

EUREKA COUNTY BOARD OF COMMISSIONERS

February 19, 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 February 19, 2010. Present were Chairman Leonard Fiorenzi, Vice Chair Jim Ithurralde, Member Mike Page, District Attorney Theodore Beutel, and Clerk & Treasurer Jackie Berg. The meeting was called to order at 9:33 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

Chairman Fiorenzi noted that the Natural Resources agenda items will be moved to the afternoon; and two agenda items will be tabled for a future meeting: budget transfers and augmentations will be considered at the February 24th budget meeting, and the County Sheriff's agenda item will be considered at the March 5th meeting. Ron Damele, Public Works Director, added that Cindy Adams would not be available for her Swimming Pool/Parks/Recreation report. With those changes, Commissioner Page motioned to approve the agenda; Commissioner Ithurralde seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Fiorenzi called for public comments. There were none.

APPROVAL OF MINUTES

Commissioner Ithurralde made a motion to approve the minutes of the February 5, 2010 Commissioner meeting; Commissioner Page seconded the motion; motion carried 3-0.

FINANCE

Payment of Expenditures: Expenditures were presented for approval by Mike Rebaleati, County Recorder & Auditor. Chairman Fiorenzi abstained from voting on the approval of vouchers for Pernecia Johnson, Deputy Public Guardian, due to a close family relationship. Chairman Fiorenzi requested that a summary of County cell phones, users, and costs be provided at the next meeting. Commissioner Ithurralde motioned to approve expenditures in the amount of \$590,249.65 (\$3,573.73 in special payroll, \$5,204.44 in special accounts payable, \$235,232.00 in payroll, and \$346,239.37 in accounts payable); Commissioner Page seconded the motion; motion carried 3-0. Commissioner Page motioned to approve Yucca Mountain expenditures in the amount of \$10,175.44; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Mr. Rebaleati explained that a small checking account may be created for the annual Eureka car show to allow online registration and payments. This account will be isolated from all other County accounts; bank statements and reconciliations will be managed by the Treasurer's Office; and backup for any activity will be provided by the Economic Development Department in a monthly financial report. This item will be placed on the March 5th agenda for consideration by the Board.

Auditor's Report: This agenda item was tabled until the February 24th budget meeting.

EUREKA COUNTY TELEVISION DISTRICT

The Television District items were tabled until the February 24th budget meeting.

BUDGET TRANSFERS/AUGMENTATIONS FOR FISCAL YEAR 2009-2010

Budget Transfers: Budget transfers and augmentations will be considered at the next budget meeting.

COUNTY FACILITIES AND ECONOMIC DEVELOPMENT

Update Report: Wally Cuchine, Cultural, Tourism, & Economic Development Director, reported that a cultural event is scheduled at the Opera House on February 19th, and an open house for the Bureau of Land Management is scheduled on February 23rd.

Grant Applications: Mr. Cuchine explained that the annual grants are being prepared for submission to the Nevada Commission on Tourism for marketing in the amount of \$25,000.00, and to the Nevada Commission on Economic Development in the amount of \$40,000.00. Commissioner Page made a motion to authorize the Director to submit grant applications to the Nevada Commission on Tourism and the Nevada Commission on Economic Development; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Relocation of Museum Items: The County is currently storing antique wine vats and other items that originated from the Paris Ranch. Mr. Cuchine reported that Friends of the Opera House & Museum have offered to purchase a three sided metal structure and donate it to the County so the items can be moved to the hillside behind the Annex/Administration Building where other antique ranch equipment is located. Commissioner Ithurralde motioned to approve accepting the storage building and relocating the museum items to the hillside behind the Annex/Administration Building; Commissioner Page seconded the motion; motion carried 3-0.

CORRESPONDENCE

Correspondence was received from: Clerk & Treasurer, Jackie Berg; Public Works Director, Ron Damele (2); Human Resources Analyst, Jerry Larson; Eureka County Wage & Salary Committee; Eureka County Economic Development Program; Eureka Volunteer Fire Dept., Chief Dan Brown; Crescent Valley Town Advisory Board (4); Crescent Valley Town Advisory Board Secretary, Sandy Spoo; Lumos & Assoc., Tom Young; Day Engineering, Dean Day; Environ, Kirk Winges; Allison, MacKenzie, et al; Simplex Grinnell; Office Products, Inc.; Vectra Solutions, Inc.; Nevada Assoc. of Counties (3); Nevada Commission on Ethics; Employee-Management Relations Board, Andy Anderson; Nevada Dept. of Taxation (2); Nevada Dept. of Motor Vehicles; Nevada Gaming Control Board; Nevada Dept. of Transportation; Nevada Pool/Pact (2); Nevada Rural Housing Authority; Nevada Connections; Western Counties Alliance; National Assoc. of Counties; NACo e-News; US Congressman Dean Heller; USDA-Forest Service; US Fish & Wildlife Service; US Dept. of the Interior-BLM; and US Census Bureau.

Commissioner Ithurralde noted that there is a County Revenue 101 class at the Cooperative Extension Office for interested individuals on February 22nd at 9:00 a.m.

FIRE DETECTION AND SUPPRESSION SYSTEM

Inergen Fire Suppression Systems: Mr. Rebaleati explained that quotes have been received from Simplex Grinnel to install Inergen Fire Suppression Systems in the County Courthouse for \$19,443.00, in the Sheriff's Office for \$17,520.00 (which may increase if the new dispatch area is included), and in the County Annex/Administration Building for \$19,136.00. The Inergen system uses nitrogen for fire suppression and would be used to protect the County's major computer systems and vaults containing important County information. The current fire suppression systems use oxygen depletion or sprinklers, and the use of sprinklers could actually destroy the equipment meant to be protected. Mr. Rebaleati explained that the cost for the suppression systems would come from the Building Reserve Fund. The systems would be isolated from other areas of the buildings where they would be installed. Commissioner Page made a motion to approve the installation by Simplex Grinnel of Inergen Fire Suppression Systems in the County Courthouse for an estimated cost of \$19,443.00, the Sheriff's Office for an estimated cost of \$17,520.00, and in the County Annex/Administration Building for an

estimated cost of \$19,136.00. Commissioner Ithurralde seconded the motion. Motion carried 2-1. Chairman Fiorenzi voted no because of the high cost.

Replacement of Existing Faulty Detection: Mr. Rebaleati explained that the existing fire detection and alarm systems in the safes at the County Courthouse are not functional due to the company maintaining the systems going out of business. A quote was received from Simplex Grinnell to install a new alarm and detection system capable of controlling the current faulty FM-200 System in the amount of \$10,730.00. Commissioner Ithurralde made a motion to approve the replacement of the existing faulty detection and alarm system in the safes at the Courthouse for \$10,730.00. Commissioner Page seconded the motion. Motion carried 3-0.

PUBLIC WORKS

Proposal from Environ: Ron Damele, Public Works Director, reported that Environ International Corporation has been contracted with the County for environmental air quality consulting. Environ provided an amended contract proposal in the amount of \$1,000.00 to allow sufficient time and funds to review the Mount Hope draft environmental impact statement (EIS) and final EIS. Commissioner Ithurralde made a motion to approve the proposal from Environ International Corporation to review documents related to the Mount Hope Project, not to exceed \$1,000.00; Commissioner Page seconded the motion; motion carried 3-0.

Resolution to Adopt Criteria for Bidders: Mr. Damele explained that adopting criteria for qualification of bidders, pursuant to Nevada Revised Statute (NRS) 338.1377, would help to ensure that the most qualified bidders submit bids for County public works projects. Commissioner Page made a motion to adopt the resolution outlining criteria for qualification of bidders pursuant to NRS 338.1377; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Eureka, Nevada

February 19, 2010

**RESOLUTION
TO ADOPT CRITERIA FOR QUALIFICATION OF BIDDERS
PURSUANT TO NRS 338.1377**

WHEREAS, the Board of County Commissioners wish to adopt criteria for qualification of bidders pursuant to NRS 338.1377; and

WHEREAS, the Board is concerned only qualified bidders are awarded contracts for public works; and

WHEREAS, State law grants this Board authority to adopt criteria to determine whether a bidders is appropriately qualified; and

WHEREAS, the Board believes adopting criteria will assist the Board and its staff in selecting only qualified bidders; and

NOW THEREFORE BE IT RESOLVED the Board of Eureka County Commissioners hereby adopts qualification of bidders pursuant to NRS 338.1377 as amended from time to time, and the criteria now includes:

1. Whether the applicant possesses a valid contractor's license of a class corresponding to the work to be required by the local government;
2. Whether the applicant has the ability to obtain the necessary bonding for the work to be required by the local government;
3. Whether the applicant has successfully completed an appropriate number of projects as determined by the local government, but not to exceed five projects, during the five years immediately preceding the date of application of similar size, scope or type as the work to be required by the local government;
4. Whether the principal personnel employed by the applicant have the necessary professional qualifications and experience for the work to be required by the local government;
5. Whether the applicant has breached any contracts with a public agency or person in this State or any other state during the five years immediately preceding the date of application;
6. Whether the applicant has been disqualified from being awarded a contract pursuant to NRS 338.017 or 338.13895;
7. Whether the applicant has been convicted of a violation for discrimination in employment during the

- two years immediately preceding the date of application;
8. Whether the applicant has the ability to obtain and maintain insurance coverage for public liability and property damage within limits sufficient to protect the applicant and all subcontractors of the applicant from claims for personal injury, accidental death and damage to property that may arise in connection with the work to be required by the local government;
 9. Whether the applicant has established a safety program that complies with the requirements of Chapter 618 of NRS:
 10. Whether the applicant has been disciplined or fined by the State Contractor's Board or another state or federal agency for conduct that relates to the ability of the applicant to perform the work to be required by the local government;
 11. Whether, during the five years immediately preceding the date of application, the applicant has filed as a debtor under the provisions of the United States Bankruptcy Code;
 12. Whether the application of the applicant is truthful and complete; and
 13. Whether, during the five years immediately preceding the date of application, the applicant has, as a result of causes within the control of the applicant or a subcontractor or supplier of the applicant, failed to perform any contract; (a) In the manner specified by the contract and any change orders initiated or approved by the person or governmental entity that awarded the contract or its authorized representative; (b) Within the time specified by the contract unless extended by the person or governmental entity that awarded the contract or its authorized representative; or (c) For the amount of money specified in the contract or as modified by any change orders initiated or approved by the person or governmental entity that awarded the contract or its authorized representative.
 → Evidence of the failures described in this subsection may include, without limitation, the assessment of liquidated damages against the applicant, the forfeiture of any bonds posted by the applicant, an arbitration award granted against the applicant, or a decision by a court of law against the applicant.

ADOPTED this 19th day of February, 2010.

/s/ Leonard Fiorenzi
 Chairman of the Board
 Eureka County Commissioners

ATTEST: /s/ Jackie Berg
 County Clerk

Change Order Approvals: Mr. Damele explained that there may be unforeseen circumstances relating to the Main Street Water and Sewer Project that will need to be addressed in between Commissioners' meetings. The Board discussed allowing the Public Work Director to approve change orders if necessary in order to expedite the project. Commissioner Page made a motion to authorize the Public Works Director to approve change orders relating to the Main Street Water and Sewer Project outside of Commissioners' meetings, not to exceed \$15,000.00; Commissioner Ithurralde seconded the motion; motion carried 3-0.

County Engineer Request for Qualifications: Mr. Damele reported that the selection committee for the County Engineer felt that the request for qualifications (RFQ) for the position was too broad. The committee suggested that the scope be narrowed to include the following specific criteria: being a licensed professional engineer in Nevada; being a licensed water rights surveyor; coordinate with the County and staff on Federal Aviation Administration (FAA) required documents; review and comment on the division of land maps; attend meetings at the direction of the County; assist County staff in annual pavement maintenance planning; coordinate with Karen Peterson, water rights attorney, for completing water rights maps; complete survey services for boundary line adjustments; complete road surveys; and other special projects identified by the County Commissioners. The annual budget for the County engineer excluding special projects will not exceed \$75,000.00 per year. Mr. Damele further explained that RFQs would be submitted for an engineer needed for major projects, and annual projects would have to be planned in advance.

Modifying Scope of Work for County Engineer: Commissioner Ithurralde made a motion to modify the scope of work related to the County Engineer's duties and resubmit the scope of

work at the next Commissioners' meeting; Commissioner Page seconded the motion; motion carried 3-0. Current projects will be evaluated in order to assess which projects should be carried through with the current engineers working on the projects.

Lumos & Associates Contract: Mr. Damele explained that the County renewed the contract with Lumos & Associates in April 2008 for engineering services. The Board considered extending the contract with Lumos and Associates on a month-to-month basis, beginning March 5, 2010, until a County engineer is selected. The contract would include: \$2,200.00 per month with a 6% increase to attend Commissioners' meetings and provide miscellaneous assistance; a 7.5% markup on time and materials for water rights work; and a 7.5% markup if sub-consultants are needed. Commissioner Ithurralde made a motion to extend the engineering contract with Lumos & Associates on a month-to-month basis with the contract beginning March 5, 2010 and sun-setting on June 30, 2010; Commissioner Page seconded the motion; motion carried 3-0.

Eureka Senior Center Entry Repair: Mr. Damele reported that the Senior Center entry area damaged by moisture is currently being dried; however, the extent of the water damage is greater than expected and extreme measures are being used to dry the area. Belfor has been blasting the mold with dry ice to mitigate the problem. The actual repair of the entry way cannot begin until the area is completely dry, which may take weeks. At this point, the Senior Center activities do not need to be relocated unless the noise is intolerable.

Crescent Valley Clinic Repair: Mr. Damele reported that the County is waiting for approval from the insurance company to repair the water damaged area at the Crescent Valley Clinic. The repair estimate was sent to the insurance company, and once approved, the repair work will begin. Due to the critical need for the building, repair is being expedited.

Eureka Justice Facility Remodel Project: Mr. Damele reported that significant progress has been made on the Eureka Justice Facility Remodel Project. Work has been continued on the roof, the HVAC unit is expected to be installed next week, electrical work continues, and final work is being done by Southern Folger on the locks and controllers.

Paul Street Retaining Wall: The Board reviewed a proposal from Lumos & Associates for installation of monitoring points related to the Paul Street retaining wall in Eureka. Three proposals for setting monitoring points were provided. The Board discussed needing permission from adjacent property owners to set monitoring points in certain areas of the wall, placing monitoring points where only County right-of-way is used, and sending letters to the property owners regarding permission to access private property if needed. The Board agreed that a policy regarding abatement of structures and the protection of County property should be drafted and addressed before action needs to be taken on any repair of this nature. Ted Beutel, District Attorney, explained issues of liability relating to the potential failure of the retaining wall. The retaining wall is partially owned by the County and partially owned by adjacent private property owners. Commissioner Page made a motion to approve installing monitoring points on the Paul Street retaining wall, but only on County property and utilizing County right-of-way; Commissioner Ithurralde seconded the motion; motion carried 3-0. Commissioner Ithurralde made a motion to approve the proposal from Lumos and Associates for time and material costs of installing monitoring points on the Paul Street retaining wall, for approximately \$1,400.00 for each monitoring point. Commissioner Page seconded the motion. Motion carried 3-0.

COUNTY ENGINEER

Water Tank and Booster Station Project: Tom Young, Lumos and Associates, reported that the Water Tank and Booster Station Project is complete.

Change Order for Water Tank and Booster Station Project: In order to balance the Water Tank and Booster Station Project quantities, two change orders were considered by the Board for a total of \$113,826.06. Commissioner Ithurralde motioned to approve Change Order #24FA for the Water Tank and Booster Station Project to balance contract quantities in the amount of \$125,941.06; Commissioner Page seconded the motion; motion carried 3-0. Mr. Young

explained that Change Order #25 included the cost of locating the transmission main at the water tank site and addition of a chain link fence in the amount of \$12,115.00. Commissioner Ithurralde motioned to approve Change Order #25 to balance the contract quantity in the amount of \$12,115.00; Commissioner Page seconded the motion; motion carried 3-0.

Eureka Town Spring Rehabilitation Project: A letter was provided to the Board from Mr. Young describing five possible alternatives to the Eureka Town Springs Rehabilitation Project. Five of the ten springs included in the project have arsenic levels above federal standards; therefore, Mr. Young developed alternatives to rehabilitating all ten springs. The five alternatives include: (1) developing all ten springs and blending the water if arsenic levels are acceptable; (2) develop all ten springs, but no collection pipeline until flow rates and water quality results are determined; (3) develop the four springs that meet arsenic federal standards and construct the collection pipelines after water quality and flow rates are determined; (4) develop one or two springs that meet arsenic federal standards and wait to construct the collection pipelines until water quality and flow rates are determined, and possibly adding more springs in the future; and (5) abandon the rehabilitation project altogether. Mr. Young explained the pros and cons for each alternative, as well as non-potable uses for the spring water. The Public Works Director and Mr. Young recommended developing one or two springs, wait for flow rates and water quality results, and then build a transmission pipeline if the results are favorable. An arsenic treatment plant for the spring water was discussed, but the cost would be very high. Non-potable uses for the spring water included irrigating the town's ball fields and elementary school yard. Mr. Young pointed out that developing the springs would provide an alternative water source for the Town of Eureka in the event that the Diamond Valley wells fail or some other catastrophe strikes.

Alternative for Eureka Town Spring Rehabilitation Project: Commissioner Ithurralde made a motion to proceed with Alternative #4, developing the spring with the highest arsenic level and the spring with the lowest arsenic level, and evaluating the blending of the two springs; Commissioner Page seconded the motion; motion carried 3-0.

ARRA 2010 Street Maintenance Project: Mr. Young reported that the County received approval from Nevada Department of Transportation to begin advertising for the American Recovery and Reinvestment Act (ARRA) 2010 Street Maintenance Project. The plans are 100% complete. Mr. Young explained that advertising for the project could begin March 6th, with opening of bids on April 19th, awarding of bids on May 6th, with a proposed start of construction on June 1st. The contract period is 60 days, but the project could take less time and the period could be changed to 30 days. Commissioner Ithurralde made a motion to move forward and advertise for the ARRA 2010 Street Maintenance Project using the timeline recommended by the County Engineer. Commissioner Page seconded the motion. Motion carried 3-0.

NATURAL RESOURCES

Activity Report: Jake Tibbitts, Natural Resources Manager, reported that he attended: a BLM meeting regarding issues in the County on February 8th; the Boulder Valley and Maggie Creek Monitoring meeting and Humboldt River Assessment meeting in Carson City on February 9th; a Natural Resources Advisory Commission (NRAC) meeting on February 10th with BLM representatives; a Mount Hope conference call on February 16th where it was relayed that revision of reports are expected in March; a discussion on Mormon crickets and grasshoppers with the Nevada Department of Agriculture on February 16th where it was relayed that 2010 is expected to be a heavy grasshopper year; a Negotiating Team meeting on February 17th; the Master Plan Workshop on February 17th; a Firewise Community meeting in Crescent Valley on February 17th; and the NACO Public Lands and Natural Resource meeting via teleconference. Mr. Tibbitts explained that the Crescent Valley Firewise meeting went well with BLM and Nevada Division of Forestry representatives attending. The Firewise Day in Crescent Valley will be held in May during Wildfire Awareness Week. Also, the decision on the sage grouse listing as an endangered/protected species may be decided on the following week. Mr. Tibbitts further

reported that Newmont is expected to issue a draft supplemental EIS on the Genesis Project in Eureka County for pit expansion and new pits. Also briefly discussed were: establishing new national monuments by the Obama Administration in the Great Basin; proposed elimination of the Division of Plant Industry out of the Nevada Department of Agriculture; and a new water rights application from Newmont related to the Genesis Project.

Upcoming meetings include: the 3-Bars Ecosystem and Landscape Restoration Project scoping meeting on February 23rd at the Opera House; a National Environmental Policy Act (NEPA) Committee meeting on February 24th; and Firewise Community meetings in Eureka and Crescent Valley.

Natural Resources Legislation: Mr. Tibbitts reported that the Supreme Court ruled that the Environmental Protection Agency (EPA) could regulate greenhouse gases under the Clean Air Act; however, there have been legislative proposals that would prohibit the EPA from implementing greenhouse gas emission standards under the Clean Air Act. A draft letter supporting the proposals was reviewed by the Board. Commissioner Ithurralde made a motion to authorize the Chairman to sign the letter outside of the meeting, and that Congresswomen Berkeley and Titus are added as recipients of the letter; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Ithurralde made a motion to direct the Natural Resources Manager to draft a letter opposing the proposed elimination of the Division of Plant Industry under the Nevada Department of Agriculture, and to authorize the Chairman to sign the letter outside of the meeting; Commissioner Page seconded the motion; motion carried 3-0.

Comment Letter to Forest Service: Mr. Tibbitts explained that a comment letter was signed and sent to the Forest Service regarding the proposed National Forest System Land Management Planning Rule because comments were due on February 16th. The letter requested that the new planning rule carry forward with coordination with local governments, highlighted issues targeting restoration rather than sustainable use, and commented on restrictions on Forest Service lands. Commissioner Page motioned to ratify the comment letter sent to the Forest Service; Commissioner Ithurralde seconded the motion; motion carried 3-0.

MOU Between Eureka County and Forest Service: Mr. Tibbitts reported that Steve Williams, Forest District Manager, attended a NRAC meeting two months ago where coordination and pursuing a memorandum of understanding (MOU) were discussed. A draft MOU between the County and the Forest Service establishing a protocol for coordination was reviewed by the Board and previously reviewed by the NRAC. Commissioner Ithurralde made a motion to send the draft MOU establishing a protocol for coordination with the Forest Service for the Forest Service to review; Commissioner Page seconded the motion; motion carried 3-0.

RECESS FOR LUNCH

The Board recessed for lunch from 11:58 a.m. to 1:02 p.m.

AMBULANCE AND EMS

Update Report: Mike Sullivan, EMS Coordinator, reported that since January 20th Eureka has had four calls for service (11 calls year-to-date) and Crescent Valley has had two calls for service (six year-to-date). Mr. Sullivan reported on volunteer staffing levels and continuing education classes. The Exposure Control Plan has been revised which includes hazards potentially faced by personnel and steps to protect themselves. Mr. Sullivan has been working with Mr. Damele on a statewide resource management project.

Defibrillator Trade-Ins: Mr. Sullivan reported that the new defibrillators for the clinics can be purchased for less than expected through State purchasing, and the units should be available by the end of March. The current defibrillator, the Lifepack 12, can be traded in as part of the purchase of the new advanced life support (ALS) defibrillators through NASPO, under contract SW60300-751. Commissioner Ithurralde made a motion to authorize the EMS

Coordinator to trade in the Lifepack 12 defibrillator as part of the purchase of the new ALS defibrillators; Commissioner Page seconded the motion; motion carried 3-0.

EUREKA COUNTY SHERIFF

SRT Equipment: This agenda item was deleted.

EUREKA COUNTY HUMAN RESOURCES

Animal Control Officer Job Description: Jerry Larson, Human Resources Analyst, reported that the Sheriff's Office hired an Animal Control Officer; however, a job description needed to be created. Mr. Beutel added that the Animal Control Officer is not a peace officer, but a civilian trained and authorized by N.R.S. 171.17751 to issue citations for violations regarding the care and control of animals. Commissioner Page made a motion to approve the job description for the Animal Control Officer; Commissioner Ithurrealde seconded the motion; motion carried 3-0.

CRESCENT VALLEY TOWN ADVISORY BOARD

Joint Meeting with County Commissioners: The Crescent Valley Town Advisory Board (CVTAB) requested a joint meeting with the Board of County Commissioners. Dawn Gann, CVTAB member, explained that the meeting request was made so that issues could be discussed and concerns addressed by both boards. Commissioner Page motioned to approve the request to hold a joint meeting with the CVTAB on April 15, 2010, in Crescent Valley; Commissioner Ithurrealde seconded the motion; motion carried 3-0.

Ordinance Change for Meeting Times: A request was made by the CVTAB for a Commissioner to propose an ordinance change to amend the CVTAB meeting times from 7:30 p.m. to 4:30 p.m. Commissioner Page made a motion to propose the ordinance change amending the CVTAB meeting times from 7:30 p.m. to 4:30 p.m.; Commissioner Ithurrealde seconded the motion; motion carried 3-0.

Public Hearing for Ordinance Change: A public hearing on the proposed ordinance change was scheduled for March 19th at 2:00 p.m.

PUBLIC HEARING – TOWN OF CRESCENT VALLEY ORDINANCE

Notice was given that the Board of Eureka County Commissioners would hold a public hearing on February 19, 2010, beginning at 1:30 p.m. in the Eureka County Commissioners' Chambers in the County Courthouse, located at 10 South Main Street in Eureka, Nevada. The reason for said hearing was to invite public comments and take action on a proposed ordinance amending the 2006 Eureka County Code, Title 13, Town of Crescent Valley, by amending Chapter 20, Crescent Valley Town Advisory Board, to reduce the number of board members from five to three, and all other matters properly relating thereto. This ordinance was proposed by the Board of Eureka County Commissioners and a copy of said proposed ordinance is on file with the County Clerk for public examination.

Chairman Fiorenzi called for public comments and asked the members of the Crescent Valley Town Advisory Board (CVTAB), Dawn Gann and Kollene Schwartz, for input provided to the members during the CVTAB meeting where the subject of reducing the number of members was discussed. Ms. Gann relayed that the CVTAB voted 2-0 to reduce the board to three members, and four members of the public had indicated that they wanted a five member board. Mr. Beutel explained that, if approved, the change would not go into effect until 2011 and only three seats will be available on the November ballot. Commissioner Page indicated that he was in support of a three member CVTAB for various reasons, and motioned to approve the ordinance change to reduce the CVTAB to a three member board; Commissioner Ithurrealde seconded the motion; motion carried 3-0. There are still two vacancies on the CVTAB that may be filled until December 2010.

EUREKA COUNTY CLERK AND TREASURER

January 2010 Treasurer's Report: Jackie Berg, Clerk & Treasurer, reported that \$6 million has been transferred from the LGIP (Local Government Investment Pool) which is managed by the Nevada State Treasurer, and will be invested with another financial firm. There were no other comments on the January 2010 Treasurer's Report.

Resolution Setting Pay for Election/Poll Workers: Ms. Berg explained that the pay for election and poll workers in the County has not been increased for six years. A resolution was drafted to increase the rate of pay for these workers and to change the rate to hourly. Poll workers work a minimum of 12 hours per day, and the Counting Board members often work late hours. Commissioner Ithurralde made a motion to approve the resolution setting the rate of pay for election/poll workers and Counting Board members; Commissioner Page seconded the motion; motion carried 3-0.

Eureka, Nevada

February 19, 2010

RESOLUTION SETTING THE COMPENSATION OF VOTING BOARD OFFICERS, COUNTING BOARD OFFICERS, SPECIALLY APPOINTED DEPUTY SHERIFFS, ELECTION BOARD OFFICERS, AND OTHER EMPLOYEES PURSUANT TO NRS 293.460

WHEREAS, state law requires an ordinance, resolution, or order of the County Commissioners to set the compensation of officers of the election board, deputy sheriff's, and other employees who assist in elections; and

WHEREAS, this resolution sets out that compensation, which will be the compensation to be paid for all elections until such time as this resolution is rescinded or modified by future ordinance, resolution, or order of the County Commissioners;

NOW THEREFORE BE IT RESOLVED the compensation of voting board officers, counting board officers, specially appointed deputy sheriffs, election board officers, and other employees shall be paid according to the following rates for work related to an Election in Eureka County:

POLLWORKERS A County employee who also acts as a pollworker shall receive his or her regular pay for (8) hours and overtime pay for work over forty (40) hours in one week. A non County employee who acts as a pollworker shall receive Fifteen Dollars (\$15.00) per hour; overtime will not be a factor since they will not be required to work more than forty (40) hours in any given week.

COUNTING / ELECTION BOARD A County employee who also acts as a Counting/Election Board member, shall receive his or her regular pay for eight (8) hours and overtime pay for work over forty (40) hours in one week. A non County employee who acts as a Counting/Election Board member shall receive Fifteen Dollars (\$15.00) per hour; overtime will not be a factor since they will not be required to work more than forty (40) hours in any given week.

INFORMATION TECHNOLOGY / TROUBLESHOOTERS A County employee who also acts as an Information Technology/Troubleshooter shall receive his or her regular pay for eight (8) hours and overtime pay for work over forty (40) hours in one week. A non County employee who acts as an Information Technology/Troubleshooter shall receive Thirty-Five Dollars (\$35.00) standby for being on call on Election Day, or Twenty Dollars (\$20.00) per hour; overtime will not be a factor since they will not be required to work more than forty (40) hours in any given week. The Information Technology/Troubleshooter who is called upon on an Election Day, will not receive both the standby fee and the hourly rate, but will receive the higher of the two compensations.

SPECIALLY APPOINTED DEPUTIES A deputy of the Eureka County Sheriff's Office specially appointed to serve on Election Day shall receive his or her regular pay per hour, shift differential as defined in the Eureka County Personnel Policy, and overtime pay as defined in the Eureka county Personnel Policy for their regular position within the County.

ADOPTED this 19th day of February, 2010.

EUREKA COUNTY BOARD OF COMMISSIONERS
EUREKA COUNTY, NEVADA

/s/ Leonard Fiorenzi
Leonard Fiorenzi, Chairman

/s/ J.P. Ithurrealde
J.P. "Jim" Ithurrealde, Vice Chairman

/s/ Mike Page
Mike Page, Member

ATTEST: /s/ Jackie Berg
Jackie Berg, Clerk

Replacement Copy Machine for District Court: Ms. Berg reported that approval was received from the County Assessor to purchase a copy machine for the District Court through the Assessor's Technology Fund. Commissioner Ithurrealde made a motion to approve the purchase of a replacement copy machine for District Court, not to exceed \$10,000.00; Commissioner Page seconded the motion; motion carried 3-0.

PUBLIC HEARING – COUNTY COMMISSIONERS ORDINANCE

Notice was given that the Board of Eureka County Commissioners would hold a public hearing on February 19, 2010, beginning at 2:00 p.m. in the Eureka County Commissioners' Chambers in the County Courthouse, located at 10 South Main Street in Eureka, Nevada. The reason for said hearing was to invite public comments and take action on a proposed ordinance amending the 2006 Eureka County Code, Title 2, Eureka County Commissioners, by amending Chapter 10, to add that a quarterly meeting will be held in Crescent Valley in addition to regular meetings, and all other matters properly relating thereto. This ordinance was proposed by the Board of Eureka County Commissioners and a copy of said proposed ordinance is on file with the County Clerk for public examination.

Chairman Fiorenzi called for public comments. Adell Panning, Fannie Komp Senior Center Site Director, asked if regular County business can be conducted at the special Board meetings held in Crescent Valley. Chairman Fiorenzi explained that all business pertaining to Crescent Valley can be conducted at the meetings as well as business relating to the County as a whole, with the exception of ordinance or zoning changes specific to the Town of Eureka. Commissioner Ithurrealde made a motion to approve the amendment to the Eureka County Code, Title 2, Chapter 10, relating to conducting special meetings every quarter in the Town of Crescent Valley; Commissioner Page seconded the motion; motion carried 3-0. The first quarterly meeting will be held April 15, 2010.

PUBLIC HEARING – WELFARE AND INDIGENT SERVICES ORDINANCE

Notice was given that the Board of Eureka County Commissioners would hold a public hearing on February 19, 2010, beginning at 2:15 p.m. in the Eureka County Commissioners' Chambers in the County Courthouse, located at 10 South Main Street in Eureka, Nevada. The reason for said hearing was to invite public comments and take action on a proposed ordinance amending the 2006 Eureka County Code, Title 11, Welfare and Indigent Services, by amending Chapter 30, by adding a new section to provide for payment of Jane Doe sexual assault kits, and all other matters properly relating thereto. This ordinance was proposed by the Board of Eureka County Commissioners and a copy of said proposed ordinance is on file with the County Clerk for public examination.

Chairman Fiorenzi opened the floor to public comments; there were none. Commissioner Page motioned to approve the ordinance change of the Eureka County Code, Title 11, Chapter 30, and authorize the Chairman to sign the ordinance outside of the meeting; Commissioner Ithurrealde seconded the motion; motion carried 3-0.

LOCAL EMERGENCY PLANNING COMMISSION

SERC Grant Application: Mike Rebaleati, Local Emergency Planning Commission (LEPC) Chairman, reported that the LEPC approved the State Emergency Response Commissioner (SERC) grant application, not to exceed \$22,000.00. The grant included costs for a consultant to revise the Hazardous Materials Response Plan and equipment purchases of gas monitors, pagers, and radios. Commissioner Ithurralde made a motion to approve the SERC grant application, not to exceed \$22,000.00, and authorize the Chairman to sign the application outside of the meeting; Commissioner Page seconded the motion; motion carried 3-0.

Consultant to Reorganize the Eureka County Hazardous Materials Response Plan: Mr. Rebaleati explained that after reviewing three proposals, the LEPC made a recommendation to hire All Clear Fire Training and Consulting to combine the two volumes of the Eureka County Hazardous Materials Response Plan into one volume. The estimated cost for revision of the plan is \$3,150.00. Commissioner Ithurralde motioned to accept the scope of work and quote from All Clear, not to exceed \$3,150.00; Commissioner Page seconded the motion; motion carried 3-0.

COMMISSIONERS

Update Reports: Commissioner Page attended the joint Planning Commission meeting on February 17th and a Firewise Community meeting in Crescent Valley, also on February 17th. Commissioner Ithurralde attended a meeting with Assemblyman Pete Goicoechea, the Senior Citizens Advisory Board meeting on February 16th, and the joint Planning Commission meeting on the Master Plan on February 17th. Chairman Fiorenzi also attended the joint Planning Commission meeting on the Master Plan on February 17th.

Resolution in Support of the Nevada Mining Association: Commissioner Ithurralde reported that a resolution supporting the Nevada Mining Association was drafted with the help of the District Attorney. Commissioner Page motioned to approve the resolution expressing Eureka County's support for the Nevada Mining Association and mining activities in Eureka County; Commissioner Ithurralde seconded the motion; motion carried 2-1. Chairman Fiorenzi voted no, relaying that the resolution could have negative effects by drawing attention to net proceeds monies available in Eureka County.

Eureka, Nevada

February 19, 2010

A RESOLUTION OF THE BOARD OF EUREKA COUNTY COMMISSIONERS EXPRESSING SUPPORT FOR THE POSITIVE ECONOMIC IMPACTS OF THE MINING INDUSTRY IN NEVADA

WHEREAS, mining is an integral part of the economy, development and social well-being of Eureka County; and

WHEREAS, as a state founding industry, mining is an equally integral element in the economy, development and social well-being of Nevada; and

WHEREAS, mining remains an important employer in Eureka County and around the state, providing more than 14,000 jobs while paying the highest average wages; and

WHEREAS, as much as 50 percent of the economy in rural Nevada is derived from the mining industry and its support services; and

WHEREAS, the gross proceeds of mining in Nevada in 2008 reached \$5.7 Billion Dollars, and over 40% of those proceeds are attributable to activities in Eureka County; and

WHEREAS, approximately 94% of Eureka County's tax base is mines and mine related industries; and

WHEREAS, Eureka County's mineral resources are important elements in Eureka County's future development and prosperity;

NOW THEREFOER, BE IT RESOLVED, that het Board of the Eureka County Commissioners supports Nevada’s mining industry as having a positive impact on our County and State, providing jobs and significant economic revenue.

ADOPTED this 19th day of February, 2010.

BOARD OF EUREKA COUNTY COMMISSIONERS
COUNTY OF EUREKA, STATE OF NEVADA

/s/ Leonard Fiorenzi
Leonard Fiorenzi, Chairman

/s/ J.P. Ithurrealde
J.P. “Jim” Ithurrealde, Vice Chairman

/s/ Mike Page
Mike Page, Member

ATTEST: /s/ Jackie Berg
Jackie Berg, Clerk of the Board

Letter Regarding the Calculation of Net Proceeds and Deduction of Power Plants: The Board reviewed a letter to the Nevada Tax Commission, Nevada Attorney General, and State Board of Equalization regarding the calculation of net proceeds and deduction of the cost of power plants. Mr. Beutel explained that the letter prompts the Nevada Tax Commission and the State Board of Equalization to clarify their regulations. Commissioner Ithurrealde made a motion to approve the letter to the Nevada Tax Commission, Nevada Attorney General, and State Board of Equalization regarding the calculation of net proceeds and deduction of the cost of power plants; Commissioner Page seconded the motion; motion carried 3-0.

FTR Audio/Recording System for Crescent Valley: A quote was received from Vectra Solutions, Inc., for a For the Record (FTR) audio/recording system which includes a new computer dedicated to the system for the Crescent Valley Town Hall. Commissioner Ithurrealde made a motion to approve the quote for the FTR audio/recording system for the Crescent Valley Town Hall in the amount of \$10,974.00, and added that a three minute public comment timer be purchased as well; Commissioner Page seconded the motion; motion carried 3-0.

FTR System Upgrades: Commissioner Ithurrealde made a motion to approve the quote from Vectra Solutions, Inc., for software upgrades to the FTR Gold audio/recording system in the Commissioners’ meeting room in the amount of \$1,200.00; Commissioner Page seconded the motion; motion carried 3-0.

Training for “Ethics in Government”: Commissioner Page made a motion to contact the Nevada Commission of Ethics to schedule a date and place for “Ethics in Government” training for public officers and public employees, at no cost to the County, during their statewide outreach tour from March 24th through April 7th, and that training be requested for both Eureka and Crescent Valley; Commissioner Ithurrealde seconded the motion; motion carried 3-0.

Elko-Lander-Eureka Library Contract: Mr. Beutel pointed out that the contract received for the Elko-Lander-Eureka Library states that employees of the library that work in Eureka County (who are paid by Elko County) receive the same benefits as those people employed by Eureka County. Commissioner Ithurrealde made a motion to table the approval of the Elko-Lander-Eureka Library contract so that this benefit issue could be looked into and addressed prior to consideration of the contract; Commissioner Page seconded the motion; motion carried 3-0.

Mount Hope Project EIS and NEPA Process: Commissioner Ithurrealde had received a call from a concerned citizen regarding the Eureka Canyon Subdivision. The Commissioner reiterated that the County Commissioners have not hindered the development of the Eureka Canyon Subdivision, but due to cash constraints, General Moly has put the project on hold until they receive the Record of Decision from the BLM on the Mount Hope Project.

PUBLIC COMMENT

Chairman Fiorenzi opened the floor to public comments. There were none.

ADJOURNMENT

At 2:30 p.m., Commissioner Ithurralde motioned to adjourn the meeting; Commissioner Page seconded the motion; motion carried 3-0.

Approved this 5th day of March, 2010.

/s/ Leonard Fiorenzi
Leonard Fiorenzi, Chairman

Attest: /s/ Jackie Berg
Jackie Berg, Clerk