prevent global warming. The Forest Service is launching a new planning rule that will include restoring forest, protecting watersheds, addressing climate change, and improving collaboration, with a 60 day comment period.

Upcoming Meetings: Mr. Tibbitts will attend the Nevada Water Resource Association Conference in Las Vegas on March 2-4, 2010. Last year's meeting was very worthwhile and registration details were given to the Board if there was interest in attending. The next State

Land Use Planning Advisory Council (SLUPAC) meeting will be held in Eureka this spring. Mr. Tibbitts will organize the meeting with a possible tour of Diamond Valley and a presentation from the US Geological Survey. Upcoming meetings for the Natural Resources Manager include: a NEPA Committee meeting on January 6th; the Eureka County water hearing in District Court on January 7th; a Humboldt River Basin Water Authority meeting on January 8th; the Planning Commission Master Plan session on January 11th; a Nevada Association of Counties Public Lands Natural Resource meeting on January 12th; a 3M Plan at meeting at the Battle Mountain BLM on January 13th; a NRAC meeting on January 13th (which will include discussion of the Forest Service Travel Management Project with Steve Williams of the Forest Service) and a Mount Hope conference call on January 19th.

Letters of Thanks for Support: Mr. Tibbitts provided proposed letters of thanks to Senator John Ensign and Congressman Dean Heller, thanking them for support of legislative items of interest to Eureka County. Commissioner Ithurralde motioned to authorize the Chairman to sign the letters of thanks to Senator John Ensign and Congressman Dean Heller outside of the meeting; Commissioner Page seconded the motion; motion carried 3-0.

NEPA COMMITTEE

Update Report: Mr. Tibbitts reported that there is a NEPA Committee meeting scheduled for January 6th at 7:00 p.m. The Board was provided with the updated Mount Hope Project and environmental impact statement (EIS) schedule. A Water Monitoring, Management, and Mitigation (3M) Plan meeting is scheduled in Battle Mountain with the BLM on January 13th at 9:00 a.m. The Natural Resources Office received the Hydrology Model, Pit Lake Geochemistry Report, Ecological Risk Assessment Report, and an air quality assessment for the Mount Hope Project which have been commented on by the County and other reviewers. General Moly indicated, during the last Mount Hope conference call, that revisions to the Hydrology Model Report and Pit Lake Geochemistry Report are anticipated to be resubmitted by January 29th. Some discussion was had on the Cortez Hills court decision and the possible effects on the Mount Hope Project EIS, as well as water mitigation authority.

Mount Hope Project Correspondence: Mr. Tibbitts reported on two letters received from the BLM; one was regarding the memorandum of understanding (MOU) with the County; and the second was about visual resource simulations and a point of contact for the County.

Letter to BLM on Water Model: The Board reviewed a letter to the BLM transmitting comments on the Mount Hope Project Hydrogeology and Numerical Flow Modeling. The model was studied by the County's expert, Carol Oberholtzer, hydrologist with Lahontan Geoscience, with comments submitted to the BLM the previous week.

Water Resources Monitoring, Management, and Mitigation (3M) Plan: The draft Mount Hope Project 3M Plan developed by General Moly was provided to the Board. Any issues with the plan can be brought forward on January 13th at the meeting with the BLM. Commissioner Ithurralde motioned to accept the draft 3M Plan for review; Commissioner Page seconded the motion; motion carried 3-0.

NEVADA DIVISION OF FORESTRY

Quarterly Report from Nevada Division of Forestry (NDF): Sam Hicks, Eureka County Battalion Chief, introduced Mike Rector, NDF's new Fire Management Officer, and provided the quarterly report from NDF. The quarterly report included: the official signing of the contract between NDF and Eureka County; the status of the new water tenders; status of the annual operating plans (AOP) for each department; emergency drill training; vehicle and apparatus maintenance; hazardous materials training; annual testing; and a report of two structure fires.

FIRE DEPARTMENT QUARTERLY REPORTS

Eureka Fire Department: The Board reviewed the written quarterly report for the Eureka Fire Department.

Crescent Valley Fire Department: The Board reviewed the written quarterly report for the Crescent Valley Fire Department.

EUREKA COUNTY SHERIFF

Quarterly Report on Detention Facility: Sheriff Ken Jones reported that the ongoing construction at the Eureka Justice Facility has created some difficulties. There were 17 new bookings, a total of 19 inmates, 605 inmate days, and an average of 6.5 inmates per day for the last quarter.

Gun Storage Lockers: Sheriff Jones requested approval to purchase two gun storage lockers which were budgeted for Fiscal Year 2009-2010. Commissioner Ithurralde motioned to approve the purchase of two gun storage lockers, not to exceed \$1,000.00; Commissioner Page seconded the motion; motion carried 3-0.

Vehicle Lighting for Jail Van: Sheriff Jones explained that emergency vehicle lighting was erroneously deleted from the quote for the new van when it was approved in September 2009, but is a necessary addition to the van before it is delivered. Commissioner Page motioned to approve purchase and installation of vehicle lighting for the jail van from Vehicle Lighting Solutions, not to exceed \$1,651.86; Commissioner Ithurralde seconded the motion; motion carried 3-0.

QUARTERLY DRUG REPORTS

Drug Related Arrests/Interventions: Sheriff Jones provided the quarterly drug report for drug related arrests and/or interventions made by the Eureka County Sheriff's Office, as follows: one possession of marijuana, one possession of drug paraphernalia, one possession of methamphetamine, a citation for drug paraphernalia, and three citations for possession of marijuana of an ounce or less.

Drug Related Convictions/Acquittals: The quarterly report for drug related convictions and acquittals was not available and will be provided on January 20th.

EUREKA COUNTY DISTRICT ATTORNEY

Deputy District Attorney Employment Arrangement: Ted Beutel, District Attorney, communicated a request to allow the Deputy District Attorney, Dorothy Rowley, to rearrange her work schedule and work partially from home to accommodate work duties and child rearing responsibilities. Currently, there is no provision to allow or prohibit employees from completing duties from home. Mr. Beutel outlined the proposed arrangement and informed that staff in the District Attorney's Office will coordinate to ensure that messages and documentation are transmitted electronically as needed. Creation of a policy addressing similar situations and requests may be considered for inclusion in the personnel policy in the future. Commissioner Ithurralde motioned to approve the employment arrangement for the Deputy District Attorney to work from home and part-time in the District Attorney's Office; Commissioner Page seconded the motion; motion carried 3-0. Mr. Beutel added that he and Ms. Rowley are committed to being responsible with the new arrangement and the situation will be reevaluated periodically to ensure that it remains suitable for both parties.

EUREKA COUNTY CLERK AND TREASURER

Quarterly Report: The Board reviewed the quarterly report from the Eureka County Clerk which itemized Clerk fees and District Court fees for the quarter.

Nevada CASA Association, Inc., Services: Commissioner Ithurrealde motioned to approve payment to Nevada Court Appointed Special Advocates (CASA) for services related to a juvenile case in District Court in the amount of \$2,500.00, as budgeted; Commissioner Page seconded the motion; motion carried 3-0.

JUSTICE COURT QUARTERLY REPORTS

Eureka Justice Court: The Board reviewed the quarterly report for the Eureka Justice Court without comment.

Beowawe Justice Court: The Board reviewed the quarterly report for the Beowawe Justice Court without comment.

EUREKA COUNTY TELEVISION DISTRICT

Quarterly Report: Television District President, Dave Pastorino; Department Assistant, DiAnn Martin; and contracted technician, Alan Greager, provided a quarterly report for the Television District. Mr. Greager began working for the Television District on November 9th and has been helping with the analog to digital conversion. Work has included: examination of previous Federal Communications Commission (FCC) licensing; analog licensing; digital translator licensing; frequency coordination; applications for construction permits; and analog channel corrections and improvements. Mr. Greager explained that digital companion channels will be provided for each analog channel currently available. The construction phase, once permitted, is expected to take place this coming summer and next, depending on available budget. The TV District will install a low power tower on Tank Hill in order to provide service to previously shadowed areas in the Town of Eureka. Commissioner Ithurrealde noted that there has been positive feedback because of the recently improved television service. Mr. Pastorino noted that the TV District will be speaking with the Budget Officer to work on the upcoming fiscal year budget.

REHAB SERVICES OF NEVADA QUARTERLY REPORT

Quarterly Report: The Board reviewed the quarterly report from Rehab Services of Nevada. Patient activity in Eureka continues to be fairly substantial.

COMMISSIONERS

Update Reports: Commissioner Ithurrealde attended the Planning Commission meeting on January 5th along with the District Attorney and the Public Works Director. There were no other meetings attended by Commissioners over the recent holiday period

Title 11 of the Eureka County Code: Mr. Beutel explained that as a result of federal restrictions on the Violence Against Women's Act funding, the County is required to make accommodations for victims of sexual assault needing treatment, who don't wish to identify the assailant. In order to limit the County's monetary liability to the initial 'Jane Doe' sexual assault kits, the County Code should reflect this restriction. Commissioner Ithurrealde motioned to limit the County's liability to the cost of Jane Doe sexual assault evident kits, at approximately \$250.00 each, by amending Title 11 of the Eureka County Code; Commissioner Page seconded the motion; motion carried 3-0.

Public Hearing Regarding Title 11: Commissioner Ithurrealde motioned to set a public hearing at 2:00 p.m. on February 5th to hear public comments and consider proposed changes to Title 11 of the County Code; Commissioner Page seconded the motion; motion carried 3-0.

Contemplated Action Regarding Crescent Valley Town Advisory Board (CVTAB): The Commissioners reviewed CVTAB's November 12, 2009, meeting transcript for the purpose of

considering appropriate action in order to preserve the integrity of open meetings in Eureka County, and to ensure that the character, competence, and medical condition of persons is not freely discussed in open meetings. Commissioner Page stated that he was one of the persons discussed at the meeting under review, but will deliberate and vote on this item because he did not feel his judgment would be affected. Commissioner Ithurralde similarly stated that he was a subject of discussion, and would also participate in this item. Kollene Schwartz, CVTAB member, was present via video and relayed that Chuck Henry, CVTAB Chairman, had indicated that he will tender his resignation at the January 13th CVTAB meeting.

Mr. Beutel relayed that the problems being discussed focus on the November 12th CVTAB meeting where that board allowed discussions of character, competence, and medical condition of County employees, staff, and Board members without providing notice to these individuals. Mr. Beutel explained that it is the duty of the CVTAB members to stop the public from discussing such issues without prior written notices to the individuals, as required under the law. Past incidences of Open Meeting Law complaints filed with the Nevada Attorney General (AG) against the CVTAB were cited, along with the responses and opinions of the AG's Office.

Betty Krambs, Crescent Valley resident, read the following comment, requesting that it be included in the record: *“When Crescent Valley had a governing board we received most of the infrastructure we still have, the fire station, a town park, a town hall, and there was no problems. The now Town Advisory Board is asked every year to provide a budget, yet nothing is ever done in a timely manner by the Commissioners. We have been chastised because we got two buildings at the expense of over one million dollars, yet the one building was asked for 16 years before and the other building was finally recognized as necessary to replace one which was in danger of falling apart, and was actually a hazard. Yet at one meeting in Eureka, a new fire station was approved immediately, which cost has almost doubled what was approved originally. Now this Commission is elected to represent not just the town of Eureka, but the entire County, which does include Crescent Valley; and I'm sure that a lot of people are getting disgusted, the same as I am, at the short shrimp that we do get up here. Now our Town Board, I would assume could maybe actually work better, but you're going to get people who are trying desperately to represent the town, but who seem to be spinning their wheels. And this Commission is elected, like I said, to represent the entire County, but we don't see much representation up here.”* Ms. Krambs further stated that appropriate training would better equip the CVTAB in dealing with these issues. The Commissioners replied that the CVTAB had been provided the exact same training that was provided the County Commissioners.

The Commissioners had somewhat recently (April 2009) held a public hearing in Crescent Valley to consider restructuring the CVTAB as a direct result of several Open Meeting Law complaints; but based in part on mixed results from a citizen questionnaire, which favored leaving the Town Advisory Board intact, had declined to take action. Commissioner Page reminded everyone that he had introduced the proposal to reduce the CVTAB to three members, and stated that he still stood behind that option. Chairman Fiorenzi commented that he had promised (at that public hearing) to take serious action, should there be any further infringements of Open Meeting Law by the CVTAB. Commissioner Ithurralde agreed that action was warranted, but was still against dissolving the board altogether.

Several solutions were offered, including the possibility of a ballot question to officially poll Crescent Valley's residents regarding the make-up of their board; but this idea was abandoned because it would not be effective until 2013. Other solutions, such as limiting the number of meetings, holding meetings in conjunction with the Board of Commissioners, removal of current members and appointment of new members, and dissolution of the CVTAB, were also discussed.

As a more immediate solution, Commissioner Page re-proposed that the Crescent Valley Town Ordinance be amended to reduce the CVTAB from five to three members; Commissioner Ithurralde seconded the motion; motion carried 2-1, with Chairman Fiorenzi voting against the motion. It was agreed that an action item to set a public hearing will be included on the agenda for the January 14th budget meeting.

Resolution Honoring High School Boys' Football Team: Commissioner Ithurralde motioned to adopt a revised resolution commemorating achievements by the High School Boys' Football Team for the 2009-2010 school year; Commissioner Page seconded the motion; motion carried 3-0.

Eureka, Nevada

January 6, 2010

**RESOLUTION
OF THE EUREKA COUNTY BOARD OF COMMISSIONERS
HONORING THE EUREKA VANDALS HIGH SCHOOL FOOTBALL TEAM**

WHEREAS, the Eureka High School Football Team, the Eureka Vandals, finished the regular 2009 season 9-0, placing first in the Single 'A' League, East Region, North Division of the State of Nevada; and

WHEREAS, the players showed superb athletic ability and outstanding sportsmanship; and

WHEREAS, many members of the Eureka Vandals Football Team were selected for the All Division Team; and

WHEREAS, the Board of Eureka County Commissioners recognizes these outstanding accomplishments and achievements; and

WHEREAS, Coach Rod Garcia was honored as the 'Coach of the Year' for the East Region;

NOW THEREFORE BE IT RESOLVED that the Board of Eureka County Commissioners commend and congratulate the **Eureka Vandals Football Team**, its individual members and coaches, as follows:

EUREKA VANDALS HIGH SCHOOL FOOTBALL – ROSTER

**HEAD COACH – ROD GARCIA; ASSISTANT COACH – KENNY SANDERS;
ASSISTANT COACH – LORIN WATSON; MANAGER – KEVIN PODBORNY**

DYLAN ALLEN (V)	JUSTIN MOYLE (V)	EDGAR BIRCHIM (V)
JACK ASHCROFT (V)	JESSE REITER (V)	JOSEPH GARCIA (V)
MICHAEL TODD (V)	PATRICK DAMELE (V)	CLAYTON SOUZA (V)
JUAN DAVILA (V)	ODOME JACKSON (V)	MICHAEL DAMELE (V)
WALKER BEENE (V)	A.J. ZUNINO (V)	ROMAN WRIGHT (V)
WILLIAM HALE (V)	DAKOTA HOWARD (JV)	BLAINE BACON (JV)
DAMIAN BRANTING (JV)		

BE IT FURTHER RESOLVED that this Resolution be printed in the minutes of this Board and that copies hereof be provided to the coaches and members of the Eureka Vandals High School Football Team.

ADOPTED this 6th day of January, 2010.

EUREKA COUNTY BOARD OF COMMISSIONERS
EUREKA COUNTY, NEVADA

/s/ Leonard Fiorenzi

Leonard Fiorenzi, Chairman

/s/ J.P. Ithurralde

J.P. "Jim" Ithurralde, Vice Chairman

/s/ Mike Page

Mike Page, Member

ATTEST: /s/ Jackie Berg

Jackie Berg, Clerk

National Radon Action Month: Per a request from the University of Nevada Cooperative Extension in conjunction with the Nevada State Health Division and the US Environmental Protection Agency, Commissioner Ithurralde made a motion proclaiming January 2010 as National Radon Action Month in Eureka County; Commissioner Page seconded the motion; motion carried 3-0. The signed proclamation is on file in the County Clerk's office.

Mount Hope Project, EIS, and NEPA Process: Mr. Tibbitts and Abby Johnson, EIS Coordinator, described two letters sent to the County from the BLM. The first letter, dated December 16th, suggested that a Eureka Sentinel article implied that the County violated a section of the MOU with the BLM. The second letter from the BLM, dated December 24th, was a response regarding visual simulations for the Mount Hope Project, as well as a request for clarification of the County's point of contact and decision making authority. Two letters were drafted in reply to the BLM letters and provided for the Board to review. The first letter indicated that the County did not violate the MOU by relaying information already made public by the mine. The second letter responded to visual simulation issues with the Mount Hope Project EIS. Commissioner Ithurralde motioned to authorize the Chairman to sign the letter to the BLM regarding the MOU for the Mount Hope Project; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Ithurralde motioned to authorize the Chairman to sign the response letter to the BLM regarding visual simulations for the Mount Hope Project EIS; Commissioner Page seconded the motion; motion carried 3-0.

Another letter is being drafted clarifying that Mr. Tibbitts is the point of contact, and will include timelines when the past and present Natural Resources Manager positions were filled, and the periods that the position was vacant, which had contributed to the confusion regarding who was point of contact for the County. The MOU may be amended if needed. The letter will also provide a timeline for certain issues relating to the Mount Hope Project EIS and NEPA process. Commissioner Ithurralde motioned to reaffirm that the Natural Resources Manager is the point of contact for the MOU with the BLM, later amending his motion to allow the letter to be signed on January 11th; Commissioner Page seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Fiorenzi opened the floor to public comments; there were none.

ADJOURNMENT

At 3:05 p.m., Commissioner Page motioned to adjourn the meeting; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Approved this 20th day of January, 2010.

/s/ Leonard Fiorenzi
Leonard Fiorenzi, Chairman

Attest: /s/ Jackie Berg
Jackie Berg, Clerk