

**EUREKA COUNTY BOARD OF COMMISSIONERS**  
**January 22, 2019**

STATE OF NEVADA            )  
  :SS  
COUNTY OF EUREKA        )

**CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on January 22, 2019. Present were Chairman J.J. Goicoechea; Vice Chairman Michael Sharkozy; Commissioner Rich McKay; District Attorney, Ted Buetel; and Commissioner Clerk, 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; there were none.

**APPROVAL OF MINUTES**

January 7, 2018: Commissioner McKay motioned to approve minutes of the January 7, 2019, meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0.

**COUNTY COMPTROLLER**

Payment of Expenditures: Expenditures were presented for approval by Comptroller, Maureen Garner. Commissioner Sharkozy motioned to approve expenditures in the amount of \$221,073.05 for accounts payable, \$244,317.26 for payroll related expenses, and \$79.95 in Yucca Mountain expenses, for a grand total of \$465,470.26; Commissioner McKay seconded the motion; motion carried 3-0.

Fund Balance Report: The Board reviewed the Fund Balance Report provided by the Comptroller's office.

**COMMISSIONERS**

Transfer of Dental Practice: Dr. Daniel Norris, DDS, and Dr. Shannon Sena, DDS, joined the meeting by telephone to explain plans for Dr. Sena to assume the dental practice in Eureka. Dr. Sena introduced himself and provided some background. He and his wife were born and raised in Ely. They returned to Ely about eight years ago for Dr. Sena to begin a dental practice.

Dr. Norris stated he was excited to have Dr. Sena become part of the Eureka community and was very comfortable passing the dental practice on to someone who will provide the same level of care that he has provided since he came to Eureka in 2011. Dr. Norris plans to conclude his work in Eureka by February 18<sup>th</sup>.

Dr. Sena plans to begin practicing in Eureka around the first of March. He will use the last two weeks of February to set up equipment, including computers which will be integrated with his computer system at his Ely office. This will allow him to answer calls throughout the week and access Eureka patient records from Ely. Dr. Sena plans to be in Eureka on Mondays (full day) and Tuesdays (half day or full day) and will adjust his time dependent on patient numbers. He plans to have a dental hygienist in Eureka on Mondays and possibly Tuesdays.

Chairman Goicoechea explained that transfer of the dental practice is a private transaction between the doctors, but the County owns the clinic building, the dental chairs, and some of the

cabinets. The County provides the space at no cost as its contribution towards providing the community with dental care.

Commissioner Sharkozy motioned to adopt a resolution supporting transfer of the dental practice in Eureka from Dr. Dan Norris to Dr. Shannon Sena; Commissioner McKay seconded the motion; motion carried 3-0.

The Board welcomed Dr. Sena and thanked Dr. Norris for his years of service and for his family being a valuable part of the community over the past eight years.

Eureka, Nevada

January 22, 2019

**RESOLUTION OF THE BOARD OF EUREKA COUNTY COMMISSIONERS  
ACCEPTING THE TRANSFER OF THE EUREKA DENTAL PRACTICE  
AND HONORING THE OPPORTUNITY GRANTED TO DR. SHANNON SENA, DDS**

WHEREAS, the building known as the Clinic located at 250 South Main Street in Eureka, Nevada, is owned by Eureka County, a political subdivision of the State of Nevada; and

WHEREAS, the Board of Eureka County Commissioner, the supervising authority for the County, permits health care practitioners who are not employees of Eureka County to conduct business in the Clinic to serve the health needs of persons within the County; and

WHEREAS, the relationship between these practitioners and Eureka County is that of a licensee, with the County as licensor granting full use and access to portions of the County owned Clinic building for the sole purpose of licensees operating their health care practice; and

WHEREAS, from time to time health care licensees move on to other opportunities, and make available to others the practice left vacant by their departure from the Clinic, along with an inventory of equipment and other items not owned by the County which remain at the Clinic for use; and

WHEREAS, Eureka County has made available an area for a dental practice, with the following equipment which is owned and maintained by Eureka County: two (2) Henry Schein/Belmont dental chairs, two (2) Henry Schein side cabinetries, and one (1) Gendex Orthoralix Panoramic machine; and

WHEREAS, Dr. Dan Norris, DDS, the current dental care provider at the Clinic, wishes to make available his Clinic dental practice to Dr. Shannon Sena, DDS; and

WHEREAS, Eureka County does not as a matter of practice interfere in the private transactions worked out between practitioners to transition their practice at the Clinic, and will not depart from that practice now; and

WHEREAS, the Board of Eureka County Commissioners accepts this transfer of the Eureka Clinic dental practice between Dr. Norris and Dr. Sena; and

WHEREAS, the Board of Eureka County Commissioners has no intention of disrupting the opportunity for Dr. Norris to transition away from the Clinic, and for Dr. Sena to transition into the Clinic and allow for the continuation of dental services to persons in Eureka;

NOW THEREFORE the Board of Eureka County Commissioners so resolves as stated above this 22<sup>nd</sup> day of January, 2019.

PASSED on the 22<sup>nd</sup> day of January, 2019.

Ayes: Commissioners Goicoechea, Sharkozy, McKay.

Nays: None. / Absent: None. / Abstention: None.

This Resolution is adopted this 22<sup>nd</sup> day of January, 2019.

/s/ J.J. Goicoechea, DVM

J.J. Goicoechea, Chairman of the Board  
Eureka County Commission

Attest: /s/ Lisa Hoehne

Lisa Hoehne, County Clerk

Assistance for Counseling: Pursuant to Eureka County Code, Title 11, Chapter 30, Eureka County must provide financial assistance, up to \$1,000.00, for counseling of crime victims if an application meeting the criteria is submitted. An application was received by the District Attorney's office. The request was forwarded to the Commissioners, with the name of the victim withheld.

Commissioner Sharkozy motioned to approve the application of an individual for financial assistance for counseling as provided for in Eureka County Code; Commissioner McKay seconded the motion; motion carried 3-0.

Sagebrush Ecosystem Program: Chairman Goicoechea had no new updates related to the Sagebrush Ecosystem Program.

### **ECHS STUDENT COUNCIL & DIAMOND MOUNTAIN FFA**

Grant Request for Downtown Beautification: Shauna Brown, Vice President of the Student Council and Secretary of the Diamond Mountain FFA; Savanna Sanders, Student Body President and Division 1A Vice President for the Nevada Association of Student Councils; Tyler Blanco, President of the Diamond Mountain FFA; and Mikel Lacovara, Vice President of the Diamond Mountain FFA, were in attendance to request funding for a downtown beautification project in Eureka. This will be recognized as a community service project by the Nevada Association of Student Councils.

The students explained that the ECHS Student Council is hosting this project with assistance from the Diamond Mountain FFA. The project will be a continuation of the hanging flower baskets that graced the streetlights on Main Street last summer and into fall, and will include flower pots at the Sheriff's Office and the Opera House. They requested \$5,000.00 to cover supplies and to pay FFA students to do the daily watering.

In addition, the students want to purchase banners honoring Eureka County graduates who have served in the military. Additional banners will signify 'Vandal pride' and will showcase different events and activities. The banners will be displayed on the streetlights along with the flower baskets. Estimated cost for banners and hanging supplies was \$5,820.00. Total amount requested for the entire project was \$10,820.00.

Cindy Beutel, project volunteer, explained that the students would like to make this an ongoing project, and next year should be able to receive matching grant funds from the Nevada Commission on Tourism (NCOT grants cycle every other year).

The Commissioners agreed this was a good project, but felt the students should ask for a portion of the funding from different sources, suggesting area mining companies. Chairman Goicoechea recommended that the County fund the banner portion of the project.

Commissioner Sharkozy motioned to approve a grant of \$6,000.00 to the ECHS Student Council and Diamond Mountain FFA to be paid from Miscellaneous Grants in the Commissioners' budget; Commissioner McKay seconded the motion; motion carried 3-0.

### **AMBULANCE & EMS**

Report on Activities: EMS Director, Kenny Sanders, reported that there have been minimal ambulance runs over the past month, with adequate volunteer response to cover the runs. More volunteers are needed and Mr. Sanders will begin recruitment shortly. Crescent Valley recently

gained a new EMT and Eureka should have another one soon. Heather Eskandon, who approached the Board recently for financial assistance to complete an EMT course, has finished her clinicals and is preparing for final testing.

Cot for New Ambulance: Mr. Sanders explained that new federal safety standards require all new ambulances to have an updated locking mechanism for the ambulance cots (older ambulances are 'grandfathered' in). In order to comply with these regulations, Mr. Sanders obtained a quote for a new cot, to be added to the bid/contract for a new ambulance approved by the Board on December 20<sup>th</sup>.

Commissioner McKay motioned to approve a quote from Rocky Mountain Ambulance Sales & Service, in the amount of \$13,900.40, for a Stryker Performance Pro Cot and Stryker Performance Load Mount. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

## **PUBLIC WORKS**

Public Works Update: Public Works Director, Ron Damele, reported on Public Works projects and activities.

Utilities & Facilities: All utilities are in good working order. The well in Crescent Valley has been repaired. When not shoveling snow, the utility crew is working on remodeling the bathrooms at the Eureka Fairgrounds. The honor crew from the NDF Conservation Camp is assisting with snow removal, particularly around fire hydrants and at the Administrative Facility.

Parts for the Opera House elevator, which had to be custom manufactured, were shipped on January 20<sup>th</sup>. Once they arrive, Silver State Elevator Company will complete the repairs. The front doors at the Eureka Clinic are currently being replaced by Thompson Overhead Doors.

Firefighter Training: A series of Red Card wildland firefighter refresher trainings will be held on January 22<sup>nd</sup> & 23<sup>rd</sup> in Eureka and on January 25<sup>th</sup> & 26<sup>th</sup> in Crescent Valley. Classes will be held at a later date in Pine Valley and Dunphy. If anyone needs the full course, they will be sent to Battle Mountain, Carlin, or Elko.

Parcel Map No. 237862: On December 17<sup>th</sup>, the Planning Commission approved a parcel map for David Pastorino for division of APN 001-012-27 in the Town of Eureka into two parcels.

Mr. Damele explained that installation of water and sewer is the responsibility of the owner or future owners and must be completed by a licensed contractor. Paving of Ridgetop Road (from the intersection of Archimedes Street south to the parcel boundary) is also the responsibility of the owner or future owners.

Commissioner Sharkozy motioned to approve a parcel map for the David A. Pastorino Family Trust to divide APN 001-012-27 in the Town of Eureka, with the noted restrictions. Commissioner McKay seconded the motion. Motion carried 3-0.

Road Maintenance MOU: The road maintenance Memorandum of Understanding with Barrick Cortez is ready for approval and signature. Mr. Damele explained that under the MOU, Barrick Cortez will pay the County \$83,000.00 annually to fund an Equipment Operator, who will be assigned to work exclusively on County roads heavily utilized by the mine, approximately 51 miles of road. The mine will also provide four water trucks each month to work as long as needed to assist the assigned blade and any other blades that work on those roads.

In a previous MOU with Barrick, the position was contingent upon mine funding. That is no longer the case, as it is difficult to find a qualified person for a position that is not guaranteed from year to year.

Commissioner McKay motioned to approve the Memorandum of Understanding with Barrick Cortez, Inc. (as Manager of the Cortez Joint Venture), to fund a full-time Public Works Equipment Operator, in an amount not to exceed \$83,000.00, for snow removal, minor road maintenance, and construction water. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Car Pool Vehicle: Monies were budgeted for a new car pool vehicle in the current fiscal year and one can be purchased utilizing the State of Nevada Fleet Vehicle Purchasing Agreement

#8475. Commissioner Sharkozy motioned to purchase a 2019 GMC Yukon SUV, not to exceed \$43,000.00, utilizing budgeted monies from the Capital Projects Fund. Commissioner McKay seconded the motion. Motion carried 3-0.

Utility Pickup: Monies were budgeted to replace a high-mileage utility pickup used for utilities and building maintenance and one can be purchased utilizing the State of Nevada Fleet Vehicle Purchasing Agreement #8475. Commissioner Sharkozy motioned to purchase a 2019 GMC Sierra One-Ton 4x4 Crew Cab Pickup, not to exceed \$43,000.00, utilizing budgeted capital outlay monies from the Eureka Water/Sewer Utility Fund. Commissioner McKay seconded the motion. Motion carried 3-0.

## **TREASURER**

Treasurer's Report: The Treasurer's Report for December was presented by Treasurer, Beverly Conley, and showed an ending fund balance of \$27,564,837.64. Ms. Conley referenced a \$2 million reconciling item explaining that it reflects a transfer from the Money Market account, which closes on the 28<sup>th</sup> of each month and all other accounts close on the 21<sup>st</sup>.

When asked about investment strategy, Ms. Conley stated she is very happy with the investments, which earned \$150,339.33 in December.

Order of the Board: Some minor amendments were made to update a previous Order of the Board in 2015. Commissioner Sharkozy motioned to issue the 2019 ORDER OF THE BOARD DIRECTING THE COUNTY TREASURER TO OFFER ALL TAX DELINQUENT PROPERTIES FOR SALE PURSUANT TO NRS 361.595(2). Commissioner McKay seconded the motion. Motion carried 3-0.

Eureka, Nevada

January 22, 2019

### **2019 ORDER OF THE BOARD OF COMMISSIONERS DIRECTING THE COUNTY TREASURER TO OFFER ALL TAX DELINQUENT PROPERTIES FOR SALE PURSUANT TO N.R.S. 361.595(2)**

WHEREAS, pursuant to N.R.S. 361.475 the County Treasurer is the ex-officio Tax Receiver, and is holding in trust approximately 24 properties, all of which are particularly described herein under ATTACHMENT A, and all of which have accumulated prior to April of this year, as security for payment of delinquent taxes; and

WHEREAS, on November 6, 2001, the Commissioners issued a standing order pursuant to N.R.S. 361.595 directing the County Treasurer to offer all tax delinquent properties for sale;

NOW THEREFORE, pursuant to N.R.S. 361.595(2), the Commissioners hereby renew and clarify their November 6, 2001 standing order. The Commissioners therefore direct and order the Treasurer to

1. review the tax files of all properties held in trust to ensure that said files contain proof that the Procedure in Chapter 361 of the Nevada Revised Statutes has been followed;
2. sell those properties that contain such proof as quickly as permitted by law; and
3. follow the above steps for all future delinquent properties that become trust property.

Further, the Treasurer shall become versed in and follow the procedure in Chapter 361 and this Order:

#### **I. Notice of Delinquency**

Pursuant to N.R.S. 361.5648, and within 30 days after the first Monday in March of each and every year, with respect to each and every property on which the tax is delinquent, the Treasurer shall

1. provide notices of delinquency to those with an interest in the property as identified in N.R.S. 361.5648(1)(a)-(c);
2. ensure that such notices contain all the required information as identified in N.R.S. 361.5648(2)(a)-(d);
3. provide a personal affidavit to the Commissioners that
  - a. affirms such notices of delinquency have been mailed, and
  - b. recites the number of letters mailed, returned, and finally determined to be undeliverable.

## II. Publication of Delinquency

Pursuant to N.R.S. 361.565 the Treasurer shall publish and post notice of the delinquency if the tax remains delinquent 30 days after the first Monday in April of each year. The Treasurer shall ensure that the contents and method of making such publication and posting of the delinquency comply with the requirements of N.R.S. 361.565 including posting on an internet website.

## III. List to District Attorney

Pursuant to N.R.S. 361.635, no later than the second Monday in June, the Treasurer shall prepare and deliver to the District Attorney a list, certified by the Treasurer, of each property for which accumulated delinquent taxes, exclusive of penalties and assessments of benefits of irrigation districts, total \$3,000 or more. Additionally, the Treasurer shall comply with the District Attorney's request to view and obtain copies of any and all documentation associated with such properties. Such compliance must be carried out within 20 days of a request.

## IV. Certificate

Pursuant to N.R.S. 361.570 and 361.5648(2)(d)(1), if the notice of delinquency and publication of such notice properly included a warning concerning the issuance and recording of the certificate authorizing the Treasurer to hold the property, the Treasurer, in his or her capacity as tax receiver, shall issue and record a certificate that contains all the information required by N.R.S. 361.570(2)-(3). Such certificate shall be prepared prior to 5 p.m. on the first Monday in June and issued at 5 p.m. on the first Monday in June. The Treasurer shall record such certificate no later than 20 days after its issuance to provide constructive notice of the amount of delinquent taxes. The Treasurer shall also comply with N.R.S. 361.570(4) – with regard to additional taxes and interest.

## V. Comptroller

According to N.R.S. 361.580, the Treasurer shall, no later than July 31 of each and every year following the redemption period in 361.570, render an account to the Comptroller, under oath, of the amount of taxes delinquent on the tax roll along with the taxes paid and taxes stricken by the Board of County Commissioners.

## VI. Preliminary Title Search

Pursuant to N.R.S. 361.5648(6), the Treasurer may identify those with an interest in the property using a preliminary title search provided by a company authorized to provide title insurance in this State. If a title search is obtained, the notices of delinquency required to be sent under N.R.S. 361.5648 shall be sent to all those identified in the search as having an interest in the property. Reliance on this title search protects the County from any damages resulting from failure to provide actual notice of delinquency pursuant to N.R.S. 361.5648(6). As with all costs associated with the processing of tax delinquencies, the cost of obtaining a title search must be charged to the delinquent taxpayer.

## VII. 60 Day Notice

Pursuant to N.R.S. 361.5648(4), the Treasurer shall send an additional notice of delinquency by certified mail at least 60 days prior to the expiration of the two (2) year redemption period. Such notice shall, at a minimum, be mailed to those listed in N.R.S. 361.5648(1) and shall conform to the requirements of 361.5648(2). At the discretion of the Treasurer, a preliminary title search shall be ordered and relied on to determine the names and addresses of persons who should receive this notice.

## VIII. Tax Deed

Once the two (2) year redemption period described above has expired and no redemption has been made, pursuant to N.R.S. 361.585 & 361.590(2), the Treasurer shall immediately execute and record a deed of the property to be held in trust by the Treasurer as security for the delinquency.

Once the property is held in trust by deed, those persons listed in N.R.S. 361.585 are allowed to have the property reconveyed to them – provided all taxes, costs, penalties and interest are paid in full. Unless acquired by a government or education entity under N.R.S. 361.603, this reconveyance period terminated after 5 p.m. on the third business day before the day of the sale pursuant to N.R.S. 361.595(3).

## IX. Designation for Sale or Acquire

The Treasurer shall, immediately after recording the trust deed, report to the Board of County Commissioners those properties now held in trust at the next regularly scheduled Commission meeting. The Commissioners will

review the list and decide if the County wishes to acquire any of the properties held in trust pursuant to N.R.S. 361.603 or have the properties sold pursuant to N.R.S. 361.595. For any properties the County wishes to acquire, the Treasurer shall provide a copy of the notices, certificate, deed, and all other documentation associated with that property, to the District Attorney immediately after the Commissioners' meeting.

#### X. Final Notice

If the title search on file is expired or a search has not yet been done, the Treasurer is directed to immediately obtain a title search for all the properties to be sold at auction and/or to be acquired by the County. The Treasurer shall review these title searches no later than three (3) months after the Commissioners have reviewed the list of properties now held in trust by the Treasurer. Immediately after review of such title searches, the Treasurer shall mail the notice described in N.R.S. 361.595(3) (Sale of property) or N.R.S. 361.603(2) (Acquisition by the county). This notice shall be sent not less than 90 days before the sale or acquisition date, and shall include an up to date calculation of delinquency.<sup>1</sup> The notice shall be sent certified mail, and if returned unsigned, the Treasurer shall make a reasonable attempt to locate and notify the owner or other persons with interest in the property before the sale.

#### XI. Posting & Publication of Sale

Notice of the sale pursuant to N.R.S. 361.595(3) shall be posted at least 20 calendar days before the sale in the following manner: on the property, if a building is present, at the Courthouse in Eureka, at the Administrative Facility in Eureka, at the Crescent Valley Town Hall, at Raine's Market in Eureka, and at both Senior Centers. In addition to posting, notice shall be published once a week for 4 weeks in the *Eureka Sentinel*.

The notice describing the tax sale must include an address or area for each property (i.e. street address or Valley – Diamond, Crescent, etc.) and must state that a map is available free of charge from the Treasurer's Office to locate the properties for sale.

#### XII. Pricing of the Property

All properties must be sold for no less than the amount of taxes, costs, penalties and interest legally chargeable against the property. All excess proceeds on each sale shall be handled by the Treasurer in accordance with N.R.S. 361.610. In the case of acquisition by the County, the County may pay all the taxes, costs, penalties or it may choose to avoid such fees and taxes by complying with N.R.S. 361.603(5).

#### XIII. Sale or Acquisition

Once 90 days have passed after the final notice has been sent, and no reconveyance occurs, the Treasurer shall sell the property at auction or transfer it to the County pursuant to the Commissioners' previous decision.<sup>2</sup> If the Treasurer decides to postpone the auction or transfer of the delinquent property, the reason for doing so shall be provided to the Board of County Commissioners at the next regularly scheduled Commission meeting. For each property that may be sold at auction, the Treasurer shall prepare and maintain a separate file, open to inspection by the public that includes a list of persons notified about the delinquency and the sale, the addresses used to send the notices, a copy of the recorded certificate of delinquency, an up to date calculation of the taxes, costs, penalties, and interest legally chargeable against the property, and documentation of attempts to locate persons whose notice was returned.

#### XIV. Post-Sale

At the expense of the purchaser, the Treasurer shall file with the Clerk of the Board of Commissioners an affidavit stating that the notice of sale was properly posted and published, and that the Treasurer has complied with this order, and shall also file a verified report of the returns on the sale. The Treasurer shall then issue a quitclaim deed to the purchaser pursuant to N.R.S. 361.595(4) and in compliance with N.R.S. 361.595(5) (recording of the deed at the expense of the purchaser).

The Treasurer shall report to the Board of County Commissioners those properties not sold at auction at the next regularly scheduled Commission meeting. The Commissioners will again review this list and decide if the County wishes to acquire any of these properties pursuant to N.R.S. 361.603 or have the properties again included in the next auction pursuant to N.R.S. 361.595. For any properties the County wishes to acquire, the County may pay the delinquent taxes due pursuant to N.R.S. 361.603(4) and distribute the tax according to law, or choose to comply with N.R.S. 361.603(5) and thus avoid paying the delinquent taxes. In either case, the Treasurer shall repeat the applicable steps as outlined above beginning with paragraph XI.

Attached to this Order is a timeline to assist the Treasurer in complying with the requirements of State law. The Clerk is directed to publish this Order verbatim in the Minutes of the January 22<sup>nd</sup> meeting except for the timeline.

<sup>1</sup>Note: where the property is being sold, the final notice should advise the recipient that opportunity to have the property reconveyed terminates after 5 p.m. on the third business day before the day of sale. See N.R.S. 361.585(3)

<sup>2</sup>Note: as stated in N.R.S. 361.585(3) if the Treasurer has been ordered to sell the property, reconveyance may still occur not later than 5 p.m. on the third business day before the day of the sale

PASSED on the 22<sup>nd</sup> day of January, 2019

Ayes: Commissioners Goicoechea, Sharkozy, McKay.

Nays: None.

Absent: None.

Abstention: None.

This Amended Order is adopted this 22<sup>nd</sup> day of January, 2019.

/s/ J.J. Goicoechea, DVM

J.J. Goicoechea, Chairman of the Board  
Eureka County Commission

Attest: /s/ Lisa Hoehne

Lisa Hoehne, County Clerk

## **SHERIFF**

**Background Investigations:** Sheriff Jesse Watts requested that this item be tabled to the next meeting pending receipt of the contract from Martin-Ross Investigations.

**Waive Facility Fee:** Sheriff Watts explained that Louise (Wright) Bateman is courageously battling cancer and the Sheriff's Office is hosting a spaghetti feed fundraiser at the Opera House on February 13<sup>th</sup> and would like to have the facility fee waived. He noted that ticket sales have been so successful that a different venue may need to be considered as the date gets closer.

Commissioner Sharkozy motioned to waive the facility fee for use of the Opera House on February 13<sup>th</sup> for a fundraiser spaghetti feed; Commissioner McKay seconded the motion; motion carried 3-0.

**Replacement Fingerprinting Machine:** The fingerprinting machine in Crescent Valley can no longer be covered by a service agreement as it has reached its end of life. Also, it does not have palm printing capabilities required by State law in certain instances, including registering of sex offenders. Sergeant Marcial Evertsen obtained two quotes for a new machine, and Sheriff Watts recommended approving the lower quote of \$13,387.00 plus \$2,006.00 for an extended maintenance agreement.

Commissioner Sharkozy motioned to approve purchasing a LiveScan fingerprinting machine from IDEMIA, not to exceed \$20,000.00, utilizing monies augmented to the General Fund for capital outlay. Commissioner McKay seconded the motion. Motion carried 3-0.

**Conex Storage Containers:** Sheriff Watts explained that existing wooden storage sheds at the Sheriff's Office are in terrible condition and not worth repairing. He would like to replace them with two 20-foot Conex storage containers for storage of evidence and records. Evidence is currently stored inside the Detention Facility and space is limited. Conex containers were recommended by the Nevada Division of Investigation as a suitable and secure storage solution for evidence.

Commissioner Sharkozy motioned to approve purchasing two 20-foot Conex storage containers for the Sheriff's Office, not to exceed \$15,000.00 total, utilizing monies augmented to

the General Fund for capital outlay. Commissioner McKay seconded the motion. Motion carried 3-0.

Incinerator: Sheriff Watts stated that when evidence, coroner cases, drugs and narcotics are ready for disposal, they must be totally destroyed in the presence of a witness. Currently the Sheriff's Office is sending an employee to another county to have these items incinerated. Sheriff Watts obtained a quote for a portable barrel burner designed for this task so disposal can be done locally.

Commissioner Sharkozy motioned to approve purchasing a GEI Works small barrel incinerator for controlled burning, not to exceed \$5,000.00, utilizing capital outlay funds from the Sheriff's budget. Commissioner McKay seconded the motion. Motion carried 3-0.

Hiring Freeze Waiver: Sheriff Watts submitted a Hiring Freeze Waiver Justification, explaining that he needs to fill the vacant Sergeant position in the jail and has appointed Jeri Sanders as Acting Sergeant in the interim. Sheriff Watts noted that this position will now supervise patrol staff as well as jail staff.

Commissioner Sharkozy motioned to waive the hiring freeze and authorize the Sheriff to fill the position of Deputy I, II, III, or Sergeant; Commissioner McKay seconded the motion; motion carried 3-0.

## **QUARTERLY REPORTS**

Justice Court: The Justice Court quarterly report showed receipt of \$37,380.32 in court and other fees (including \$6,454.00 in bail holding, subject to refund) for October, November, and December. These are combined totals from Eureka and Crescent Valley.

Clerk: Treasurer, Beverly Conley, submitted a statistical report showing Clerk and court revenues. Fees collected for the quarter totaled \$4,054.68.

Ambulance: EMS Director, Kenny Sanders, presented a report showing that federally mandated write-offs of Medicaid and Medicare balances totaled \$248.00 for the quarter.

Sheriff: Sheriff Watts submitted reports on jail and patrol statistics. Patrol statistics showed a total of 4,631 incidents for the quarter. The Detention Facility housed a total of 19 inmates and had 222 inmate days for the quarter.

Sheriff Watts reported on annual statistics. There were a total of 14,096 incidents in 2018. The Detention Facility housed a total of 169 inmates in 2018. Sheriff Watts explained that the inmate number was inflated because there were several inmates who served sentences on weekends only and each weekend counted as a new booking.

## **SIERRA PACIFIC POWER COMPANY dba NV ENERGY**

Franchise Agreement: Dick Campbell, Area Service Manager for NV Energy, was in attendance to answer questions regarding a proposed no-cost 20-year Electrical System Franchise Agreement with Eureka County. He explained that the previous 50-year agreement had recently expired. With or without an agreement, NV Energy is regulated by the Public Utilities Commission and the PUC has defined service territories for the utilities, so NV Energy is the sole service provider in the assigned portions of Eureka County. Mr. Campbell explained an agreement is beneficial because it outlines the responsibilities of both parties.

State law requires any entity granted a franchise with a local government to pay 2% of its net profits to the local School District, and Eureka County School District has benefited from this. There is no impact to the customer for this fee.

Under a franchise, State law also allows the local government to receive 5% of gross revenue, but this fee is passed onto the customer. Eureka County has not opted to collect this fee, and the Commissioners all agreed they had no inclination to do so at this time.

When asked why NV Energy's rates are so much higher than Mt. Wheeler Power, Mr. Campbell replied that NV Energy has some of the lowest rates State-wide, but cannot compete with the rural electric cooperatives because they have access to hydropower, some of the

cheapest power available. Mr. Campbell added that NV Energy has a commitment to maintain flat rates and to work to decrease rates over the next ten years.

In response to comments about frequent power outages, Mr. Campbell stated that last fall NV Energy repaired 120 structures on the 60 KV line that transmits power to Crescent Valley, which has reduced outages substantially. He added that NV Energy is committed to giving people the best possible service, no matter the location.

If the County is in favor of a 20-year agreement, Linda Bissett Esq., Government Strategy Executive with NV Energy, will draft an agreement to be considered at a future meeting.

Commissioner Sharkozy motioned to have NV Energy draft a 20-year Electrical System Franchise Agreement with Sierra Pacific Power Company dba NV Energy for portions of Eureka County, with a 5-year renewal option, including the 2% fee paid to the School District, and excluding the 5% fee paid to the County. Commissioner McKay seconded the motion. Motion carried 3-0.

## **BUSINESS CONTINUITY TECHNOLOGIES**

Overview of BCT Services: Lester Keizer, CEO/Co-Owner; Earle Keizer, COO/Co-Owner; and Rory Jackson, Technical Operations Manager, were present to give an update and overview of the services that Business Continuity Technologies provides Eureka County. BCT works remotely with onsite IT Manager, Misty Rowley, on day to day issues and future projects. Mr. Jackson visits Eureka once a month and more often if needed.

Utilizing a PowerPoint presentation, the gentlemen gave a detailed overview of the infrastructure support, help desk support, storage and backup support, vendor management, and security support that BCT provides. BCT monitors the state and health of the network and infrastructure 24 hours a day and will respond to problems 24 hours a day. Everything is backed up each night to three locations, and some systems at the Sheriff's Office are backed up more frequently.

Projects: Mr. Jackson and Ms. Rowley are currently working on a project with the State. The State of Nevada is adding some heightened cyber security controls to all of the counties, including paying for the server. This is primarily to add security to the voter and election systems.

Past projects have included replacing and upgrading most of the County's IT infrastructure. An ongoing project is assisting with the migration from ADS programs to new software. Future projects include replacing all of the County's WiFi equipment.

Conclusion: BCT enjoys working with the rural counties and is committed to working within the budgetary constraints of each entity, while reducing downtime and providing managed services.

## **NATURAL RESOURCES**

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities and upcoming meetings. On January 11<sup>th</sup>, Mr. Tibbitts and the Chairman attended the Central Nevada Regional Water Authority meeting in Fallon. CNRWA voted to oppose AB30 and to voice concerns over AB51. Both are proposed water legislation. CNRWA voted to support a BDR that would require basins that aren't fully appropriated to hold some water in reserve. Another BDR was discussed that would mandate water planning in master plans for all counties, regardless of population.

The County Advisory Board to Manage Wildlife met on January 17<sup>th</sup> and voted to support the 2019 NDOW Predator Plan, which includes continued predator control work on the Diamond Range.

The Natural Resources Advisory Commission met on the evening of January 17<sup>th</sup> and discussed numerous things. NRAC took formal action to recommend that the Commissioners submit comments on the BLM's upcoming March 2019 Oil & Gas Lease Sales. The County recently commented on the upcoming Battle Mountain District sale, but the Ely District and Elko

District also have concurrent Oil & Gas Lease Sales, which did not go through a public comment process. NRAC also discussed the potential effects the federal government shutdown may have on grazing turnouts. Permittees are being instructed to follow the terms and conditions of their last grazing authorization. Chairman Goicoechea added that it is important that permittees monitor and document range conditions, as BLM employees will not do so during the government shutdown.

State Engineer: On January 11<sup>th</sup>, his last day in office, State Engineer Jason King signed Orders 1302 and 1303. Order 1302 adopted the Groundwater Management Plan for the Diamond Valley Hydrographic Basin. Tim Wilson, who served as Deputy Administrator in the State Engineer's Office, has been appointed as Interim State Engineer.

On January 15<sup>th</sup> and 16<sup>th</sup>, the Nevada Division of Water Resources conducted workshops in Lovelock, Winnemucca, and Elko to provide updates on water modeling studies, management plans, and administration of the Humboldt River. The workshops were attended by Consulting Hydrogeologist, Dale Bugenig.

Upcoming Meetings: On January 23<sup>rd</sup>, Acting State Engineer, Tim Wilson, and Deputy State Engineer, Adam Sullivan, will host an important meeting at the Eureka Opera House to discuss next steps for implementation of the Diamond Valley Groundwater Management Plan.

Nevada Association of Counties will meet on the afternoon of January 25<sup>th</sup>, preceded that morning by a meeting of the NACO Public Lands & Natural Resources Subcommittee. The Eureka Conservation District is moving forward with a formal resource needs assessment, which is funded by a grant, and will hold a workshop at the Opera House on January 29<sup>th</sup>. Mr. Tibbitts noted that he will not be at the February 6<sup>th</sup> Commission meeting, as he will be attending the National Association of Conservation Districts meeting in San Antonio, February 4<sup>th</sup>-6<sup>th</sup>.

Sage Grouse Issues: Mr. Tibbitts reported that there hasn't been a lot of movement on the proposed mitigation regulations drafted by the Sagebrush Ecosystem Council, while the new State administration is brought up to date. Brad Crowell was reappointed as the Director of the Department of Conservation & Natural Resources, so there shouldn't be major changes relating to sage grouse.

At the last meeting the Board authorized Mr. Tibbitts to work with outside counsel to file a protest on the BLM's Nevada and Northeastern California Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final EIS. Mr. Tibbitts stated that the protest was submitted by the January 9<sup>th</sup> deadline and was included in the backup for this meeting. Chairman Goicoechea commended Mr. Tibbitts, noting that although outside counsel was used, Mr. Tibbitts did the bulk of the work on the protest.

As far as the US Forest Service's Greater Sage-grouse Proposed Land Management Plan Amendments and Draft EIS, and a Record of Decision, Mr. Tibbitts doesn't expect to hear much until the federal government shutdown ends.

Fuel Breaks EIS: Mr. Tibbitts provided the Board with Cooperating Agency comments on the Programmatic EIS that covers the entire Great Basin and asked for the Board's approval. Commissioner Sharkozy motioned to submit comments to the BLM Idaho State Office on the BLM Administrative Draft Programmatic EIS for Fuel Breaks across the Great Basin Region; Commissioner McKay seconded the motion; motion carried 3-0.

Certification of Expenditure of Title III Funds: Mr. Tibbitts explained that the County receives annual payments through legislation, Secure Rural Schools & Community Self-Determination Act, which provides tax payments to counties to replace lost revenues from tax-exempt forest lands. There are three Titles to the Act. Title I receives 80% of the funding for the benefit of roads and schools. The remaining 20% is split between Title II and Title III, with the percentage of the split determined by the Board. Title II funds are used by the Forest Service for their Resource Advisory Committee, which Mr. Tibbitts is a member of. Title III funds are used for the Firewise Communities Program.

A report of Title III expenditures is due by February 1<sup>st</sup> each year. A total of \$10,147.58 was spent in Calendar Year 2018. Commissioner Sharkozy motioned to approve the 2018 Certification of Expenditures of Title III Funds received through the Secure Rural Schools & Community Self-Determination Act; Commissioner McKay seconded the motion; motion carried 3-0.

Diamond Valley Water Level Monitoring: Due to the length of the meeting, Consulting Hydrogeologist, Dale Bugenig, offered to defer his update on Diamond Valley water level monitoring until the next regular meeting.

**RECESS FOR LUNCH**

The Board recessed for lunch from 12:06 to 1:00 p.m.

**FISCAL YEAR 2019-2020 BUDGET**

Tax Rate: The County must notify the Nevada Department of Taxation by February 20<sup>th</sup> of any proposed changes to the tax rate. The Board briefly discussed the current tax rate and determined there was no desire to propose an increase. Assessor, Michael Mears, confirmed that due to tax abatements it will be many years before the \$0.10 cent tax increase in Fiscal Year 2017 will have any real impact on revenues.

Allocation of Tax Rate: Assistant Comptroller, Kim Todd, provided a breakdown of the current tax rate and projected assessed valuation with anticipated revenues that may be generated for each fund. The Assessor and Ms. Todd agreed to use an assessed valuation of about \$650,000,000.00, which is less than the preliminary estimate. Mr. Mears explained that this is due to a pending appeal of the valuation of the TS Power Plant and a general decline in mining property assessed valuations.

Following a thorough discussion of each fund and consideration of needs for the upcoming fiscal year, the Board agreed to the following allocation of the FY19-20 tax rate. *Funds with an asterisk (\*) are set by statute.*

	FY18-19	FY19-20
General Fund	\$0.6575	\$0.6575
Future Reserve Fund	\$0.0000	\$0.0000
Road Fund	\$0.0500	\$0.0500
RTC Fund	\$0.0750	\$0.0900
Ag District #15	\$0.0150	\$0.0000
Building Maintenance & Reserve Fund	\$0.0000	\$0.0000
Landfill Fund	\$0.0250	\$0.0250
Water Mitigation Fund	\$0.0250	\$0.0250
Natural Resource Multiple Use Fund	\$0.0100	\$0.0100
Capital Improvement Fund	\$0.0500	\$0.0500
Agricultural Extension Fund	\$0.0100	\$0.0100*
Accident Indigent Fund	\$0.0150	\$0.0150*
County Indigent Fund	\$0.0033	\$0.0033*
Hospital Indigent Fund	\$0.0100	\$0.0100*
<i>Total General County</i>	<i>\$0.9458</i>	<i>\$0.9458</i>
Television District	\$0.0085	\$0.0085*
Crescent Valley Town	\$0.2153	\$0.2153*
Eureka Town	\$0.2153	\$0.2153*
Diamond Valley Weed District	\$0.0781	\$0.0781
Diamond Valley Rodent District	\$0.0400	\$0.0400

Commissioner Sharkozy motioned to move \$0.15 from Ag District #15 Fund to the RTC Fund, with all other allocations remaining the same for Fiscal Year 2019-2020; Commissioner McKay seconded the motion; motion carried 3-0.

Personnel Requests: Ms. Todd reviewed the current level of staffing for each department. The Board agreed to hear all personnel requests and the Comptroller's office will add them to the personnel worksheet showing actual costs of salaries and benefits. This will allow the Board to review the financial impact before making any determinations.

The first request was from **Clerk Recorder**, Lisa Hoehne, whose office consists of one elected official, three full-time employees, and one casual employee. Ms. Hoehne requested that the casual position be converted to a full-time position and that salaries be adjusted so one of her Deputy I employees can be promoted to a Deputy II.

**Data Processing** consists of one full-time employee and County Webmaster. Assessor Michael Mears, who serves as IT Supervisor, reiterated that the Board should consider making Data Processing a stand-alone department and reclassifying the employee as a Department Head. Because of the demand, this employee earns a lot of overtime, which could be reduced with reclassification and hiring a second position, either casual or full-time.

The **District Attorney's** office consists of one elected official, one full-time employee, and two casuals (one is shared with Justice Court). District Attorney, Ted Beutel, justified his requests in a detailed letter to the Board. He requested one Chief Deputy District Attorney, one Deputy District Attorney, one Legal Secretary, and additional casual hours. Chairman Goicoechea acknowledged that Mr. Beutel has been fiscally conservative, repeatedly decreasing his budget, and not filling positions as they are vacated, while the office becomes busier and busier.

Ms. Todd noted that **Justice Court** currently has a full-time employee working part-time for a limited period. The Board will address this position in June and determine when the employee returns to full duty.

The **Sheriff's Office** is broken down into different departments for budgeting purposes: Administration, Dispatchers, North End Deputies, South End Deputies, and Jail. Administration consists of one elected official, the Undersheriff, and one full-time employee. There are six dispatchers, two north end deputies, four south end deputies, and four jailers. (These are the budgeted positions, but there are currently several vacancies.)

Sheriff Jesse Watts requested one full-time administration position, one jailer, one north end deputy, and one south end deputy. He noted that staffing is down considerably from what was budgeted several years ago. He emphasized that the jail is not compliant with certain regulations at the current staffing level, and Crescent Valley desperately needs another deputy.

Ms. Todd noted that the **Road Department** has a new budgeted position, funded by Barrick Cortez under the MOU approved earlier in the meeting. That concluded all the new positions requested for the upcoming fiscal year.

Chairman Goicoechea commented that he knows many of the positions are needed, but he is concerned with the number of requests after the Board has worked hard over the past several years to trim the budget and downsize positions in order to operate the County with minimum staffing. He stated he will definitely do some visiting and researching related to the requested positions.

Salaries, Wages, Benefits: The Health Insurance Advisory Committee will have a recommendation related to benefits at the next meeting. The Committee is looking into what it would cost to eliminate the current employer/employee splits for dependent health insurance premiums of 60/40 and 50/50, and may recommend that the 70/30 split apply to all active eligible employees. The Chairman stated that he wanted to see this recommendation and associated costs before making a commitment on merit increases and cost of living allowances.

Ms. Todd reminded everyone that a \$0.50 COLA was given in FY18-19, after five years of no COLAs. Merit increases were given, after being frozen for at least two of the previous five years. Elected officials are eligible for a 3% increase – this is regulated by NRS and this is the

last year elected officials will receive an increase until the legislature adopts another salary bill, which is not done frequently. Appointed officials typically receive the same increase given to elected officials, as does the Justice of the Peace.

After further discussion, the Board directed Ms. Todd to prepare worksheets showing the 3% increase for elected and appointed officials, and a worksheet showing COLAs for hourly employees of \$0.10, \$0.25, and \$0.50, so they can consider the overall costs.

### **FIVE YEAR CAPITAL IMPROVEMENT PLAN**

The Comptroller's office had a meeting with departments on January 15<sup>th</sup> to go over the Five Year Capital Improvement Plan, specifically to hear requests for Fiscal Year 2019-2020. Ms. Todd gave a detailed review of all requests to the Board.

General Fund: General Fund requests included \$10,000.00 for ambulance equipment; \$43,000.00 for equipment and furniture for the District Attorney's office; \$12,000.00 for a map copier in the Clerk Recorder's office; \$100,000.00 for network upgrades so the County is not dependent on Express Internet for wireless connectivity to several facilities; \$715,000.00 for a snowplow and paving for the Eureka Airport (\$240,000.00 for the snowplow will be reimbursed by a grant); \$85,000.00 for the Sheriff's Office to migrate to NIBRS (National Incident-Based Reporting System) by January 2020 to be federally compliant; and \$25,000.00 for a grant that the Local Emergency Planning Commission hopes to obtain for fire apparatus and equipment.

Road Fund: The Road Department requested \$700,000.00 to purchase a grader, a semi-tractor, and a trailer.

RTC Fund: \$10,000.00 was requested for overall road maintenance; and \$400,000.00 was requested for a large engineering project to include both towns (engineering is for a construction project about five years out).

Building Maintenance Fund: A large contingency is budgeted each year in case something major happens with one of the facilities, so \$600,000.00 was requested for building repairs and miscellaneous remodels.

Capital Projects Fund: \$150,000.00 was requested for capital outlay contingency to cover unforeseen breakdowns of equipment, vehicles, etc.; \$120,000.00 was requested to fund the software conversions, which should be completed in the upcoming fiscal year; \$30,000.00 was requested for fire equipment; \$100,000.00 was requested for radio upgrades (added to \$200,000.00 from previous years for an accumulated total of \$300,000.00 – when a sufficient amount accumulates, a large project can be done, and then funding starts all over); \$110,000.00 was requested for Sheriff vehicle replacements; \$150,000.00 was requested for the fiber optic project; \$70,000.00 was requested for a weed spraying truck; and NRS dictates that \$9,000.00 in capital outlay be budgeted for Eureka Town and \$7,000.00 for Crescent Valley Town.

Recreation Fund: The Recreation Board asked for \$20,000.00, the same as the previous year.

Water Mitigation Fund: \$10,000.00 was requested for a test well; Ms. Todd clarified that the Kobeh Valley well is budgeted under Eureka Water.

Landfill Fund: \$50,000.00 was requested for a possible volumetric study at the Landfill.

Assessor Technology Fund: \$100,000.00 was tentatively budgeted in this fund.

Recorder Technology Fund: \$17,000.00 was requested for equipment upgrades.

Justice Court Admin. Assessment Fund: \$10,000.00 was requested for equipment upgrades.

Juvenile Court Assessment Fund: \$5,000.00 was requested for equipment upgrades.

Justice Court Facility Fund: \$10,000.00 was requested for facility improvements.

Crescent Valley Town Fund: \$50,000.00 was requested for the large engineering project for future paving; \$10,000.00 was requested for fire equipment; \$25,000.00 was requested for town improvements; and \$150,000.00 is needed to recoat a water tank.

Eureka Town Fund: \$25,000.00 was requested for sewer repairs; \$10,000.00 was requested for fire equipment; \$425,000.00 was requested for the Kobeh Valley well; and \$50,000.00 was requested for the large engineering project for future paving.

Eureka TV District: The Television District requested \$300,000.00 to do an air fiber project on Argenta Ridge; they requested that a justification letter be included in the record (it is inserted after this section).

Devil's Gate Water Fund: \$125,000.00 was requested for water system improvements.

Five Year Capital Improvement Plan Review: Chairman Goicoechea stated he wished to postpone action on the Five Year Capital Improvement Plan to allow for amendments as they work through the budget process.

Eureka County Television District

January 22, 2019

Justification for proposed capital budget FY19-20:

Capital Budget request: \$300,000

The Eureka County Television District is proactively working to upgrade equipment to insure the delivery of high-quality signals with minimal interruptions. This will involve several expenditures in the next 2-3 years. The expenditures are a result of recent notifications from the FCC and T-Mobile to vacate channels that were previously being used to broadcast signal to TV District customers.

The District has decided to make an improvement in signal delivery from the originating stations by moving that signal delivery to a fiber link. The current delivery system of microwave delivery will not be available after July of 2019 further forcing the District to take action. The move to fiber rather than microwave for over the air broadcasting will create a strong TV signal for residents of Eureka County. The equipment that is currently in use is obsolete due to changes in frequencies. The current equipment is also failing regularly due to age. As of today, the supply of spare equipment has been exhausted. Additional equipment such as upconverters and transcoders will need to be purchased. Now is the right time to make this change.

Fiber utilizes less equipment creating fewer opportunities for failure. These changes will utilize equipment that will comply with the FCC and keep the District into current laws and rulings.

This project includes equipment that has already been legally bid so that additional tax payer money will not be used for bidding processes. In addition, the pricing for the broadcasting equipment will remain consistent through 2020. The TV District Board believes that making this change from a microwave delivery system will help stabilize and control costs in the future.

The District will present a more detailed plan in the future.

## **CORRESPONDENCE**

Correspondence was received from: Citizen petition for paving of Collingwood Lane; ECHS Student Council; Cindy Beutel; District Attorney, Ted Beutel (5); Flyer: Spaghetti Feed & Raffle Fundraiser; Natural Resources, Jake Tibbitts (2); Natural Resources Advisory Commission; County Advisory Board to Manage Wildlife; Crescent Valley VFD; Crescent Valley Town Advisory Board (3); Television District; Eureka Dental Care; Newmont USA Ltd.; Consultant Abby Johnson; NV Energy; Nevada Div. of Water Resources (6); and Nevada Dept. of Business & Industry.

## **PUBLIC COMMENT**

Chairman Goicoechea called for public comments; there were none.

**ADJOURNMENT**

Commissioner Sharkozy motioned to adjourn the meeting; Commissioner McKay seconded the motion; the meeting was adjourned at 3:07 p.m.

*Approved by vote of the Board this 6<sup>th</sup> day of February, 2019.*

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

*I, Jackie Berg, Commissioner Clerk, attest that these are a true, correct, and duly approved minutes of the January 22, 2019, meeting of the Board of Eureka County Commissioners.*

/s/ Jackie Berg  
Jackie Berg, Commissioner Clerk

*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 Clerk.*

/s/ Lisa Hoehne  
Lisa Hoehne, Clerk Recorder