

**EUREKA COUNTY BOARD OF COMMISSIONERS**  
**April 20, 2009**

STATE OF NEVADA            )  
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COUNTY OF EUREKA        )

**CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on April 20, 2009. Present were Chairman Jim Ithurralde, Vice Chair Leonard Fiorenzi, Member Mike Page, District Attorney Theodore Beutel, and Clerk & Treasurer Jackie Berg. The meeting was called to order at 9:31 a.m. and began with the Pledge of Allegiance. The interactive video conference system was connected and utilized between Crescent Valley and Eureka during the entire meeting.

**APPROVAL OF AGENDA**

Chairman Ithurralde moved two agenda items, and stated he would abstain on the Yucca Mountain item involving travel since he was a participant. Commissioner Fiorenzi noted he would abstain on an agenda item for out-of-state travel that included a family member. With those changes, Commissioner Fiorenzi made a motion to approve the agenda. Commissioner Page seconded the motion. Motion carried 3-0.

**PUBLIC COMMENT**

Chairman Ithurralde called for public comments. There were none.

**APPROVAL OF MINUTES**

Commissioner Fiorenzi motioned to approve the minutes of the March 23, 2009, Budget meeting; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Fiorenzi motioned to approve the minutes of the April 3, 2009, Yucca Mountain special meeting; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Page motioned to approve the minutes of the April 6, 2009 Commission meeting; Commissioner Fiorenzi seconded the motion; motion carried 3-0. Chairman Ithurralde reminded everyone of the budget meeting scheduled for April 27<sup>th</sup> at 9:00 a.m.

**FINANCE**

Payment of Expenditures: Expenditures were presented for approval by County Recorder & Auditor, Mike Rebaleati. Commissioner Fiorenzi motioned to approve the County payroll in the amount of \$218,322.18 and accounts payable in the amount of \$635,300.16, for a grant total of \$853,622.34; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Page made a motion to approve Yucca Mountain expenditures in the amount of \$7,214.16; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

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

Out-of-State Travel: Mr. Rebaleati reported that the only upcoming training on the west coast for ambulance billing software is in Redmond, Oregon, in April, and he requested approval for Lisa Hoehne and Necie Johnson to attend this training. Commissioner Page made a motion to approve the out-of-state travel for two employees to receive training on EMS & ambulance billing in Redmond, Oregon, scheduled April 20-23, 2009. Chairman Ithurralde seconded the motion. Motion carried 2-0. Commissioner Fiorenzi abstained.

County Phone Systems: Mr. Rebaleati reported that the special circuit installment permit was received, so the County phone system may be converted to voice over internet protocol (VOIP), and the upgrades, scheduled for April 23<sup>rd</sup>, would be occurring that week.

Mr. Rebaleati provided the Board with a copy of the 2009-2010 County budget for review before the April 27<sup>th</sup> Budget meeting. The Board directed Mr. Rebaleati to send a letter seeking interested employees to act as a secretary for the Fair Board.

Employee Health Insurance Carrier for FY 2009-2010: This was discussed under the Health Insurance Committee section. Mr. Rebaleati reported that Eureka County has been a participant in the League of Cities health insurance plan, but there is a possibility that the League of Cities health insurance group may disband next year. The health insurance quote provided by Saint Mary's through the League of Cities was very competitive and is the best option for the County. This quote is effective whether or not Eureka remains with the League.

## **CORRESPONDENCE**

Correspondence was received from: Connie Hicks (2); Genevieve M. Paroni; Betsy Barker; Lisa Wolf; District Attorney, Ted Beutel; Judge Susan Fye; Recorder/Auditor, Mike Rebaleati; Clerk & Treasurer, Jackie Berg (2); Cultural, Tourism, & Economic Development Director, Wally Cuchine; Senior Center Site Director, Adell Panning; Parks, Recreation, & Facilities Director, Cindy Adams; Community Development Coordinator, Jim Evans; Eureka County Planning Commission; Eureka County Economic Development Program (2); Television District Admin. Assistant, DiAnn Martin; Crescent Valley Town Advisory Board (2); Reyman Brothers Construction; JBR Environmental Consultants, Inc.; Red Cross, Bailey Billington; Elko County Board of Commissioners; Elko County 7<sup>th</sup> Annual Weed Summit; Washoe County; Nevada Assoc. of Counties (6); Southern Nevada Regional Water Authority; Gwen Barnes, Las Vegas City Manager's Office; Nevada Assemblyman, Paul Aizley; Nevada Gaming Control Board; Nevada Tax Commission; Committee on Local Government Finance; Nevada Rural Housing Authority; Nevada Dept. of Information Technology (2); Nevada POOL/PACT (2); Nevada Div. of Industrial Relations; Nevada Div. of Environmental Protection; Nevada Dept. of Cultural Affairs; Public Utilities Commission of Nevada (5); Nevada Dept. of Transportation; NDOT Centerline; Nevada Connections; National Assoc. of Counties (2); US Dept. of Agriculture; Lorman Education Services; US Dept. Of Interior-BLM; OGIInfo.com; and Techline newsletter.

Chairman Ithurralde noted correspondence acknowledging Deon Reynolds, Eureka photographer, for his display at the Halls of State Government from April 6-24, 2009, as part of the Legislative Exhibition Series, and correspondence from Elko County supporting the Interstate-80 and Highway 278 interchange near Carlin.

## **COUNTY ENGINEER**

Chairman Ithurralde informed Tom Young, County Engineer, that Lumos & Associates was accepted by NACO as an associate member.

JD Ranch Bridge Replacement Project: Mr. Young reported that notice to proceed was issued on the JD Ranch Bridge Project, but construction has not yet begun. The boxes for the culvert are being constructed for the road reroute and should be delivered in two to four weeks; following delivery a second notice to proceed will be issued for actual construction.

Eureka Town Volunteer Fire Station Project: Mr. Young reported that the bi-weekly meeting was held that morning. The rough mechanical and the rough electrical work will be completed soon; drywall work is in progress; green board is being placed on the exterior so the mason work can begin. The earthwork contractor will return the following week to work on the retaining wall. Site work will resume on the curb, gutter, and the perimeter sidewalk.

Change Order Request #16: Mr. Young explained the architectural plans called for a two feet wide door which was intended to be a three feet wide door. The cost to change the door size is \$364.98. Fred Dolven, Dolven Architectural, has taken responsibility for the

mistake, but is offering a trade for extra work that Mr. Dolven did not bill for. Commissioner Fiorenzi made a motion to approve Change Order Request #16 in the amount of \$364.98. Commissioner Page seconded the motion. Motion carried 3-0.

Change Order Request #17: Change Order Request #17 was a proposal to remove and reinstall two cord reels in the apparatus room. The cord reels provide power plug-in sites for the fire truck batteries, and it was determined that two of the reels would be better utilized in different locations. Ron Damele, Public Works Director, approved the request last week in order to keep the project on schedule. Commissioner Fiorenzi made a motion to ratify the approval of Change Order Request #17 in the amount of \$897.65. Commissioner Page seconded the motion. Motion carried 3-0.

Change Order Request #18: Mr. Young described Change Order #18 which is a proposal for purchase and installation of additional parts to modify duct work to fit the contractor-designed metal building structure and to ensure the mechanical system is properly constructed. Commissioner Page made a motion to approve Change Order Request #18 in the amount of \$1,919.18. Commissioner Fiorenzi seconded the motion. Motion carried 3-0. Mr. Young reiterated that the change order request numbers do not reflect the number of approved change orders, but merely possible change orders proposed and discussed.

2009 Street Maintenance Project: A copy of the County 2009 Street Maintenance Project, including a history of maintenance since 1996, was provided for the Board's review. Mr. Young reviewed the street inventory done by each year by the Road Superintendent, rating method utilized, and preparation of maps using the geographic information system (GIS). These yearly ratings aid in tracking the condition of streets, roads, parking lots, and the airport. Work planned for 2009, at an estimated cost of \$1.1 million, includes slurry sealing, new paving, patching, sewer manhole repairs, traffic control re-striping, and replacement and extension of the concrete driveway at the Diamond Valley Volunteer Fire Station. Project plans will be nearly complete by the end of May and ready for Board review.

Mr. Young explained the Eureka Canyon Creek Channel Culvert Replacement Project. A series of culverts are gradually being replaced for approximately \$625,000.00. Mr. Damele added that some paving is recommended near the grammar school and in front of Mount Wheeler Power. Commissioner Fiorenzi motioned to add the suggested paving to the 2009 Street Maintenance Project; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Fiorenzi motioned to direct the County Engineer to continue with plans and bid documents for the 2009 Street Maintenance Project and the Eureka Canyon Creek Channel Culvert Replacement Project; Commissioner Page seconded the motion; motion carried 3-0.

Update on Devil's Gate: The record of survey is ready to be recorded for the new water line connecting the Devil's Gate General Improvement Water Districts #1 and #2. A survey marker will be placed near Third Street as well.

Eureka Airport Maintenance Project: Mr. Young participated in a consultant teleconference with the Federal Aviation Administration (FAA) the previous week. The FAA approved Part A of the Airport grant and Part B should be issued within a week. The grant will not be awarded until a bid is in place for the Eureka Airport Maintenance Project. Construction can begin once final approval is received from the FAA, which will take approximately eight weeks after the bid award. Commissioner Fiorenzi made a motion to commence with advertising for bidders for the Eureka Airport Maintenance Project. Commissioner Page seconded the motion. Motion carried 3-0.

Commissioner Ithurralde asked Mr. Young to attend the May 15<sup>th</sup> NACO meeting where the outcome of counties' requests for funding through the American Recovery & Reinvestment Act of 2009 will be revealed; Eureka County is in the process of making application for funds to be used for slurry sealing and chip sealing.

## **PUBLIC WORKS**

**Courthouse Roof:** Ron Damele, Public Works Director, explained that a large water leak in the Courtroom has done damage to the drywall and paint. Mr. Rebaleati has notified the County's insurance company and they will come to assess the damage. The Courtroom roof repair is nearly ready to go to bid.

**Preliminary Engineering Report (PER) for Crescent Valley Town Water System:** Dean Day, Day Engineering, presented the PER for the Crescent Valley Town water system. The system is in generally good shape, with the exception of arsenic levels, which are currently above the EPA standard of 10 parts per billion. The report indicates two recommendations. The first and most preferable cost-wise, is to drill an additional well. After studying wells in the area, Mr. Day felt an area southeast of town would be the most promising as far as arsenic levels were concerned. The second recommendation was a treatment plant, which has more long-term costs. Mr. Day felt that the County might ultimately have to go with this option, but that the well option was definitely worth exploring to the degree that a test hold be drilled. Mr. Day reported that the water usage in Crescent Valley is significant, and will be a factor if the treatment method is selected. Commissioner Fiorenzi motioned to accept the PER as presented by Day Engineering for the Crescent Valley Town water system. Commissioner Page seconded the motion. Motion carried 3-0.

**Direction to Staff:** Mr. Day reviewed the various treatment methods such as absorptive media, coagulation and filtration, ion exchange, and membranes, suggesting that County representatives visit some treatment plants in the state before selecting a preferred method. Commissioner Page motioned to direct staff to proceed with the selected recommendations presented in the PER, including scheduling tours of treatment facilities. Commissioner Fiorenzi seconded the motion. Motion carried 3-0. The Board designated Commissioner Page as the representative to tour the arsenic treatment facilities with Public Works staff.

Commissioner Fiorenzi expressed concern with treatment that creates hazardous waste requiring special disposal methods. Mr. Damele commented that a water operator would have to be trained or hired for the additional requirements of a treatment plant. Those additional costs could be shared by the consumer. Mr. Day reiterated that water usage in Crescent Valley is high and may have to be restricted because of the cost of treatment.

**Crescent Valley Well #2 Replacement:** Mr. Damele provided cost estimates for drilling the 10-inch diameter replacement well in Crescent Valley, fees to abandon the failed well in accordance with Nevada Administrative Code, and costs for cleaning and camera shots to determine why the well failed. If approved, the contractors will begin drilling in one week, with test pumping taking place seven to ten days later. Commissioner Fiorenzi motioned to approve fees associated with the replacement well in the amounts of \$147,950.00 for drilling and \$10,279 for field work. Commissioner Page seconded the motion. Motion carried 3-0.

**Air Plasma Cutting System Purchase:** Mr. Damele reported that an air plasma cutting system was accounted for in the current year's budget. Commissioner Fiorenzi motioned to approve a capital outlay purchase of an air plasma cutting system for the County Road Shop, not to exceed \$2,600.00, from Grainger under the Western States Contracting Agreement #7066. Commissioner Page seconded the motion. Motion carried 3-0.

**JBR Environmental Consultants Contract:** Mr. Damele explained that the Bureau of Land Management requires 60 feet right-of-ways on linear surveys, which will involve additional work by JBR Environmental Consultants on the Cultural Resources Inventory related to the Spring Rehabilitation Project. Mr. Damele requested approval for this contract increase, noting that if more sites are found that require this extended right-of-way, the additional work will cost \$980.00 per site. Commissioner Fiorenzi motioned to approve the \$12,475.00 for additional work by JBR Environmental Consultants, increasing the contract

amount to \$37,552.00, and to authorize the Public Works Director to approve work on any further discovered sites, not to exceed \$1,000.00 per site. Commissioner Page seconded the motion. Motion carried 3-0.

Rental Fee Schedules for County Facilities: Letters were sent to each County department head requesting current and suggested fees for rented County facilities. The proposed fee schedule and letters were reviewed, with most departments requesting that the rental fees remain the same. Cindy Adams, Swimming Pool, Parks, Recreation, and Facilities Director, requested that the County's collection of 10% of gross proceeds from vendors be discontinued. Wally Cuchine, Cultural, Tourism, and Economic Development Director, noted that the Opera House fees should remain the same, except for possibly charging the School District. The Opera House was previously rented by the local mining company, but the School District now provides facilities to the mine for free; this income might be recouped by charging the school for certain events. Commissioner Fiorenzi motioned to adopt the presented rental fee schedule and to eliminate the 10% surcharge applied to vendors. Commissioner Page seconded the motion. Motion carried 3-0.

County Municipal Water Well Supply: Mr. Damele reported that, based on information provided by Day Engineering from well monitoring activities, the County needs to address a long term municipal water supply. The town wells have been rehabbed and the Spring Rehabilitation Project is underway, but Mr. Damele felt other long-term options should be investigated. If the Board is interested, a presentation regarding options can be prepared for a future meeting. The Board agreed that there were serious concerns regarding the declining water levels in Diamond Valley. Commissioner Fiorenzi motioned to direct staff to provide a report to the Board on the long term viability of the municipal water supply for all County-operated water systems. Commissioner Page seconded the motion. Motion carried 3-0.

## **YUCCA MOUNTAIN**

Yucca Mountain Tour: The Yucca Mountain tour originally scheduled for April 22<sup>nd</sup>-23<sup>rd</sup> has been changed to May 12<sup>th</sup> due to electrical damages caused by recent weather. Commissioner Page will attend and Chairman Ithurralde may attend if his schedule permits.

Out-of-State Travel to Washington, DC: Commissioner Fiorenzi made a motion to approve out-of-state travel to Washington, DC, from May 30<sup>th</sup> through June 4<sup>th</sup>, 2009, for Chairman Ithurralde and Ron Damele to meet with Yucca Mountain officials and the Congressional Delegation on issues relating to Yucca Mountain and Eureka County as an affected unit of local government. Commissioner Page seconded the motion. Motion carried 2-0. Chairman Ithurralde abstained from discussing or voting on this agenda item.

Variance to County Travel Expense Policy: The cost of meals in Washington, DC, exceeds the allowance provided by the County, and the policy manual permits the Board to approve a variance from the normal meal allowance. Commissioner Fiorenzi made a motion to authorize a variance to the Travel Expenses Policy 8.2.3(3) for costs associated with out-of-state travel to Washington, DC. Commissioner Page seconded the motion. Motion carried 2-0. Chairman Ithurralde abstained from discussing or voting on this agenda item.

## **SWIMMING POOL/PARKS/RECREATION**

Update Report: Cindy Adams, Parks, Recreation, and Facilities Director, reported on pool and parks activities. There were 424 total swimmers at the pool in March, including birthday parties, lap swimmers, and swimming lessons. The Parks and Recreation employees aided in snow removal, repaired and cleaned the military banners, worked at the County's warehouse, and did extensive cleaning and maintenance at the pool. Ms. Adams reported that bids have been received for the portable toilets for use during the County Fair.

Ms. Adams and County staff have been working with Team Green on the sprinkler system at the Fairgrounds. Money has been allotted from the Fair Board for a Eureka County Fair Banner which will be hung on the grandstands.

Replacement Canopies: Ms. Adams reported that eleven new canopies were being requested; ten would replace canopies previously stolen from the Fairgrounds and one had been requested by the Economic Development Board. Commissioner Fiorenzi made a motion to approve the capital outlay purchase of eleven replacement canopies to be used for Parks and Recreation activities, in the amount of \$117.00 each, for a total of \$1,487.00. Commissioner Page seconded the motion. Motion carried 3-0.

## **COUNTY FACILITIES AND ECONOMIC DEVELOPMENT**

Update Report: Wally Cuchine, Cultural, Tourism, and Economic Development Director, reported that the Sentinel Museum will be open seven days a week beginning May 1<sup>st</sup>. The Eureka High School Prom is scheduled for April 25<sup>th</sup> at the Opera House. The Economic Development Board has organized the upcoming car show in May, and banners have been hung, on both ends of town, advertising the show. Plans are also underway for the Highway 50 Yard Sale, scheduled for the same weekend as the car show.

## **AMBULANCE AND EMS**

Update Report: Mike Sullivan, EMS Coordinator, reported on ambulance and EMS activity for the past month. Since March 20<sup>th</sup>, Eureka has had nine calls for service and Crescent Valley has had three calls, for year-to-date totals of 25 for Eureka and 17 for Crescent Valley. Mr. Sullivan described the current volunteer staffing levels in the County. Continuing education courses were held in Eureka and Crescent Valley, and May classes are planned as well. The new ambulance is still under construction, and a firm delivery date has not yet been determined. Mr. Sullivan travelled with the Eureka High School EMS class to Las Vegas for their shift in a hospital emergency room. Those who attended learned valuable information, and the hospital staff was impressed with the quality of the Eureka students. A letter was received from the State EMS Program Office approving an intermediate license for one Crescent Valley ambulance, which will allow intermediate level response when available.

Mr. Sullivan attended a meeting with Barrick Gold on March 31<sup>st</sup> to discuss the Cortez Mine emergency response from the surrounding areas. The possibility of a memorandum of understanding was discussed by Mr. Sullivan and Lander County representatives attending that meeting. On March 26<sup>th</sup>, Mr. Sullivan met with Elizabeth Ashby from the State Office of Emergency Preparedness to discuss creation of a hazard mitigation plan in Eureka County. On April 2<sup>nd</sup>, Mr. Sullivan and a volunteer participated in the Eureka High School Job Fair. Mr. Sullivan attended, via video link, the State EMS Advisory Committee meeting in Elko on April 15<sup>th</sup>. Mr. Sullivan has written several general operating guidelines for the EMS Service for inclusion in the Policy and Procedures manual.

Out-of-State Travel: The new ambulance can be picked up in Washington to avoid the \$1,000.00 delivery fee and to allow for on-site inspection. Commissioner Fiorenzi motioned to approve out-of-state travel to Chehalis, Washington, to pick up the new ambulance sometime in late April or early May. Commissioner Page seconded the motion. Motion carried 3-0.

## **EUREKA COUNTY CLERK/TREASURER**

March 2009 Treasurer's Report: The Board reviewed the March 2009 Treasurer's Report. The County has a cash deposit (CD) of \$100,000.00 with Great Basin Bank. Great Basin Bank is in receivership and will be obtained by Nevada State Bank as of April 20<sup>th</sup>. The County's funds are secure because of Federal Deposit Insurance Corporation (FDIC)

insurance securing all accounts up to \$250,000.00. Treasurer, Jackie Berg, has been in contact with the State Treasurer's office and they will help oversee transfer of the CD to Nevada State Bank and inclusion of the CD in the State collateralization program, which provides additional security for public monies. There were no other questions regarding the March 2009 Treasurer's Report.

### **NEVADA DIVISION OF FORESTRY (NDF)**

Update Report on Fire District Ordinance: Sam Hicks, NDF Fire Management Officer, reported that after discussion and review, NDF has some thoughts on how to approach the proposed Fire District Ordinance during the May 19<sup>th</sup> special meeting. The goal is to have the proposed ordinance finalized in order to begin holding public hearings following the special meeting on May 19<sup>th</sup>. Mr. Hicks explained that changes to the draft ordinance are fairly broad, but specific duties should be discussed at the special meeting. The individual volunteer fire departments and NDF will have an opportunity, at the meeting, to discuss the operating plan and participation. A detailed Fire District agreement will be discussed at the meeting as well.

### **RECESS FOR LUNCH**

The Board recessed for lunch from 11:58 a.m. to 1:00 p.m. A meeting of the Regional Transportation Commission was held during the lunch recess.

### **NEVADA HEALTH CENTERS**

Budget Requests: Tom Chase, Chief Executive Officer of Nevada Health Centers, Inc. (NHC) reported that NHC plans to operate in Eureka County during the upcoming fiscal year at status quo. The estimated increase in operating costs, should the influx in population occur from the Mount Hope Mine, is approximately \$19,000.00, and would be primarily related to increased staff, as the facilities can accommodate a moderate increase in patient volume.

Telemedicine Project at Crescent Valley Clinic: NHC is waiting for approval from the Board of Pharmacy for dispensation of medications for the telemedicine project. Both sites (Crescent Valley and Eureka) have received training on telemedicine and electronic medical records. The equipment for the telemedicine should be in place within 60 to 90 days, and costs are expected to come in lower than budgeted. Mr. Chase clarified that even though Elko County was referenced in the documentation, Eureka County funds are not spent on Elko County infrastructure. The telemedicine must be connected through Elko County, because doctors at that site will be utilized at least part of the time. Chairman Ithurralde reminded Mr. Chase that expenditures related to telemedicine must be pre-authorized.

Telemedicine Hardware: Commissioner Fiorenzi made a motion to approve paying \$3,246.00 for telemedicine hardware at the Crescent Valley Clinic. Commissioner Page seconded the motion. Motion carried 3-0.

### **EUREKA COUNTY FAIR BOARD**

Board Appointment: A letter of interest to join the Eureka County Fair Board was received from Betsy Barker. Commissioner Fiorenzi motioned to appoint Betsy Barker to the Fair Board; Commissioner Page seconded the motion; motion carried 3-0.

Budget for 2009 County Fair: Fair Board members Lynn Conley, Cindy Gallagher, and Betsy Barker went over the 2009 County Fair budget and planned events. Mr. Rebaleati attended the last Fair Board meeting to review the budget with the members, and actual expenditures will be closer to \$88,950.00. Commissioner Page motioned to increase the Fair Board budget to \$88,950.00 for the 2009 County Fair; Commissioner Fiorenzi seconded the

motion; Motion carried 3-0. The Commissioners requested updates from the Fair Board in June, July, and again in September.

Lights for Grandstands: Ms. Conley reported that the Fair Board is recommending that lights be installed in the Fairground's grandstands, to reduce a safety hazard during night events. Mr. Damele reported estimated cost of the lights is \$7,500 and can be covered out of the Buildings and Grounds budget. Commissioner Fiorenzi motioned for the Public Works Director to proceed with purchase and installation of safety lights at the grandstands. Commissioner Page seconded the motion. Motion carried 3-0.

Insurance Requirements for Vendors: The Fair Board requested clarification on insurance requirements for vendors. Mr. Rebaleati noted that most vendors carry their own insurance or could be directed to the County's insurance carrier. Mr. Damele stated, with the recent changes in County policy, each vendor must complete the County Rental Agreement, which will be passed on to the County's insurance broker, who will provide information on what additional coverage is needed, if any. Cindy Adams asked the Fair Board to consider signing a contract assuring Eureka County that the Fairgrounds will be left clean and tidy after conclusion of the Fair.

Mud Volleyball: The Eastern Nevada Communities Coalition has proposed sponsoring a fundraising mud volleyball event during the Fair and Ms. Gallagher requested assistance from the County in preparing a mud volleyball pit. The Board felt that this event should be scheduled separately from the Fair. Commissioner Fiorenzi motioned to deny preparing a mud volleyball pit at this time. Commissioner Page seconded the motion. Motion carried 3-0.

### **BID OPENING FOR RUBY HILL SIDEWALK/SEWER IMPROVEMENT PROJECT**

County Engineer, Tom Young, explained that the Ruby Hill Sidewalk Project utilizes federal grant funds, and therefore the 5% preferential bidder status does not apply. Mr. Young and Ron Damele opened the bids and reviewed each bid for inclusion of required documents. Bidders and base bid amounts were: Western States Contracting/ \$343,179.00; Peek Brothers Construction/ \$347,231.00; Canyon Construction Company/ \$413,705.66; MKB Construction/\$343,000.00; Crocket Enterprises/\$280,006.50; Z7 Development/ \$379,740.00; and Dan O Construction/\$290,061.00. Commissioner Fiorenzi motioned to accept the bids as opened for the Ruby Hill Sidewalk and Sewer Improvement Project. Commissioner Page seconded the motion. Motion carried 3-0. The bid will be awarded on May 6, 2009.

### **PLANNING COMMISSION AND COMMUNITY DEVELOPMENT**

Eureka County Master Plan Work Schedule: Jim Evans, Community Development Coordinator; Ellen Rand, Chairwoman of the Planning Commission; and Vera Baumann, Planning Commission Administrative Assistant; provided an update relating to revision of the Master Plan. The request for qualifications (RFQ) has been published in several medias and will continue through May 8<sup>th</sup>. RFQ applications will be accepted in the Planning Commission office no later than May 12<sup>th</sup>. A special Planning Commission meeting will be held May 13<sup>th</sup> to review the submissions; and top candidates (for recommendation to the Commissioners at their May 18<sup>th</sup> meeting) will be selected at the regular Planning Commission meeting of May 15<sup>th</sup>. Mr. Evans will serve as liaison between the Master Plan developer and the County. After some discussion, the Commissioners decided that the final Master Plan should be completed by December 31, 2009.

Townsite Commercial and Residential Lands Expansion: Mr. Evans provided maps describing targeted areas for County lands expansion. The Planning Commission has been working on planning alternatives for future commercial and residential growth in Eureka.

Disposable BLM lands have been identified for contiguous growth for the Town of Eureka and priority areas were described by Mr. Evans. Factors to consider include: the timetable for the completion of the Eureka Canyon Subdivision; the land acquisition timetable for purchasing disposable BLM land; the amount of land needed for growth; estimated cost for land acquisition; and existing mining claims requiring mitigation. Ron Rankin, Planning Commission member, noted that the County should consider the availability of disposable lands now in order to plan for growth 50 years in the future. The Board agreed to revisit the subject when Chuck Lane, BLM Realty Specialist, is available. Commissioner Fiorenzi stated that he would not support any land withdrawals if mining claim relinquishments are required, and did not want to inflate land prices prematurely; grazing impacts from BLM land withdrawals should also be addressed.

Disposable BLM Lands in Eureka County: The Battle Mountain BLM District will begin its Resource Management Plan update and revision in October 2009, and the Planning Commission recommends that Mr. Evans review lands classified for disposal in Eureka County for future growth and development.

### **PUBLIC HEARING TO AMEND EUREKA COUNTY CODE, TITLE 2, COUNTY COMMISSIONERS**

Notice was given that the Board of Eureka County Commissioners would hold a hearing on April 20, 2009, beginning at 2:00 p.m. in the Eureka County Commissioners' Chambers in the County Courthouse, at 10 South Main Street in Eureka, Nevada. The reason for said hearing was to invite public comments and take action on an ordinance amending the 2006 Eureka County Code, Title 2, Eureka County Commissioners, Chapter 10, General Provisions, by amending the existing sections and adding new sections addressing rules for procedure, salary, and other matters relating thereto. This ordinance was proposed by the Board of Eureka County Commissioners, and a copy has been on file with the County Clerk for public examination.

Chairman Ithurralde called for public comments; there were none. The Chairman explained that the amendments were to outline procedures for meetings, and to restrict the Board's salary increase so it does not exceed the cost of living amount received by other employees. Commissioner Fiorenzi made a motion to approve the ordinance amending the 2006 Eureka County Code, Title 2, Eureka County Commissioners, Chapter 10, General Provisions, by adding new sections and addressing rules for procedure, salary, and other matters relating thereto. Commissioner Page seconded the motion. Motion carried 3-0.

### **BID OPENING FOR TOWN OF EUREKA 2009 WATER SYSTEM IMPROVEMENTS**

Tom Young and Ron Damele opened the bids for the Town of Eureka 2009 Water System Improvements including the Water Tank, Booster Station, and Well Project and reviewed each bid for inclusion of required documents. Bidders and base bid amounts were: Speiss Construction Company/ \$2,147,232.00; Technology Construction/\$2,661,353.00; Resource Development Company, Inc./\$2,176,630.00; Canyon Construction Company/ \$2,405,411.54; KG Walters Construction/\$2,336,040.00; Sierra Nevada Construction/ \$2,114,007.00; and Z7 Development/\$3,183,071.00. Commissioner Fiorenzi motioned to accept the bids as opened for the Town of Eureka 2009 Water System Improvements. Commissioner Page seconded the motion. Motion carried 3-0. This bid will be awarded on May 6, 2009.

### **21<sup>ST</sup> CENTURY COMMUNITY LEARNING CENTERS**

21<sup>st</sup> Century After-School Program: Sandy Green, Program Director, and Ben Zunino, Eureka County School District Superintendent, reported that a Partner Organization Form is

required yearly for the 21<sup>st</sup> Century Community Learning Centers. The form provides for the program's use of County facilities. Commissioner Fiorenzi made a motion to authorize the Chairman to sign the Partner in Organization Form in support of the 21<sup>st</sup> Century After-School Program in Eureka County. Commissioner Page seconded the motion. Motion carried 3-0. Ms. Green reported that there are approximately 40 students who participate in the program every weekday afternoon. Mr. Zunino noted that the support from Bjorn Selinder, Lobbyist, was appreciated during this legislative session. Senate Bill 61 passed unanimously in the Senate and will now be considered by the Assembly.

## **HEALTH INSURANCE COMMITTEE**

Health Insurance Premiums Recommendation: Kim Todd, Health Insurance Committee Chairwoman, reported on a phone conference with Bob Moore, health insurance broker for the League of Cities, who explained the St. Mary's insurance package. The Saint Mary's insurance package is very similar to the Hometown Health package but has a lower premium rate (10% savings over current premiums). Ms. Todd provided the Board with a comparison of rates between the two providers. The committee's recommendation is for the County to switch to the Saint Mary's health insurance plan and the MetLife dental plan.

Sponsored Plan for Full-Time Employees: The Health Insurance Committee recommended that the County sponsor the Saint Mary's health maintenance organization (HMO) plan for County employees, which has a minimally higher premium than the preferred provider organization (PPO) plan. Sponsoring the HMO plan, rather than the PPO plan, will eliminate employee contributions for premiums exceeding the sponsored plan. Other recommendations include the MetLife Dental Plan 2, and continuing with vision and life insurance with no changes. Commissioner Fiorenzi made a motion for the County to sponsor Saint Mary's HMO health insurance plan and MetLife Dental Plan 2. Commissioner Page seconded the motion. Motion carried 3-0.

Base Rates on Selected Plans: The Health Insurance Committee recommended remaining at a 70/30 (County/employee) split for dependent health insurance premiums. This will be discussed during the April 27<sup>th</sup> Budget meeting.

## **NATURAL RESOURCES**

Activity Report: Jake Tibbitts, Natural Resources Manager, reported that he attended: the Diamond Valley Irrigator's meeting on April 8<sup>th</sup>; a Natural Resource Advisory Commission (NRAC) meeting on April 8<sup>th</sup>; a cooperative permittee monitoring workshop at the Gund Ranch on April 9<sup>th</sup> (another will be held in May); and the Humboldt River Basin Water Authority meeting in Winnemucca on April 10<sup>th</sup>. Mr. Tibbitts is working with Mary Tumbusch, US Geological Survey, to develop a refined vegetation cover map. A letter was sent through the NRAC to the BLM addressing a closure on the Red Hills Allotment. The permittee has been asked to remove cattle from the allotment due to vegetation recovery after a fire. Another letter was signed by the Chairman and sent to Legislature regarding the need for horse slaughter. Mr. Tibbitts is tracking legislation on amendments to the hard rock mining law. Also, Western Watersheds Project has current lawsuits regarding grazing, sage grouse protection, and gas and thermal developments, that may affect Eureka County. Mr. Tibbitts reported that the weekly Mormon cricket report noted some infestation in Elko County.

Upcoming Meetings: This agenda item was not discussed.

Coordination with Federal and State Agencies: Stewards of the Range visited Eureka recently and presented tools the County can use to incorporate federal agency plans and County plans that encourage cooperation. These should be considered while the County is revising the Master Plan. A draft resolution encouraging this coordination was recommended

by NRAC and provided for the Board's review. Commissioner Fiorenzi made a motion to approve the resolution to invoke coordination with all federal and State agencies maintaining jurisdiction over lands and resources located within Eureka County. Commissioner Page seconded the motion. Motion carried 3-0.

Eureka County, Nevada

April 20, 2009

## **RESOLUTION**

### **RESOLUTION FORMALLY INVOKING COORDINATION FROM ALL FEDERAL AND STATE AGENCIES MAINTAINING JURISDICTION OVER LANDS AND/OR RESOURCES LOCATED WITHIN EUREKA COUNTY, NEVADA**

WHEREAS, Eureka County has local governmental authority as to land use, water and resource management and environmental planning processes within the boundaries of the County

WHEREAS, the State of Nevada, through NRS 278 and NRS 321, has enacted laws which empower the Eureka County Board of Commissioners (Board) to develop and implement processes for determining land use, resource and water management, and environmental planning as necessary to serve the public health, safety, convenience, and welfare; and

WHEREAS, laws and regulations of the United States mandate that planning and actions of the Federal agencies must be coordinated with the plans of local government; and

WHEREAS, the National Environmental Policy Act (NEPA) mandates that Federal agencies shall coordinate their management plans and actions with local governments involved in a land use and resource use planning process in order to achieve consistency between Federal and local government agencies regarding land and natural resource use, and further requires Federal agencies to maintain assessment of the direct, indirect and cumulative effects of Federal planning for major Federal actions on the local environment which emphasizes the human environment, including economic, ecologic, aesthetic, historic, cultural, and other impacts related to humans and their relationship to their ecosystems; and

WHEREAS, the Federal Land Policy and Management Act (FLPMA) mandates that the Bureau of Land Management (BLM) coordinate its "land use inventory, planning, and management actions" with local government by requiring BLM to keep apprised of local land use plans, to assure consideration is given to local plans when Federal plans are being developed, to attempt to resolve inconsistencies between Federal and State local plans, to provide meaningful involvement of local government in the development and revision of plans, guidelines and regulations, and to compare local and Federal plans and make sure they are consistent "to the maximum extent" consistent with Federal law; and

WHEREAS, the National Forest Management Act requires the United States Forest Service to coordinate its planning processes and its management actions in implementation of its plan with the Board, as an established unit of local government, in order to attain and maintain consistency between the Federal and local plans and actions and further to remain aware of the Board's planning processes, plans, and implementation actions because consistency is the on-going goal set by Congress; and

WHEREAS, Forest Service Regulations demonstrate that the Administrators of the Service recognize their obligation for coordination and their obligation to attain and maintain consistency; and

WHEREAS, the Endangered Species Act mandates that the Secretary of Interior apprise himself of, and take into account the impact of any local government plan and/or action relating to a species before taking any action under the Act, including even the act of listing or delisting the species; and

WHEREAS, eighty-two percent of Eureka County is Federal land and the Board recognizes its legitimate interest in the management of that land; and

WHEREAS, The Board recognizes that the Federal land is dependent for value upon the private lands and their economic viability, and that the economic viability of the private lands is dependent upon management of the Federal lands that results in economic viability and stability;

WHEREAS, the Board recognizes the need for a more reliable source of funds from use of resources on Federal lands; and

WHEREAS, the Board invokes coordination of Federal land management with the County to promote sustainable revenue from the Federal Lands; and

WHEREAS, the Board invokes coordination in order to assure that the appropriate Federal and State agencies participate meaningfully in land management plans and actions which result in protection of the economic viability and social cohesiveness of the County and its citizens, and in protection of the human and natural environmental elements within the County;

WHEREAS, the Board recognizes the applicability of the aforementioned Federal Laws to its duties and requires full participation of the Board in the planning and regulatory processes of all Federal and State agencies which have any

jurisdiction within the County; and

WHEREAS, the Board desires to move ahead with coordination on a government to government level with Federal and State agencies, and desires to move ahead in a timely fashion; and

WHEREAS, the Board assures all government agencies involved or to be involved with the coordination process that the Board is well aware of the requirements of Federal and State law; that meaningful local government involvement and participation in coordination requires more than just meetings at which information is timely exchanged; that meaningful participation required of the agencies with which the Board works includes all practicable efforts to make agency plans and actions consistent with the local planning process which identifies goals, objectives and policies of local government since Congress has declared it to be the Policy of this Nation that Federal agencies and those agencies working with Federal agencies maintain coordination and consistency with units of local government; and that it is the responsibility of Federal and State agencies to incorporate the goals, objectives and policies of local government into Federal and State plans and decisions affecting any area under the local government's jurisdiction; and

WHEREAS, the Board has exercised its local government authority and has developed a County Master Plan in 1973 with expansion of the Master Plan and the Land Use Element of the Plan in the late 1990's; and since the 1990's planning effort, the scope of Federal and State land issues that demand County attention have dramatically increased; and with these changes in mind, the 2005 Board of County Commissioners called for expansion of the 1998 Land-Use Plan to provide policy direction and where appropriate, specific management objectives, as the basis for County preferred land uses and management practice on Federally and State administered land; and the 2005 document has been adopted as part of the Eureka County Master Plan; and

WHEREAS, the Board transmitted a copy of the Land-Use Element of the Master Plan to the local BLM office in 2005; and

WHEREAS, the Board believes that it is in the best interests of the people of Eureka County that a written policy and process document be prepared for joint execution by the Board and Federal and State agencies with whom the Board must work, a document which sets forth the process by which the agencies will coordinate and seek consistency; and

WHEREAS, the Board will submit copies of the Eureka County Master Plan Land-Use Element, the Eureka County Code, and County land-use resolutions to the Federal and State agencies so that the agencies may be apprised of the planning efforts of Eureka County in order for planning and management actions of the agencies to be coordinated and brought to consistency with the plans and policies of Eureka County;

NOW, THEREFORE, BE IT RESOLVED:

1. The Board asserts its authority to expect that all Federal and State agencies shall obey the laws that require them to coordinate all their planning and management actions which affect Eureka County and its citizens with the County adopted plans, policies, resolutions, and ordinances, and that such coordination shall result in consistency with the County's Plan and policies.
2. The Board shall schedule meetings with appropriate State and Federal agencies to conduct coordination discussions as to specific issues which require coordination and consistency, and when such meetings are scheduled on mutually acceptable dates, the agencies will attend prepared, as will be the Board, to fully discuss the issues and resolution within the coordination process as mandated by law.
3. The Board shall, further, draft a coordination process protocol and submit it to the Federal and State agencies for review, and then the Board shall set dates for meetings at which the Board and the agencies shall discuss, assess and evaluate the position of each agency, and then the final coordination process protocol will be executed and issued.
4. The primary purpose for this action is to provide clear guidance to Federal and State agencies involved with planning and management actions which impact Eureka County and its citizens with regard to assuring that the most effective management of the County's resources will be accomplished, and to reach that result of effective management within the civil nature of the process which Congress mandates to the Federal agencies and the Nevada Legislature mandates to the State agencies.

BE IT FURTHER RESOLVED that all Federal and State agencies administering land or conducting management activities in Eureka County be notified of adoption of this resolution implementing coordination along with a letter from the Board stating that coordination will now be sought as to the planning process and management action implementation with the letter further advising that a proposed coordination protocol will be provided to them as soon as possible so that a first meeting schedule can be adopted.

BE IT FINALLY RESOLVED that pending development of the final protocol for operation of the coordination process, the Board will call upon the appropriate agency or agencies to perform its duty to meet to coordinate with regard to specific issues which might arise, and the Board commits to meet as to coordination of such issues upon request of the agency, since the Board understands that it has an obligation to openly participate in the coordination process which was designed by the Federal and State legislatures to result in coordinated conflict resolution by the agencies and units of government which represent the People of Nevada and Eureka County.

PASSED AND ADOPTED by the Eureka County Board of County Commissioners this 20th day of April, 2009.

Dated this 20th day of April, 2009

BOARD OF COUNTY COMMISSIONERS  
Eureka County, Nevada

By /s/ J.P. Ithurrealde  
J.P. Ithurrealde, Chairman

By /s/ Leonard Fiorenzi  
Leonard Fiorenzi, Vice-Chair

ATTEST:

/s/ Jackie Berg  
Jackie Berg, Eureka County Clerk

By /s/ Mike Page  
Mike Page, Member

Western Legacy Alliance: Western Legacy Alliance is a group promoting multiple use on public lands such as mining, recreation, grazing, and agricultural resource interests. They are oriented towards opposing special interest groups threatening public land use. NRAC has recommended that \$5,000 from the Natural Resource budget be used to support Western Legacy Alliance. Commissioner Fiorenzi motioned to approve the request from the NRAC to support the efforts of the Western Legacy Alliance with a contribution of \$5,000.00 from the NRAC budget. Commissioner Page seconded the motion. Motion carried 3-0.

### **EUREKA MASONIC LODGE**

Assistance for Repairs to Building: Commissioner Fiorenzi stated that he is a Master Mason, but has not participated recently in Lodge activities and felt he could discuss this item objectively. Earl Overholser and Fred Manz, Masonic Lodge members, reported that the Lodge was damaged several years ago due to sewage back-up and drainage problems. The main area of the Lodge has been cleaned up, but the bathrooms still require extensive work, and assistance was requested from the County to complete this work. At one time the County made an informal offer of \$25,000.00, but it was never approved or finalized. The Board is cognizant of the historical value of the building and suggested that the Masons seek grants or other funding that the County might consider matching. The Board asked the Public Works Director to investigate grant options.

### **EUREKA COUNTY SCHOOL DISTRICT**

March 2009 School District Financial Reports: Commissioner Page made a motion to accept the Eureka School District's financial reports for March 2009. Commissioner Fiorenzi seconded the motion. Motion carried 3-0.

### **COMMUNITY DEVELOPMENT CORPORATION (CDC)**

Update Report on CDC Program: Maribeth Robinson, Secretary for the CDC, provided the Commissioners with financial reports and gave an update on the program, which is not active at this time. The Board and District Attorney discussed the origins of the CDC and the restrictions placed on it by the Attorney General's office, specifically that CDC business, including applications, would be made public record. Commissioner Fiorenzi commented that if the CDC Program is not active, he would like to see the funds released to benefit the citizens of Eureka County. The Board requested that the CDC hold a meeting to consider if their program should continue and to notify the Commissioners of their decision.

### **COMMISSIONERS**

Update Reports: Commissioner Page attended the Crescent Valley Town Advisory Board meeting, and a meeting with Sam Hicks and Joe Anelli of NDF.

Commissioner Fiorenzi attended a meeting with Eureka Moly on April 7<sup>th</sup>; the Fair Board meeting on April 8<sup>th</sup>; the Health Insurance Committee meeting on April 8<sup>th</sup>; the Humboldt River Basin Water Authority meeting on April 10<sup>th</sup>; and a meeting for completion of a parcel map on April 15<sup>th</sup>.

Chairman Ithurralde attended a meeting with Eureka Moly on April 14<sup>th</sup>, and the NACO quarterly meeting in Carson City on April 17<sup>th</sup>, where Eureka County was recognized for their participation in the BLM Green-Up Program. NACO signed a resolution recognizing April as Child Abuse Prevention Month. The annual NACO conference will be in Lake Tahoe, September 14-16, 2009.

FMLA Leave: Mr. Cuchine reported that a County employee currently on leave under the Family and Medical Leave Act (FMLA) will exhaust their time in May. A request was made for the County to cover the employee's medical insurance through June, to avoid a lapse in coverage until the employee is ready to return to work in late June. Commissioner Fiorenzi made a motion to approve the request to have insurance paid for one month for an employee on FMLA leave. Commissioner Page seconded the motion. Motion carried 3-0.

Palisade Cemetery Fence: Mr. Damele provided a map and record of survey for the Palisade Cemetery. Chairman Ithurralde and the Public Works Director recently inspected the condition of the perimeter fence, which the County would like to upgrade to the standard of fence work done at the Pine Valley Cemetery. Mileage and installation by the County's fencing contractor is estimated to be \$7,500.00 and materials will also run around \$7,500.00. Commissioner Fiorenzi made a motion to direct the Public Works Director to proceed with upgrading the perimeter fence and gates around the Palisade Cemetery. Commissioner Page seconded the motion. Motion carried 3-0.

Meeting Date Change: Chairman Ithurralde and the Public Works Director will be in Washington, DC, the first week of June, so the regular Commissioner meeting will have to be rescheduled. Commissioner Fiorenzi motioned to change the date of the regular June 5<sup>th</sup> Commissioner meeting to Monday, June 8, 2009, and to direct County staff to publish the required notices. Commissioner Page seconded the motion. Motion carried 3-0.

Television District Ordinance: This agenda item was tabled until more information is received from the Television District Board.

Amendments to 2006 Eureka County Code, Title 8, Planning Commission: The Board discussed limiting the age of mobile homes coming into Eureka County. Chairman Ithurralde stated there are 678 mobile homes on the tax roll in Eureka County, 209 of which are dormant. The Board agreed to place this item, and other amendments related to mobile home policies in the Eureka County Code, on the May 6<sup>th</sup> agenda for possible proposal by a Commissioner.

Water Rights Dedication Ordinance: Ted Beutel, District Attorney, explained that currently when land is divided through a parcel map, the proponent of the map is required to provide two acre feet of water for each additional parcel. In 2008, the County passed an ordinance reflecting current law, which allows water to be held, either by the County or the State Water Engineer, in the event the additional parcels created would be supplied with municipal water. The County opted to hold these water rights, but filing the annual extensions for proof of beneficial use has become an administrative expense. The Board agreed to revisit this ordinance in June following the 2009 Legislative Session.

Rehab Services of Nevada: Mr. Beutel informed the Board that Greg Barker, Rehab Services of Nevada, had called his office to discuss the contract before signing; however, Mr. Beutel has not had the opportunity to return Mr. Barker's call. The contract being renewed for Fiscal Year 2009-2010 reflects the same dollar amount approved in the original six-month contract. Commissioner Fiorenzi made a motion to stand by the earlier decision of approving

the contract at the \$26,000.00 dollar amount. Commissioner Page declined to second the motion stating he would be willing to hear Mr. Barker's arguments for an increase to the contract amount. Chairman Ithurralde seconded the motion. Motion carried 2-0; Commissioner Page abstained.

2009 Legislative Session: Chairman Ithurralde reported that NACO is opposing Senate Bill 154, a collective bargaining bill. The State Legislature is also considering amendments to indigent accident funds. Mr. Tibbitts reported that Assembly Bill 416, Assemblyman Pete Goicoechea's bill, was amended; Senate Joint Resolution regarding wilderness study areas was amended; and the Silver State Tag Bill was amended, but was well received.

**PUBIC COMMENT**

Chairman Ithurralde opened the floor to public comments. Mike Sullivan, EMS Coordinator, reported that he was contacted by Braun, ambulance manufacturer, and the new ambulance is scheduled to be picked up Monday, May 4<sup>th</sup> in Washington.

Chairman Ithurralde reminded everyone that the next budget meeting was scheduled for Monday, April 27<sup>th</sup> at 9:00 a.m., and that a public hearing in Crescent Valley will be held at the Town Hall on April 29<sup>th</sup> at 6:00 p.m. regarding composition of the Crescent Valley Town Advisory Board.

**ADJOURNMENT**

At 4:03 p.m., Commissioner Fiorenzi made a motion to adjourn the meeting. Commissioner Page seconded the motion. Motion carried 3-0.

Approved this 6<sup>th</sup> day of May, 2009.

/s/ J.P. Ithurralde

J.P. Ithurralde, Chairman

Attest: /s/ Jackie Berg

Jackie Berg, Clerk