

**EUREKA COUNTY BOARD OF COMMISSIONERS**  
**March 5, 2010**

STATE OF NEVADA            )  
  :SS  
COUNTY OF EUREKA        )

**CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on March 5, 2010. Present were Chairman Leonard Fiorenzi; Vice Chair Jim Ithurrealde; Member Mike Page; District Attorney Theodore Beutel; and Clerk & Treasurer Jackie Berg. The meeting was called to order at 9:32 a.m. and began with the Pledge of Allegiance. The interactive video conference was connected and utilized between Crescent Valley and Eureka for the entire meeting.

**APPROVAL OF AGENDA**

Chairman Fiorenzi requested that the Eureka County Sheriff agenda item be moved after the NEPA Committee agenda item in the afternoon, and that matters pertaining to the Crescent Valley Town Advisory Board (CVTAB) be addressed during the Public Comment agenda item. Commissioner Ithurrealde made a motion to approve the agenda with the changes. Commissioner Page seconded the motion. Motion carried 3-0.

**PUBLIC COMMENT**

Chairman Fiorenzi called for public comments. Dawn Gann, CVTAB member, explained that the CVTAB sent their proposed budget for the 2010-2011 fiscal year (FY) to the Board of Commissioners to consider. Discussion was had on the CVTAB priority budget items including: the baseball field; Crescent Valley Town Park; paving for the Town streets; concession stands; and the Crescent Valley Community Center. The CVTAB budget will be considered during the March 17<sup>th</sup> budget meeting. There were no other public comments.

**APPROVAL OF MINUTES**

Commissioner Page made a motion to approve the minutes of the February 17, 2010 Master Plan meeting. Commissioner Ithurrealde seconded the motion. Motion carried 3-0.

Commissioner Ithurrealde made a motion to approve the minutes of the February 19, 2010 Commissioner meeting. Commissioner Page seconded the motion. Motion carried 3-0.

**FINANCE**

Payment of Expenditures: Expenditures were presented to the Board for approval by Mike Rebaleati, County Auditor and Recorder. Chairman Fiorenzi abstained from voting on the approval of vouchers for Pernecia Johnson, Public Guardian, due to a close family relationship. Commissioner Ithurrealde made a motion to approve County expenditures, including payroll in the amount of \$288,354.52, special payroll in the amount of \$416.96, and accounts payable in the amount of \$1,391,282.11, for a total of \$1,680,053.59. Commissioner Ithurrealde also noted that there was a payment to the Eureka County School District in the amount of \$1,024,702.00. Commissioner Page seconded the motion. Motion carried 3-0.

Commissioner Page made a motion to approve expenditures for Yucca Mountain in the amount of \$6,330.82. Commissioner Ithurrealde seconded the motion. Motion carried 3-0.

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

Color Map Scanner: Mr. Rebaleati explained that there is a need for a color map scanner in the Courthouse which could be used by any office including Public Works. The County's current map scanner is five years old and would be used in the Crescent Valley Town Hall if a new one is purchased for the Courthouse. Mr. Rebaleati added that the Assessor already justified the funding of the color map scanner from the Assessor's Technology Fund.

Commissioner Ithurralde made a motion to approve the purchase of a Kip 3102 color map scanner, not to exceed \$22,500.00, and that the current map scanner be moved to Crescent Valley. Commissioner Page seconded the motion. Motion carried 3-0.

Bank Account for Economic Development: Mr. Rebaleati reported that discussion was previously had on opening a bank account for the Economic Development Program in order to be used for online registration for the car show. Commissioner Page made a motion to ratify the opening of a bank account at Nevada State Bank for the Economic Development Program. Commissioner Ithurralde seconded the motion. Motion carried 3-0.

## **CORRESPONDENCE**

Correspondence was received from: attendance notice for the Barrick/Ruby Hill Open House; Ron Damele, Public Works Director (2); Mike Rebaleati, Recorder/Auditor; Adell Panning, Fannie Komp Senior Center Site Director; Eureka County Economic Development Program; Vincie Walzl; Gary McCuin, Extension Educator (2); 4-H Newsletter – Spring Edition; Eureka County High School; Crescent Valley Town Advisory Board (4); Nevada Association of Counties (NACO); Tri Sage Consulting; Nevada POOL/PACT (3); Rural Nevada Development Corporation; Nevada Division of Environmental Protection; Nevada Department of Taxation (2); Karen Johnson, Department of Public Safety; Nevada Department of Transportation; Ross Miller, Secretary of State; Nevada’s Washington Watch; Nevada Connections Newsletter; Maryland student; California Regional Water Quality Control Board; Western Counties Alliance (3); National Association of Counties (NACo) (3); US Congressman Dean Heller; US Department of Agriculture – Forest Service; US Department of the Interior – Bureau of Land Management (BLM) (3); and the US Census Bureau.

Commissioner Ithurralde requested that the resignation of Vincie Walzl from the Fair Board and the High School scholarship drive be placed on the next regular meeting agenda. Discussion was had on net proceeds payment distributions from mines within the County. Commissioner Ithurralde also asked Jackie Berg, Clerk and Treasurer, to reply to the student from Maryland who wrote a story about Eureka.

## **SENIOR CENTERS**

Update Report: Millie Oram, Eureka Senior Center Site Director, reported that the repair work for the floor in the entry way of the Eureka Senior Center is ongoing. The February meal count for the Eureka Senior Center was 895 and the count for the Fannie Komp Senior Center was 668. Ms. Oram assisted five individuals with social services paperwork. \$10,064.98 was deposited by the senior centers for the month of February and included grant funding awards.

Notification of Grant Award: Commissioner Ithurralde made a motion to sign the Notification of Grant Award for a 3B transportation grant from the Nevada Aging and Disability Services Division. Commissioner Page seconded the motion. Motion carried 3-0.

Resignation from Senior Center Board: Commissioner Ithurralde made a motion to accept the resignation of Robin Evans from the Senior Center Board. Commissioner Page seconded the motion. Motion carried 3-0.

New Delivery Van: Ms. Oram explained that information regarding the proposed capital outlay purchase of a new delivery van for the Fannie Komp Senior Center was provided to Ron Damele, Public Works Director. Commissioner Ithurralde made a motion to table the consideration of the purchase of a new delivery van until more information is available from the Public Works Director. Commissioner Page seconded the motion. Motion carried 3-0.

## **ROAD DEPARTMENT**

Update Report: Raymond Hodson, Road Superintendent, reported that the Road Department has been working on Keg Street, 6<sup>th</sup> Street, Dugout Road, Antelope Road, and

removed snow as needed. Stop signs were placed on Dugout Road. For the northern part of the County, the Road Department worked on the Spa Road and cleaned cattle guards on the Palisades Road.

**PUBLIC WORKS**

Resolution for 4<sup>th</sup> of July Events: Ron Damele, Public Works Director, provided the Board with a copy of a draft resolution to be sent to the Nevada Department of Transportation (NDOT) regarding the Town of Eureka’s Annual 4<sup>th</sup> of July Parade and Street Events. If approved, the resolution will be sent to NDOT along with the temporary detour permit application. Commissioner Ithurralde made a motion to approve the Annual 4<sup>th</sup> of July Parade and Street Events resolution that will be sent to NDOT. Commissioner Page seconded the motion. Motion carried 3-0.

Eureka, Nevada	March 5, 2010
<b>RESOLUTION</b> <b>SUPPORTING THE TOWN OF EUREKA’S ANNUAL</b> <b>FOURTH OF JULY PARADE AND STREET EVENTS</b>	
WHEREAS, the Board of County Commissioners, acting as the Board of Directors of the Town of Eureka, with the cooperation of the Eureka Volunteer Fire Department, has sponsored an annual 4 <sup>th</sup> of July Parade and Street Events for over 100 years; and	
WHEREAS, the Town of Eureka Parade and street Events has always been held on a portion of State Highway 50 between Robin Street and Bullion Street in the Town of Eureka; and	
WHEREAS, Eureka County wants to ensure the economic, cultural and traditional aspects of celebrating our nation’s Independence Day in the Town of Eureka;	
NOW THEREFORE BE IT RESOLVED the Board of Eureka County Commissioners hereby supports the annual Town of Eureka Annual Fourth of July Parade and Street Events and Eureka County assumes the responsibility of traffic control and will coordinate all related aspects of maintaining a proper detour from 9:00 a.m. to 2:00 p.m. during the 4 <sup>th</sup> of July events.	
ADOPTED this 5 <sup>th</sup> day of March, 2010.	
<u>/s/ Leonard Fiorenzi</u> Chairman of the Board Eureka County Commissioners	
Attest: <u>/s/ Jackie Berg</u> Jackie Berg, Clerk	

Four Ten-Hour Days for Road Department: Mr. Damele explained that allowing the Road Department and Road Shop to work four 10-hour days beginning March 14<sup>th</sup>, 2010 and ending October 30, 2010 will allow for more efficiency. If approved, the shift change will be occurring earlier in the year than past years and will be evaluated for effectiveness. Commissioner Page made a motion to authorize the Road Department and Road Shop to begin working four 10-hour days beginning March 14<sup>th</sup>, 2010 and ending October 30, 2010. Commissioner Ithurralde seconded the motion. Motion carried 3-0.

Four Ten-Hour Days for Public Works Department: Mr. Damele proposed that the Public Works Department work four 10-hour days beginning May 2, 2010 and ending October 2, 2010 for a more effective work schedule. Commissioner Ithurralde made a motion to authorize the Public Works Department to begin working four 10-hour days beginning May 2, 2010 and ending October 2, 2010. Commissioner Page seconded the motion. Motion carried 3-0.

Weed Control Budget: Mr. Damele explained that after speaking with the Natural Resources Manager, a proposal to move the Weed Control Budget and personnel from the Public Works Department to the Natural Resources Department was developed. Commissioner Page made a motion to relocate the Weed Control Budget and personnel from the Public Works Department to the Natural Resources Department effective March 15, 2010. Commissioner Ithurrealde seconded the motion. Motion carried 3-0.

NDOT Right-of-Way: Mr. Damele explained that a right-of-way application was sent to NDOT for the waterline relating to Phase II of the Devil's Gate Inter-Tie Project. The 16 inch waterline would extend from the Highway 50 and State Route 278 junction to Frontier Street on the north side of Highway 50. The County received a letter from NDOT indicating that they have rejected the right-of-way application. Jackie Berg, Clerk and Treasurer, read the letter for the record: *"RE: 6500' Diamond Valley Water Line Encroachment ¶ Dear Mr. Damele: ¶ From the outset, please understand that the Nevada Department of Transportation (NDOT) is concerned with potential adverse impacts that such a substantial water line encroachment will have on the future use of NDOT right-of-way for highway purposes. ¶ To date, the substantial direct benefits to the Devil's Gate General Improvement District (DGGID) in particular and to Eureka County in general for constructing this water line within NDOT right-of-way have only been generally described. It is NDOT's understanding that the Bureau of Land Management (BLM) will require an Environmental Assessment (EA) regardless of location, either within NDOT right-of-way or immediately outside NDOT right-of-way on BLM land. Because of this likely requirement, it is unclear how installing the water line within NDOT right-of-way would be a substantial benefit to either Eureka County or the general public. In our attempt to better understand the County's position, it would be extremely helpful if you could quantify the added delay or added expense that the County would incur were the water line to be installed outside the NDOT right-of-way in lieu of within NDOT right-of-way. ¶ Please note that NDOT is the primary permit holder for this section of US 50 right-of-way, in the form of an easement from BLM. Were it to locate within NDOT right-of-way, the County would not be granted an easement from either BLM or NDOT, but would only carry a revocable encroachment permit from NDOT, once it met all BLM, NDOT, and any other jurisdictional agency requirements. ¶ Construction of this water line within NDOT right-of-way will cause a substantial encumbrance. The cumulative effect of encroachments, including the County's proposed 16" water line on the north side of US 50, will effectively reduce the usable right-of-way on this side of the highway by 15% for more than a one-mile distance. This is a substantial impact. ¶ Neither the County nor NDOT can predict the extent to which this section of the US 50 corridor will be needed for future highway purposes throughout the design life, or any extensions thereto, of the County's proposed water line extension. ¶ Securing its own easement directly from BLM at this time would preclude the potential for substantial relocation costs or the difficulty of securing permission for an alternative alignment should future use of the highway right-of-way necessitate Eureka County, as permittee, to relocate or otherwise modify its facility to accommodate highway use(s). ¶ At this time, it is NDOT's honest and sincere opinion that placing the water line outside NDOT right-of-way would be in the best long term interest of both Eureka County and NDOT. ¶ Should you wish to discuss this matter further, please do not hesitate to contact either Kevin Lee at 775-777-2700 or me at 775-289-1703. ¶ Sincerely, Kathleen R. Weaver, Assistant District Engineer"*

Mr. Damele agreed that an EA would be necessary regardless of the location of the water line, and a cultural review of the NDOT right-of-way area was already conducted 10 years ago for a fiber optic project. Mr. Damele explained there are already utilities in place where the proposed water line would be located and sufficient supplemental information has been provided to NDOT. The County is seeking assistance from the State Transportation Board for NDOT's reconsideration of their application rejection. Commissioner Ithurrealde noted that Humboldt County Commissioner Tom Fransway is on the Nevada Transportation Board and will be bringing up the NDOT right-of-way issue at the next meeting. A County representative will also be attending the Nevada Transportation Board meeting.

Alternative Right-of-Way: Mr. Damele explained that an alternative to the NDOT right-of-way may be considered such as applying for a BLM right-of-way only. Chairman Fiorenzi suggested pursuing the NDOT right-of-way application and if it is fully denied then proceeding with the BLM right-of-way application. Mr. Damele noted that Phase II of the Devil's Gate Inter-Tie Project may be postponed until the following construction year due to the right-of-way applications and the potential need for an EA. Commissioner Ithurrealde made a motion to give the Public Works Director authorization to proceed with an alternate right-of-way application with the BLM if needed after the Nevada Board of Transportation meeting and if the NDOT application is rejected. Commissioner Page seconded the motion. Motion carried 3-0. Mr.

Damele added that a quote for an EA would be obtained in anticipation of a BLM right-of-way application.

Vehicle Capital Outlay Purchases: Mr. Damele explained that three new pickups were budgeted for the Road Department. The trucks include two replacement grader pickups and a mechanic's pickup for the Crescent Valley area. If approved, the purchase of the vehicles would be made through the State of Nevada Vehicle Contract #7378. Commissioner Ithurralde made a motion to authorize the purchase of three new pickups for the Road Department, which have already been budgeted, in the total amount of \$89,000.00. Commissioner Page seconded the motion. Motion carried 3-0.

Radio System Repeater Upgrades: The County has been working on upgrading the County mountaintop radio system repeaters. The repeaters are used for communication by the Public Works Department and the Sheriff's Office. Commissioner Page motioned to accept the Request for Proposals for County radio system repeater upgrades as prepared by Galena Group, Inc. and authorized the advertising for proposals. Commissioner Ithurralde seconded the motion. Motion carried 3-0.

Parks, Recreation, and Facility Director Duties: Mr. Damele explained that a request was made by the Parks, Recreation, and Facilities Director for a temporary reduction of duties and salary for 6 months for medical purposes. The Board reviewed the list of reduced duties and associated \$5,000.00 reduction in salary. The Human Resources Analyst and District Attorney reviewed the documentation for the reduction as well. Mr. Damele added that the remaining duties will be the responsibility of himself and the Buildings and Grounds staff. Commissioner Ithurralde made a motion to approve the temporary reduction in duties, responsibilities, and salary for the Parks, Recreation, and Facilities Director beginning March 16, 2010 and ending September 15, 2010. Commissioner Page seconded the motion. Motion carried 3-0.

Eureka Spring Project: The Board reviewed a letter from Tom Young, Lumos & Associates, that outlined the amendment to the current agreement regarding the Eureka Spring Project. Lumos & Associates proposed to provide the engineering services for the development of two springs in the amount of \$5,500.00. The Board discussed developing additional springs if the budget would allow once the first two springs are complete. Mr. Young explained that a certain amount can be budgeted for the project and the number of springs developed can be contingent on the budget. Commissioner Ithurralde made a motion to approve the scope of work and fee schedule from Lumos & Associates for engineering services related to the development of two of the ten springs identified in the Eureka Springs Project in the amount of \$5,500.00. Commissioner Page seconded the motion. Motion carried 3-0.

Main Street Water and Sewer Project: The Board reviewed a proposal from Lumos & Associates outlining the scope of work and fee schedule for inspection and construction management services relating to the Main Street Water and Sewer Project. The total cost for the technical oversight of the project is \$468,000.00. Mr. Young explained that the scope of work includes testing and inspection for 28 weeks as well as reimbursable fees. Full-time inspection is required by NDOT and the Nevada Department of Environmental Protection (NDEP). Mr. Young explained that weekly construction meetings are planned because of the complexity of the project and the potential for the project to impact the public. Commissioner Page made a motion to approve the scope of work and fee schedule from Lumos & Associates for inspection and construction management services relating to the Main Street Water and Sewer Project. Commissioner Ithurralde seconded the motion. Motion carried 3-0.

Part-Time Inspector: Mr. Damele reported that previous discussions had taken place regarding the hiring of a Public Works inspector for the Main Street Water and Sewer Project. This inspector would be responsible for coordinating the water shut offs and video documentation of the lines

County Engineering Services: Mr. Damele explained that the Board previously agreed to narrow the focus of the scope of work for the Request for Qualifications for the County Engineer. The individual that the County is looking for will have to be a Nevada licensed professional engineer, public lands surveyor, and water rights surveyor. The duties for the position will include: coordinating with the Director of Public Works; reviewing division of land maps; attending and participating in County Commissioner meetings at the direction of the Board; updating the Capital Improvement Plan for the Federal Aviation Administration airport projects and Eureka County Pavement Maintenance Plan; perform topographic boundary and water rights surveys and produce related maps; and serve as the lead on special projects approved by the Board of County Commissioners. The contract would initially be a two year contract, renewable annually after the first two year period. Mr. Damele added that the annual budget for the County Engineer would not exceed \$75,000.00. Commissioner Ithurralde made a motion to approve the revisions to the scope of work relating to engineering services Request for Qualifications for Eureka County. Commissioner Page seconded the motion. Motion carried 3-0.

MOU with BH Minerals U.S.: Mr. Damele explained that the County commonly enters into a memorandum of understanding (MOU) for road maintenance with companies with ongoing projects in the County. BH Minerals U.S. is proceeding with an exploration project on Lookout Mountain and will be using the Windfall Mine road. The proposed MOU between the County and BH Minerals U.S. was reviewed by the Board. Commissioner Ithurralde made a motion to approve the MOU with BH Minerals U.S. for minor road maintenance on the Secret Canyon Road and Windfall Road from US 50 to the Fish Creek-Duckwater Road and authorized the Chairman to sign the MOU outside of the meeting. Commissioner Page seconded the motion. Motion carried 3-0. Roads G204A and G204 will be included in the MOU for maintenance.

Appraisal for Klindt Property: Mr. Damele reported that he was directed to contact Lora Irwin regarding an appraisal for the Klindt Property located at 50 South Main Street in Eureka and splitting the cost of the appraisal with the County. Pursuant to Nevada Revised Statute (NRS) Chapter 244.275, an appraisal is required. Ms. Irwin indicated that she conceptually agreed to split the cost of the appraisal, but wanted to know the actual cost prior to officially accepting the cost share. The Board reviewed a list of acceptable appraisers used by the County.

Appraisal Firm Selection: Commissioner Ithurralde motioned to select Brenda Boren from Ely to appraise the property located at 50 South Main Street in the Town of Eureka, with the fees evenly split between the County and property owners. Commissioner Page seconded the motion. Motion carried 3-0.

## **COUNTY ENGINEER**

Main Street Water and Sewer Project: Tom Young, Lumos & Associates, reported that a pre-bid meeting is scheduled for March 8<sup>th</sup> for the Main Street Water and Sewer Project. Formal approval was received from the NDEP. Construction photographs of every water and sewer crossing were requested by NDEP.

NDOT Right-of-Way: Mr. Young reported that NDOT sent an email to the County indicating that they do not own all of the rights-of-way for the project, mainly sidewalks; however, the deed from the trustee to the County was found giving the County the right-of-way for the property between the highway and County property. There are some remaining rights-of-way issues on the ends of town near mill sites that are being dealt with. Currently, NDOT has roadway easements for the mill sites, but not utility easements. Mr. Young indicated that the property owners for the mill sites would be contacted as soon as possible in order to rectify the easement issues. A letter will be sent to NDOT requesting an encroachment permit subject to obtaining right-of-way easements.

ARRA Maintenance Project: Mr. Young reported that he will be attending meetings with NDOT regarding the American Recovery and Reinvestment Act (ARRA) Maintenance Project. Advertising for the project will begin on March 8<sup>th</sup> and will be open for four weeks.

### **EUREKA COUNTY SHERIFF**

SRT Equipment: Sheriff Ken Jones provided the Board with information regarding special reaction team (SRT) equipment. The equipment is protective gear designed to protect law enforcement from an active shooter, especially in a public facility or when immediate response is necessary. Without SRT equipment, the Eureka County Sheriff's Department would have to wait for a Special Weapons and Tactics (SWAT) team to arrive from another city to safely stop a shooter. Sheriff Jones explained that deputies are trained in special response. Quotes were received from Botach and Chief Supply for the SRT equipment. SRT equipment considered for purchase included such items as vests, gas masks, and ballistic shields. Botach provided a quote for \$20,751.00, and Chief Supply provided a quote for \$20,921.48; however, only \$20,000.00 was budgeted for the SRT equipment. Discussion was had on the cost of the equipment. Sheriff Jones offered to forego outfitting himself with SRT equipment in order to come in under the budgeted amount. Commissioner Page motioned to approve the purchase of special reaction team equipment up to \$20,000.00. Commissioner Ithurralde seconded the motion. Motion carried 3-0.

Canine Handler Compensation: Sheriff Jones reported that the Sheriff's Office canine handler must be compensated for caring for the County's drug dog according to the Fair Labor Standards Act (FLSA) and Department of Labor. Discussion was had on compensation options for the canine handler and comparisons to other counties for an equitable position. Commissioner Ithurralde made a motion to pay the Eureka County Sheriff's Office canine handler \$350 per month. Commissioner Page seconded the motion. Motion carried 3-0.

### **AMBULANCE AND EMS**

Out-of-State Travel for EMS Volunteer: Commissioner Page made a motion to approve the out-of-state travel for EMS volunteer, Vernon "Chuck" Bice, to attend National Registry Testing in Roseville, California from March 16-18, 2010. Commissioner Ithurralde seconded the motion. Motion carried 3-0.

### **EUREKA COUNTY HUMAN RESOURCES**

Update Report: Jerry Larson, Human Resources Analyst, reported that he met with Physician Assistant (PA) Duke Gibson regarding physicals for emergency service volunteers. PA Gibson agreed to help Nevada Health Centers provide the County with a definitive bid for physicals. Mr. Larson reported that he will be attending internal investigation training in Elko on April 15<sup>th</sup>. A defensive driving course will be held on April 7<sup>th</sup> in Eureka and April 8<sup>th</sup> in Crescent Valley for County employees. Mr. Larson reported that new employees are being drug tested with the oral swab tests, are being fingerprinted, and background checks are being conducted. Random swab drug tests will be conducted next week as well. Mr. Larson has also been incorporating changes from the February 24<sup>th</sup> meeting into the County's Personnel Policy Manual, including changes to the salary step program.

### **CRESCENT VALLEY TOWN ADVISORY BOARD**

Advertising for Vacant Seats: Ted Beutel, District Attorney, explained that the recent ordinance change that reduced the CVTAB from five members to three members does not go into effect until January 2011. Currently, the CVTAB only has three members serving and two vacant seats. Commissioner Ithurralde made a motion to authorize the CVTAB to advertise for the two vacant seats on the board. Chairman Fiorenzi seconded the motion. Motion carried 2-1.

Commissioner Page voted no. Commissioner Ithurralde made a motion to authorize the CVTAB to advertise for the two vacant seats for 60 days. Chairman Fiorenzi seconded the motion. Motion carried 2-1. Commissioner Page voted no.

### **UNITED STATES CENSUS 2010**

Update: Michael Mears, Assessor and Eureka County Census Liaison, reported that Eureka County partnered with the US Census to help promote the 2010 Census. Mr. Mears explained that citizens in Eureka County should begin receiving Census questionnaires. The questionnaires consist of ten questions and should take approximately 10 minutes to complete. Mailing the questionnaires back to the Census Bureau helps determine how \$400 billion dollars a year in federal funding is distributed. The funding is distributed to local governments, tribal state governments, social services, and other programs. Funding is based on population. Mr. Mears noted that the 2010 Census questionnaires are the simplest form ever used and reiterated the importance of the public's participation. Also, Census workers only come to an individual's home if the questionnaire is not mailed back to the Census Bureau. Mr. Mears noted that the Census Bureau's goal is to exceed a 72% mail participation which was the participation level in 2000. Every 1% increase in mail responses saves approximately \$85 million. There is one questionnaire per household. An accurate population count in Eureka County will be very crucial when redistricting begins as well. Mr. Mears added that members of the public may contact him with any questions or concerns.

### **RECESS FOR LUNCH**

The Board recessed for lunch from 12:00 p.m. to 1:01 p.m.

### **NATURAL RESOURCES**

Activity Report and Upcoming Meetings: Jake Tibbitts, Natural Resources Manager, reported that he spoke with Dr. Harrington from Inyo County, California, regarding related water monitoring, management, and mitigation issues that may be helpful to Eureka County. Mr. Tibbitts attended: the 3-Bars Project scoping meeting on February 23<sup>rd</sup>; a budget meeting on February 24<sup>th</sup>; a National Environmental Policy Act (NEPA) Committee meeting on February 24<sup>th</sup>; a Eureka Firewise Committee meeting on February 26<sup>th</sup>; an advanced water rights class on March 2<sup>nd</sup>; and the Nevada Water Resources Association Conference on March 3<sup>rd</sup> and 4<sup>th</sup> in Las Vegas. The Eureka Firewise Day has been scheduled for May 7<sup>th</sup> and the Crescent Valley Firewise Day is scheduled for May 8<sup>th</sup>.

Mr. Tibbitts will be attending: a Western Counties Alliance teleconference meeting on March 8<sup>th</sup>; a Natural Resource Advisory Commission (NRAC) meeting on March 9<sup>th</sup>; the Ruby Hill open house on March 10<sup>th</sup>; a Wildlife Advisory Board meeting on March 15<sup>th</sup>; a State Water Engineer/Legislative workshop on March 16<sup>th</sup> in Carson City; a budget meeting on March 17<sup>th</sup>; and a NEPA Committee meeting on March 17<sup>th</sup>.

BLM Comments on 3-Bars Project: Mr. Tibbitts explained that a comment letter to the BLM has been drafted regarding the 3-Bars Ecosystem and Landscape Restoration Project. Jack Alexander, Synergy Resource Solutions, was also retained to aid in the comment process. Representatives from the BLM attended the most recent NRAC meeting to address issues with the 3-Bars Project. The Board reviewed comments in the draft letter. Comments are due March 11<sup>th</sup>. Mr. Tibbitts noted that comments from Mr. Alexander will be incorporated in the comment letter once received as well as additional comments from the NRAC. The draft letter includes project concerns over economics, too much focus on restoration rather than sustainable use, social impacts, outdated ecological concepts, and negative connotation of the condition of the ecosystem. Discussion was also had on delineating between potential impacts from the Mount Hope Project and positive or negative impacts from the 3-Bars Project, as well as mitigation of

adverse impacts. Commissioner Ithurrealde made a motion to have the Board review the comments for the 3-Bars Project, relay any additional comments to the Natural Resources Department before March 11<sup>th</sup>, and authorize Mr. Tibbitts to send the comment letter to the BLM. Commissioner Page seconded the motion. Motion carried 3-0.

NEPA Committee for 3-Bars Project: Mr. Tibbitts reported that the Board previously indicated that a NEPA Committee should be formed for the 3-Bars Project. Discussion was had on the composition of the 3-Bars NEPA Committee and asking for interested members from the NRAC to be on the committee. Commissioner Ithurrealde made a motion to create a NEPA Committee for the 3-Bars Ecosystem and Landscape Restoration Project, including seven representatives from ranching, wildlife, mining, business, farming, recreation, and economic development. Commissioner Page seconded the motion. Motion carried 3-0. The Commissioner point-of-contact for the 3-Bars NEPA Committee will be addressed during the next regular Board meeting.

Letter Regarding National Monument Designations: Mr. Tibbitts explained that the Obama Administration is considering national monument designations under the Antiquities Act that may affect Eureka County. There have been bills proposed by Nevada's congressional delegation that would mandate a transparent process before monuments can be designated. The Board reviewed draft letters regarding national monument designations to Congressmen John Ensign and Dean Heller, Senator Harry Reid, and Representatives Titus and Berkeley. The letters request that impacts to local revenues and local government be considered when making national monument designations and coordination efforts be made. Commissioner Ithurrealde made a motion to approve sending letters to send letters to the Nevada congressional delegation and Governor regarding national monument designations under the Antiquities Act. Commissioner Page seconded the motion. Motion carried 3-0.

## **NEPA COMMITTEE**

Update Report: Mr. Tibbitts reported that the NEPA Committee met on February 24<sup>th</sup>. The revised Hydrology Report, Pit Lake Geochemistry Report, and the Ecological Risk Assessment are expected to be released by the end of March if there are no other issues. Once these reports are released, the issues relating to water resources monitoring, management, and mitigation (3M) plan will be addressed. The BLM has requested that Eureka Moly tie proposed monitoring directly to the impacts predicted in the Hydrology Model, and mitigation to be tied to predicted impacts. The next NEPA Committee meeting is scheduled for March 17<sup>th</sup>.

Mount Hope Project Correspondence: There was no correspondence to discuss.

## **COMMISSIONERS**

Update Reports: Commissioner Page reported that he attended the 3-Bars Project meeting in Battle Mountain, the Crescent Valley Town Advisory Board Meeting, and the Nevada Water Association Conference in Las Vegas. Commissioner Ithurrealde reported that he attended: the Revenue 101 course via video conference on February 22<sup>nd</sup>; a NACO telephone conference on February 25<sup>th</sup> regarding the Special Legislative Session; the 3-Bars Project open house on February 23<sup>rd</sup>; and the Board meeting on February 24<sup>th</sup> regarding the personnel policy manual. Commissioner Ithurrealde also added that he filed for re-election on March 1<sup>st</sup>. Chairman Fiorenzi reported that he attended the 3-Bars Project open house in February 23<sup>rd</sup> and the budget meeting on February 24<sup>th</sup>.

Contract with Tri Sage Consulting: Mr. Tibbitts reported that the NEPA Committee recommended that the County retain Tri Sage Consulting for the review of Mount Hope Project related documents, including environmental impact statement (EIS) documents and associated biological assessments for the Lahontan Cutthroat Trout. Tri Sage Consulting expertise is in biology related to fisheries. The proposed contract with the consulting company included an

hourly billing rate with a not to exceed figure of \$10,000.00. Commissioner Ithurralde made a motion to accept the contract with Tri Sage Consulting, not to exceed \$10,000.00, once the document has been reviewed by the Natural Resources Manager and authorized the Chairman to sign the contract outside of the meeting. Commissioner Page seconded the motion. Motion carried 3-0.

Eureka High School 2010 Grad Nite Celebration: Commissioner Ithurralde made a motion to donate \$500.00 to the Eureka High School Grad Nite Celebration. Commissioner Page seconded the motion. Motion carried 3-0.

Mount Hope Project EIS and NEPA Process: No action was taken on this agenda item.

### **PUBLIC COMMENT**

Chairman Fiorenzi called for public comments. Tim Arnold, General Manager for the Mount Hope Mine Project, reported that several press releases came out regarding the financing of the Mount Hope Project. General Moly entered into an agreement with Hanlong Mining Investment, Inc. for a \$665 million bank loan, with \$80 million in stock that will be issued once the loan comes through and another \$20 million bridge loan. Mr. Arnold explained that a Stockholder Rights Appreciation Plan has been put into place which will keep General Moly from being taken over by a party buying a majority of the company's stocks. The Stockholder Rights Appreciation Plan will be dissolved once full financing is officially in place. Mr. Arnold reported that General Moly's stock also increased in price by 40-50% with increased trading and gave a report of the company's fourth quarter results. General Moly is focusing on permitting and is doing well with its cash conservation plan. Mr. Arnold noted that General Moly will still be 65% owned by private entities after Hanlong, Posco, and ArcelorMittal. The financing of the Mount Hope Project is contingent on the draft EIS and record of decision (ROD). General Moly is anticipating the ROD being released in late 2010 with construction to begin thereafter. Mr. Arnold also noted that information was available on General Moly's website. Discussion was also had regarding concerns about the Nevada Legislature and mining revenues and fees. A representative from General Moly will attend the next regular Board meeting to give an update from the Nevada Mining Association meeting scheduled for March 10<sup>th</sup>. There were no other public comments.

### **ADJOURNMENT**

At 2:00 p.m., Commissioner Ithurralde made a motion to adjourn the meeting. Commissioner Page seconded the motion. Motion carried 3-0.

Approved this 19<sup>th</sup> day of Mach, 2010.

/s/ Leonard Fiorenzi

Leonard Fiorenzi, Chairman

Attest: /s/ Jackie Berg

Jackie Berg, Clerk