

**EUREKA COUNTY BOARD OF COMMISSIONERS
APRIL 21, 2008**

STATE OF NEVADA)
 : ss
COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on April 21, 2008. Present were Chairman Jim Ithurrealde; Vice Chairman Kenneth Benson; Member Donna Bailey; District Attorney Theodore Beutel; and Clerk & Treasurer Jackie Berg. Chairman Ithurrealde called the meeting to order at 9:33 a.m. The interactive video conference system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

APPROVAL OF AGENDA

Commissioner Benson motioned to approve the agenda as posted. Commissioner Bailey seconded the motion. Motion carried 3-0. Chairman Ithurrealde noted that he would abstain from deliberation and voting on item #10 under Public Works, because it related to the trip he would be taking to Washington, DC.

APPROVAL OF MINUTES

Commissioner Bailey motioned to approve the minutes for the March 10, 2008, Budget meeting; Commissioner Benson seconded the motion; motion carried 3-0. Commissioner Bailey motioned to approve the minutes for the March 20, 2008, Commission meeting; Commissioner Benson seconded the motion; motion carried 3-0.

PUBLIC COMMENT

The Chairman opened the floor to public comment. Cleve Mallory, Crescent Valley resident, was present in Eureka and stated he had a couple of documents that the Board might be interested in. Mr. Mallory presented a copy of NRS 258.060 regarding Deputy Constables, stating that Undersheriff Bill Tilton did not meet the residency requirements as set forth in that statute. District Attorney, Ted Beutel, clarified that Chapter 258 referenced the office of Constable, which was abolished in Eureka County, and that a different NRS Chapter deals with the office of Sheriff and appointment of Deputy Sheriffs.

Mr. Mallory presented a second document, an email regarding Sheriff Ken Jones, saying it was "self-explanatory." The sender of the email wrote: *"I remember Tilton telling me in person and in front of Adel [sic] Panning I believe back in July of 07 that the reason our sheriff never carry's [sic] a gun is because he is a former convicted felon. If this is true then read the following statute Betty."* The Chairman sought advice on how this should be addressed, and Mr. Beutel felt it would be inappropriate for the Board to make any comment in the absence of the Sheriff or the Undersheriff. Mr. Beutel then asked, "...and Cleve, is it my understanding that based on the email that you handed out, you are alleging that the Sheriff of this County is a convicted felon?"

Mr. Mallory replied, "That is what he said; he stated it himself, that he is a convicted felon. That's why he doesn't pack a sidearm." Mr. Beutel asked, "So that is what you're informing this Board?" Mr. Mallory stated, "According to that. If I was the Sheriff, I wouldn't go around stating that I was a felon if I wasn't, would you? That is what the man said; I had to take him on his word."

At that point, Sheriff Ken Jones and Undersheriff Bill Tilton arrived at the meeting and Mr. Beutel provided them with the documents submitted by Mr. Mallory. Upon reading the email, Sheriff Jones replied, "I already heard this one on the grapevine." Mr. Mallory asked, "Is it true,

I mean are you a felon?" Sheriff Jones didn't hear the complete question, so Mr. Mallory repeated, "I say is it true, are you a felon? Or is that false?" Sheriff Jones replied, "Boy is it! Are you saying that I am?" Mr. Mallory further inquired, "Are you? I asked, are you?" Sheriff Jones forcibly replied, "I have never been convicted of a crime other than a traffic violation; if that is what you are asking, sir?" At that point, Chairman Ithurrealde called the meeting back into order.

In response to a final call for public comment, Edie Boudreau handed out letters, previously faxed, from herself and Marshall & Joyce Borgna. Ms. Boudreau resides at 31 Adams Street in the town of Eureka, and the Borgnas reside next door. Ms. Boudreau's residence suffered damage during the August 1, 2007, flood. She met with the Emergency Management Team, making application for the \$5,500.00 emergency damage assistance, but has been unable to get a contractor to sign off on the proposed work because her basement is unsafe to work in, due to water damage. Ms. Boudreau requested that the County build a curb or asphalt berm in front of the two residences to protect from future flood damage. Chairman Ithurrealde directed Public Works Director, Ron Damele, to look into the situation and give a report at a future meeting. Mr. Damele said that he and County Engineer, Tom Young, could examine the residence the following morning.

SEVENTH JUDICIAL DISTRICT COURT

Court Appointed Attorney Fees: These fees related to a confidential child protection case. Commissioner Benson motioned to approve payment of court appointed attorney fees to Michael Shurtz, Chtd., in the amount of \$570.00, per Order of Judge Steve Dobrescu. Commissioner Bailey seconded the motion. Motion carried 3-0.

Claim for Compensation: These fees related to a criminal case with multiple defendants. Due to a conflict of interest, more than one defendant facing the same charges cannot be represented by the Public Defender's office and an independent attorney is appointed by the Judge. Commissioner Benson motioned to approve paying a claim for compensation to Gary Fairman, Esq. in the amount of \$1,624.69, per Order of Judge Steve Dobrescu. Commissioner Bailey seconded the motion. Motion carried 3-0.

FINANCE

Payment of Expenditures: Expenditures were presented by Deputy Recorder/Auditor, Tina Hubbard. The Board tabled action on a claim for travel reimbursement from a Crescent Valley Town Board member, until clarification was received regarding necessity of the travel. Commissioner Benson motioned to approve County expenditures in the amount of \$544,016.47 for accounts payable and \$205,017.06 for payroll; Commissioner Bailey seconded the motion; motion carried 3-0. Commissioner Bailey motioned to approve Yucca Mountain expenditures in the amount of \$396.48; Commissioner Benson seconded the motion; motion carried 3-0.

Auditor's Report: The Board reviewed the Auditor's Report. Mr. Beutel inquired about an amount held for the School District in excess of \$300,000.00. Treasurer, Jackie Berg, indicated this reflected the reimbursement received from the School District for overpayment of taxes by Newmont Mining; this amount will be combined with the County's portion when the full amount is refunded in June.

CORRESPONDENCE

Correspondence was received from: Joseph Swanson; Gladys Goicoechea; D. Lloyd Morrison; Edie Boudreau; Marshall & Joyce Borgna; Connie Hicks (2); copies of letters from District Attorney Ted Beutel, to Lander County Commissioners, and Eureka County Assessor Michael Mears; copies of letters from Clerk & Treasurer to Governor Jim Gibbons, Senator Harry Reid, Senator John Ensign, Congresswoman Shelley Berkley, Congressman Dean Heller, and Congressman Jon Porter; Eureka

County NEPA Committee; Crescent Valley Town Advisory Board (4); Eureka County Planning Commission; University of Nevada–Eureka Cooperative Extension (2); Nevada Mormon Cricket Reports (04-07-08 & 04-14-08); BJ Selinder of Public Policy Innovations; Karen Peterson, Esq.; Appraiser Certification Board; Building Solutions, LLC; Armstrong Consultants, Inc.; Nevada Association of Counties (3); Nevada Attorney General; NDOT Centerline; Southern Nevada Water Authority; State Land Use Planning Advisory Council; Nevada Dept. of Taxation; Nevada Dept. of Business & Industry; Nevada Public Agency Insurance Pool (2); Public Utilities Commission of Nevada (3); National Association of Counties (3); Law Seminars International; and National Association of Development Organizations.

DEPARTMENT HEAD REPORTS

COUNTY FACILITIES AND ECONOMIC DEVELOPMENT

Update Report on County Facilities and Economic Development: Facilities Director, Wally Cuchine, reported the Opera House has been busy with events related to the Assessor's Association Annual Conference, including a banquet on April 17th that included the local elected officials. A cultural event was held on April 18th and was quite successful. The Sentinel Museum will be open seven days a week beginning May 1st and continuing through October 31st. Economic Development has been busy writing the annual grants and continuing preparations for the Fly-In and Car Show in May.

Nevada Commission on Economic Development Annual Grant: This grant application is due in May, and Economic Development is still working on the figures, but will make application for between \$24,000.00 and \$29,000.00. Commissioner Bailey motioned to approve the grant application to the Nevada Commission on Economic Development. Commissioner Benson seconded the motion. Motion carried 3-0.

Authorization to Reprint "An Interview with Isadore Sara, Jr.": Mr. Cuchine has been in further contact with Ann Bramsen, who made a request for copies of this published interview with her grandfather. Commissioner Benson motioned to authorize reprinting of "An Interview with Isadore Sara, Jr." and asked Mr. Beutel to write an authorization letter to be signed outside of the meeting by the Chairman. Commissioner Bailey seconded the motion. Motion carried 3-0.

DIAMOND VALLEY WEED DISTRICT

Ellaree Mariluch, Weed Control Technician, provided a quarterly report for the Diamond Valley Weed District. Weed work on the roadways is three-quarters complete. Eureka County is participating in a Cooperative Weed Management Project with Elko County which will cover the Palisade and northern Eureka County areas. Annual funding was received from the Bureau of Land Management, Battle Mountain Field Office; this year's funding totaled \$8,775.00. The 2008 Treatment Plan was completed and submitted to the Nevada Division of Forestry. Ms. Mariluch participated in several meetings and classes during the last quarter, including the annual planning conference with the BLM, an Invasive Plant Management Seminar in Ely, the Diamond Valley Weed District meeting at the Eureka Producers' Co-op, and the ECD meeting. She also met with Jim Wise at the Fish Creek Ranch and Ken Buckingham at Tonkin Springs.

PUBLIC WORKS

Authorization to Order Car Pool Vehicle: Public Works Director, Ron Damele, stated this vehicle was approved in the Fiscal Year 2008-2009 Budget. A quote was received from state purchasing for a GMC Envoy in the amount of \$20,753.25, but the order deadline is April 25th. Mr. Damele requested approval to meet this deadline, and will place this item on the next agenda for ratification. Commissioner Benson stated he was comfortable with providing consensus on behalf of the Board, since this item was approved during the budget meetings. Commissioner Bailey seconded the motion. Motion carried 3-0.

Update on Crescent Valley Construction Projects: Mr. Damele was in Crescent Valley recently and reported that all construction projects are progressing satisfactorily. Unrelated to

construction, he reported that one of the condensing units for the Fannie Komp cooling system is not operating properly and will be replaced as a general maintenance item.

Change Order #2: This change order was still being prepared by the architect, and will be placed on the next agenda.

Update on the Eureka Justice of the Peace Remodel: All carpeting and painting are now completed, and the Justice of the Peace staff has moved into the office. Judge John Schwebel held court in the new courtroom for the first time on April 18th.

Change Order #3: The contractor will be submitting a quote for the panic button dialer and a change order will be presented at the next meeting. Today's change order includes two gates for the Eureka Justice Court and routing on the exposed edges of the woodwork in the courtroom. Commissioner Benson motioned to approve Change Order #3 in the amount of \$5,531.50. Commissioner Bailey seconded the motion. Motion carried 3-0.

Authorization to Advertise for a Building Maintenance Supervisor: Mr. Damele invited Jerry White, Building Maintenance Supervisor, forward. He stated that Mr. White has been with the County for many years, working above and beyond the call of duty, and had recently given notice of his intent to retire on August 31, 2008. Mr. White read a letter that he had prepared: *"I'm writing this letter to you to know of my intent of retiring by August 31st. I am doing so to take advantage of the state health insurance program. I understand that by retiring by this date that I can get health insurance at a reasonable rate. I am 65 years old and would be able to collect social security benefits as well. I have been working for Eureka County for almost 15 years and I hope I was a benefit to Eureka County during those 15 years. Thank you, /s/ Jerry White"*

Each of the Commissioners thanked Mr. White for his years of committed service, stating they understood the need to retire and protect his benefit options. Commissioner Benson said it would be difficult to describe Mr. White's duties on a two or three page job description. Chairman Ithurralde added that Mr. White has been an asset, not just to the County, but to the entire community.

Commissioner Bailey motioned to approve advertising for a Building Maintenance Supervisor, saying that she regretted doing so, since it meant the County was losing Jerry White. Commissioner Benson seconded the motion. Motion carried 3-0.

Select Appraisers for County Annexed Property: Mr. Damele requested approval to select two appraisers to conduct appraisals of the annexed property near the fairgrounds and the property commonly known as the dog pound. After some discussion, Brenda Boren, CRA, and Duvall Appraisal Service were selected as first choices. Commissioner Benson motioned to authorize Public Works to obtain two appraisals on each County owned parcel, APN 001-221-02 and 001-221-05, and to contact Brenda Boren, CRA, of Ely, and All Appraisal Service of Battle Mountain, and to contact other appraisers on the list, should these two not be available. Commissioner Bailey seconded the motion. Motion carried 3-0.

Request for Qualifications for Preliminary Engineering Report on Water Systems: The Nevada Division of Environmental Protection requires compliance towards arsenic mitigation, and Mr. Damele asked for authorization to solicit requests for qualifications from firms to evaluate the water systems for Crescent Valley Town and Devil's Gate GID District 2, in order to prepare a preliminary engineering report. Commissioner Benson motioned to authorize Public Works to advertise a request for qualifications for a preliminary engineering report related to the arsenic issues at the CV Town water system and the Devil's Gate GID water system. Commissioner Bailey seconded the motion. Motion carried 3-0.

Bid Award for Mosquito Abatement: The contract with Seven Valleys, LLC, expired last year, so Public Works advertised for proposals for mosquito abatement in the Crescent Valley and Beowawe areas. One proposal was received from Seven Valleys, LLC, out of Winnemucca, who will do the work for \$34.00 per hour, plus mileage, utilizing County equipment and chemicals. Commissioner Benson motioned to award the one-year independent contract for

mosquito abatement to Seven Valleys, LLC, as outlined in the proposal. Commissioner Bailey seconded the motion. Motion carried 3-0.

Meal Allowance Variance: Each year County representatives travel to Washington, DC, for meetings related to Yucca Mountain. The County meal allowance does not cover the inflated costs encountered on this trip. Commissioner Bailey motioned to grant a meal variance for the Yucca Mountain trip to Washington, DC. Commissioner Benson seconded the motion. Motion carried 2-0. Chairman Ithurralde abstained, as he will be participating in this trip.

COUNTY ENGINEER

Advertise for Bids for the Eureka Fire Station Project: County Engineer, Tom Young, and Architect Fred Dolven met with the State Fire Marshall the previous week to review plans for the Eureka Fire Station. The plans examiner did not see any deficiencies and the review should be completed by mid-May. The encroachment permit was obtained from Nevada Department of Transportation, so all permits are in place. Mr. Young suggested advertising a bid deadline of May 19th, which could be extended if the Fire Marshall's comments aren't received. Commissioner Benson motioned to advertise for bids for the Eureka Town Fire Station, to be opened at 1:15 p.m. on May 19, 2008. Commissioner Bailey seconded the motion. Motion carried 3-0.

NEVADA ASSOCIATION OF COUNTIES

Chairman Ithurralde introduced NACO representatives, Jim Baushke, President, and Jeff Fontaine, Executive Director. Mr. Baushke also serves as County Commissioner for Douglas County. Mr. Baushke began by thanking Eureka County for their involvement in NACO. He stated NACO is supporting and working on three initiatives this year. First is the idea of restoring the partnership between the federal and local governments; second is the idea of more flexible funding streams to the local governments without burdening them with the "whole enchilada" of home rule; and third is increased transportation funding, since every county in the state has some sort of state or federal highway passing through it.

Jeff Fontaine stated his time with NACO has increased his awareness and appreciation of the responsibilities that county governments must face on a day to day basis, adding that NACO's mission is to serve the collective, as well as the individual, interests of Nevada's counties. He highlighted federal issues that NACO is actively dealing with: PILT funding, which was only at 65 percent in 2007; the Mining Reform Bill, taking a strong stand against HR2419; the Farm Bill, including agriculture and rural development issues; RS2477, the rights-of-way road issues; various public lands bills; the Clean Water Act and HR2421, which proposes to broaden jurisdiction of the Clean Water Act to include all US waters; and the transportation funding shortfall. Concerns on the state level include the lack of transportation funding; the consolidated tax issue and distribution of those taxes; the state budget shortfall, estimated at nearly a billion dollars; protecting revenues on a local level; the indigent defense order from the Nevada Supreme Court; the issue on marking sewer laterals; Nevada wildland fire issues; the Cooperative Extension; term limits, and long-term care issues for aging populations.

The gentlemen concluded their remarks by thanking Eureka County again for their involvement with NACO and for co-sponsoring the 2007 NACO Conference in Elko.

Commissioner Benson commented that NACO and the counties are rallying behind the extractive mining industry in Nevada by opposing changes proposed in the Mining Reform Bill, yet the mines continue to lobby on the state level for relief in paying net proceeds, at the expense of the counties where they are removing these non-renewable resources.

AMBULANCE & EMS

Activity Report: EMS Coordinator, Mike Sullivan, reported on activities since the last Commission meeting. Eureka and Crescent Valley each had two calls for service, for year-to-

date totals of 34 and 18, respectively. Mr. Sullivan reviewed volunteer numbers. One volunteer has completed the National Registry Test, and a new EMT was recently licensed in Crescent Valley. The final First Responder class was held on April 20th, with five students completing the course. Two applications were received for the driver only program in Crescent Valley. Mr. Sullivan accompanied the Eureka High School EMT class, taught by Rob Smith, during their trip to the UMC emergency room in Las Vegas. Mr. Sullivan concluded his report by asking that the Board consider placing auxiliary generators at the emergency facilities throughout the County.

Commissioner Benson commended Mr. Sullivan and the EMTs for a job well done during a recent emergency response, stating he witnessed professional, timely, and coordinated service. Mr. Sullivan appreciated the recognition, stating Eureka County had the best EMTs in the state, paid or volunteer.

Ambulance Bill Write-Offs: Commissioner Bailey motioned to approve ambulance bill write-offs for patient #2005234 in the amount of \$30.00, and patient #2006197 in the amount of \$95.00. Commissioner Benson seconded the motion. Motion carried 3-0.

EUREKA COUNTY ASSESSOR

Assessor's Conference: On behalf of the Board, Chairman Ithurralde commended Assessor, Michael Mears, for the success of the Assessor's Conference that he recently facilitated in Eureka. There were over 60 attendees from all 17 counties in the state. The conference meetings were all a huge success. Mr. Mears attributed much of the success to the local community and businesses, stating that the attendees thoroughly enjoyed the reception and treatment they received in Eureka.

Update on Census LUCA Program: Mr. Mears thanked Kim Todd, Ellaree Mariluch, and Judy Overton for their work on the Local Update of Census Addresses Program. There were several flaws in the program, which required them to basically do a desk review instead of utilizing the GIS program, but all data was transmitted on time to the US Census Bureau.

Appraisal Proposals for TS Power Plant Valuation: The group of Assessors toured the power plant during the recent conference, and there was a consensus that this was an asset that should be locally assessed, but a decision from the state is still pending. Mr. Mears requested proposals to conduct an independent appraisal on the power plant, and one written proposal has been received. Two other appraisers have been in contact to inform that their written proposals will be forthcoming, so Mr. Mears requested that this be tabled until the next meeting. Commissioner Benson motioned to table further action until all written proposals were received. Commissioner Bailey seconded the motion. Motion carried 3-0.

RECESS FOR LUNCH

The Board recessed for lunch from 11:54 a.m. to 1:07 p.m.

UNIVERSITY OF NEVADA COOPERATIVE EXTENSION

Update on Proposed Changes to Cooperative Extension: The Board welcomed Janet Vreeland, Provost, and Dorothy Gallagher, Regent. Ms. Vreeland explained that a committee was appointed to report on the Cooperative Extension and Extended Studies programs and was charged with obtaining feedback from constituents, but did not do a stellar job. University President, Milton Glick, initiated the study to identify barriers and needs in order to create improved integration between faculty members and constituents across the state. There was no intention whatsoever to shut down the Cooperative Extension; unfortunately that is not what the rural communities have been hearing.

Ms. Gallagher concurred that the intent of the study was to improve communication and increase efficiency of the outreach programs, and believed President Glick was horrified when the study was released. She spoke of the importance of the agricultural program and the

commitment to keep the College of Agriculture strong. Ms. Vreeland added that a new Provost will begin at the University in June, coming from Colorado State with a strong background in Cooperative Extension.

EUREKA COUNTY COOPERATIVE EXTENSION

Update on Activities: Gary McCuin, Extension Educator, reported on recent activities. He is in the process of drafting his role statement for the University and invited input from the Board. The Proper Functioning Condition class was completed recently in Pine Valley with approximately 40 participants. Mr. McCuin is working towards initiating a wildfire support group; a meeting was held recently with the BLM Elko District, Nevada Division of Forestry, and a representative from the wildfire support group in Winnemucca. One goal of the group will be to expand the liaison program by getting some of the rural ranchers red-card certified. Mr. McCuin will be working closely with NDF to do some fuels pre-suppression. Range permit monitoring will begin soon, and at least two local ranchers will participate. A seminar regarding range monitoring will be held in the fall in conjunction with the Bureau of Land Management and will be attended by citizens from Eureka, Lander, and White Pine Counties.

Mr. McCuin participated in the Eureka County High School Career Day and will be giving a lecture in the coming week to the FFA class. In June, he will attend Range Camp at the Big Creek Campground near Austin; this program welcomes ranch kids, but mainly targets students that don't come from an agriculture background.

Open House: The Cooperative Extension will be hosting an Open House at the Opera House on April 29th and will have several University representatives present.

NATURAL RESOURCES

Report on Department Activities: Judy Overton, Senior Department Assistant, was unable to attend the meeting and submitted a written report in her stead. On April 9th, she participated in a teleconference with the BLM and General Moly personnel regarding status of the draft Environmental Impact Statement. The Natural Resource Advisory Council meeting was held April 9th, where topics included red-card certification for area ranchers, legislative issues, and scheduling interviews for the Natural Resources Manager position. Mary Tumbusch, US Geological Survey, visited on April 10th, but due to bad weather, touring of the monitoring sites for the Diamond Valley Flow Systems Study were postponed until May. Ms. Overton attended the State Land Use Planning Advisory Council meeting in Yerington on April 11th. On April 16th, she viewed the live web cast of the House of Representatives Transportation and Infrastructure Committee hearing on HR2421, The Clean Water Restoration Act of 2007.

Upcoming Meetings: Another teleconference is scheduled for April 23rd regarding the Mount Hope EIS. The Northeastern Great Basin Resource Advisory Council meeting will be held April 24th in Battle Mountain. The Eureka Townsite Annexation Advisory Committee will meet on April 28th to review the General Moly development proposal for the Eureka Canyon Subdivision. The NEPA Committee will meet on May 1st. The Selection Committee will interview five candidates for the Natural Resource Manager on May 2nd.

EUREKA COUNTY NEPA COMMITTEE

Letter to Nevada Department of Transportation: NEPA Committee Chairman, Jim Gallagher, submitted a letter drafted by the committee with the assistance of Abby Johnson. The letter outlined safety and maintenance concerns on State Route 278 in connection with the proposed Mount Hope Project. Commissioner Bailey motioned to approve and sign the letter to the Nevada Department of Transportation as recommended by the NEPA Committee. Commissioner Benson seconded the motion. Motion carried 3-0.

Professional Assistance for Mount Hope EIS: Mr. Gallagher stated it has become apparent that the NEPA Committee could use professional assistance relating to air quality and water quality. Commissioner Benson noted there was also a need for a professional or professionals familiar with the socioeconomic aspects and the federal permitting process as it relates to the Environmental Protection Act. Commissioner Benson motioned to authorize the NEPA Committee to obtain additional professional assistance with respect to further analysis of the Mount Hope Project, including authorizing Public Works and the District Attorney to assist with initiating related contracts. Commissioner Bailey seconded the motion. Motion carried 3-0.

CRESCENT VALLEY TOWN ADVISORY BOARD

Recommendation to Provide Scholarship Monies: Gloria Sharrow, Chairwoman of the CVTAB, was present in Eureka; and Chuck Henry, member, was present at the Crescent Valley site. Ms. Sharrow stated that Mr. Henry had researched and reported that there were three students from Crescent Valley graduating this year from Battle Mountain High School, and the Town Board was recommending scholarships for these three students.

Commissioner Benson stated that the Commissioners don't participate in the actual selection of scholarship recipients, but typically donate to a scholarship fund administered by the school. The Commissioners noted that scholarship monies donated to Eureka County schools are not discriminatory, but are available to all students, including those bussed from neighboring counties. They felt this was probably common practice, and believed the Crescent Valley students were similarly included in all scholarship opportunities offered at the Battle Mountain High School.

Chuck Henry fervently disagreed that the Commissioners had donated to a fund, stating that they had recently awarded twelve individual scholarships of \$1,500.00 each to every graduating senior at the Eureka High School. The Chairman said that individual scholarships had never been awarded. Mr. Henry replied, "I beg to differ," and invited the Board to check their own minutes to clarify this. Clerk, Jackie Berg, located the verbatim transcript of the February 20th meeting, where a motion was advanced by Commissioner Benson to donate \$1500.00 total to the Eureka County High School scholarship fund; the motion was seconded by Commissioner Bailey and had passed unanimously.

The Board agreed to table this item until Chairman Ithurralde could speak with the Superintendent of Battle Mountain High School regarding scholarship eligibility of the Crescent Valley students.

CRESCENT VALLEY HISTORICAL SOCIETY

Update on Activities: Jay Scott, President, provided an annual update on the Crescent Valley Historical Society. Two grants were applied for, for bathrooms and a nature walk, but both were denied; the foundation for the utility building was prepared and concrete poured, and materials have been acquired for construction; preparations continue for the donated Jo Dean ranch home; maintenance and landscaping continue; three birch trees will be replaced this spring; and there are plans to reapply for the bathroom grant. Membership fees and donations, including those raised at a fundraiser barbecue, account for the year's income. Expenses were related to maintenance, landscaping, construction, and costs for the barbecue.

RESOLUTION HONORING BARBARA DUGAN

Chairman Ithurralde stated that Barbara Dugan was involved in the very beginning days of EMT service with his wife, Monique, so he was pleased to make a motion adopting the resolution honoring Barbara Dugan. Commissioner Bailey agreed that Ms. Dugan has done a wonderful job, and seconded the motion. Motion carried 3-0.

**RESOLUTION
COMMENDING BARBARA DUGAN FOR THIRTY YEARS OF SERVICE**

WHEREAS, the Board of Eureka County Commissioners wish to recognize an honor Barbara Dugan for her dedication and contributions to the County and communities of Crescent Valley and Beowawe; and

WHEREAS, Barbara Jean Guadig was born on December 31, 1936, in Miller, South Dakota, to Lester and Eleanor Gaudig; Barbara married Kenneth Dugan on May 23, 2955; and

WHEREAS, Barbara and Ken have three children: Linda, Darrell, & Kent, as well as eight grandchildren; and

WHEREAS, Barbara Dugan graduated from high school in Miller, South Dakota; and

WHEREAS, Barbara has been with EMS/Fire Department since 1978; Barbara was on the Crescent Valley Town Board from 1987 to 1996; Barbara has been on the Eureka County Senior Centers Advisory Board since 1992; Barbara has been involved with the Valley Goldies; and Barbara is on the North Eureka County Search and Rescue; and

NOW THEREFORE BE IT RESOLVED the Board of Eureka County Commissioners recognize and honor Barbara Dugan for her commitment to public service and contribution to the residents of Crescent Valley and Beowawe.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to Barbara Dugan and her family.

Adopted this 21st day of April, 2008.

Attest: /s/ Jackie Berg
Clerk

/s/ J.P. Ithurralde
Chairman of the Board
Eureka County Commissioners

PUBLIC HEARING REGARDING CHANGE APPLICATIONS SUBMITTED TO STATE ENGINEER

Notice was given that the Board of Eureka County Commissioners would hold a public hearing on April 21, 2008, beginning at 2:00 p.m. in the Eureka County Commissioners' Chambers in the County Courthouse. The reason for said hearing was to consider a request submitted to the Nevada State Engineer by Kobeh Valley Ranch, LLC, in the form of Applications #76745 and #76746, to change point of diversion, manner of use, and place of use of a portion of water from previous water filings. The proposed points of diversion and place of use are located within Eureka County, and the existing points of diversion and place of use are located within Lander County. The purpose of this hearing was for the Board to hear public comments and make a recommendation to the Nevada State Engineer, Division of Water Resources. Chairman Ithurralde explained that the recommendation was not legally binding upon the State Engineer. The floor was then opened to public comment.

Jim Gallagher, Diamond Valley resident, stated opposition to water being moved into his basin for the purpose of pumping, citing concerns over drawdown. Commissioner Bailey and Commissioner Benson, speaking as private citizens, also stated their opposition.

Commissioner Benson stated that he, Mr. Beutel, and Mr. Damele attended the Lander County Commission meeting during the past week and Lander County has also scheduled a public hearing regarding these water transfers. Mr. Beutel provided a review of the status of the various water filings made by Kobeh Valley Ranch, LLC.

Commissioner Benson motioned that Eureka County reaffirm its protests to the original applications, and notify legal counsel and the State Engineer that the determination made based on this public hearing was that Eureka County will continue protests on all applications related to #76744, #76745, and #76746. Commissioner Bailey seconded the motion. Motion carried 3-0.

EUREKA COUNTY HEALTH INSURANCE COMMITTEE

Update on Community Health Fairs: Kim Todd, Chairwoman, presented flyers advertising the upcoming health fairs, scheduled in Crescent Valley on May 15th and Eureka on May 16th.

Flyers were included in County paychecks, and were sent to Barrick and the School District as well. The Board thanked the committee for all their hard work in coordinating the health fairs.

Recommendation on Health Insurance Plans: Bob Moore, from ABD Services, gave a presentation to the Insurance Committee on April 9th regarding changes to the insurance plans. The Health Insurance Committee recommended plan one for medical, plan two for dental, and continuation of the vision and life insurance as the County sponsored plans. Choices were based on the plans most utilized by Eureka County employees and not on cost. Commissioner Benson motioned to accept the recommendation from the Health Insurance Committee that the County adopt medical plan one, dental plan two, vision, and life as the sponsored plans for Fiscal Year 2008-2009. Commissioner Bailey seconded the motion. Motion carried 3-0.

Set Base Premium Rates Allowed for Selected Plans: The Health Insurance Committee recommended that the County continue with the status quo. Commissioner Benson motioned to continue with a 70/30 percent cost share between the County and employees, calculated on the selected plans, for dependent insurance premiums for Fiscal Year 2008-2009. Commissioner Bailey seconded the motion. Motion carried 3-0.

EUREKA COUNTY SCHOOL DISTRICT

Commissioner Benson motioned to accept the School District Financial reports for March 2008. Commissioner Bailey seconded the motion. Motion carried 3-0. Commissioner Benson added that as one of the special audits conducted each year, he would like to direct Budget Officer, Mike Rebaleati, to have the outside audit team look into the school bond debt for the fiscal year ending June 30, 2008.

EUREKA COUNTY CLERK/TREASURER

Announcement of Candidate Filing Dates for the 2008 Election: Clerk & Treasurer, Jackie Berg, stated she had received a lot of inquiries, so for the benefit of the public and the Commissioners, provided a memorandum with several important dates related to the 2008 Election. Candidates may file for office from May 5th-16th; candidates must submit their first Financial Disclosure Statement by May 26th; close of registration for the Primary Election is July 22nd, and the Clerk's office will remain open until 9:00 p.m.; early voting for the Primary Election is July 26th through August 8th; the Primary Election is August 12th and polls will be open from 7:00 a.m. to 7:00 p.m.; close of registration for the General Election is October 14th, and again the Clerk's office will be open until 9:00 p.m.; early voting for the General Election is October 18th through October 31st; and finally the General Election is on November 4th, with polls open from 7:00 a.m. to 7:00 p.m. Filing fees are \$100.00 for County offices (Commissioner seats) and \$30.00 for town and district offices (School Board, Television District, and Town Board).

EUREKA COUNTY DISTRICT ATTORNEY

Lexis Nexis Contract: District Attorney, Ted Beutel, explained that this contract is for electronic legal research and the cost has increased from \$143.00 to \$157.00 per month. Commissioner Benson motioned to approve renewal of a contract with Lexis Nexis in the amount of \$157.00 per month. Commissioner Bailey seconded the motion. Motion carried 3-0.

Mr. Beutel further explained that the County is required to provide a law library for public use, and the plan is to convert to electronic materials, which will require installing computer terminals for public use. This will enable the County to discontinue multiple subscriptions to volumes of law books, materials, and updates, which require substantial office space.

RESOLUTION FOR WILDLAND FIRE AWARENESS WEEK

Commissioner Bailey motioned to pass a resolution for Nevada Wildland Fire Awareness Week. Commissioner Benson seconded the motion. Motion carried 3-0.

**RESOLUTION
FOR PROMOTION FO NEVADA WILDLAND FIRE AWARENESS WEEK
MAY 17-24, 2008**

WHEREAS, the trend in Nevada acres burned by wildfire has increased dramatically in recent decades; and
WHEREAS, wildland fire has had significant impacts to Nevada’s environmental, economic, and social well-being; and

WHEREAS, sixty-eight of Nevada communities have been rated as extreme or high wildfire hazards; and

WHEREAS, many of Nevada’s wildland fires are started accidentally by human causes; and

WHEREAS, wildland fires started by and the impacts to Nevadans could be significantly avoided if individuals and organizations were more aware and proactive; and

NOW THEREFORE BE IT RESOLVED that the Board of Eureka County Commissioners adopts this resolution as a means for education and action to reduce accidental fire starts and impacts to Nevada’s wildlands; and

BE IT FURTHER RESOLVED that the Board of Eureka County Commissioners supports the week of May 17-24, 2008, as Nevada Wildland Fire Awareness Week.

Adopted this 21st day of April, 2008.

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

/s/ Kenneth Benson
Kenneth Benson, Vice Chair

/s/ Donna Bailey
Donna Bailey, Member

Attest: /s/ Jackie Berg
Clerk

PROPOSED CHANGES TO EUREKA COUNTY PERSONNEL POLICY

Amendment to Sick-Pay Options: A draft resolution was prepared to address sick-pay options in the Eureka County Personnel Manual. The first change would allow transfer of sick-leave hours into a bank to be used by fellow employees in hardship cases (amount of hours eligible for transfer had not yet been designated); and the second change provided for 75% payout of accumulated sick-leave at separation.

Commissioner Benson agreed that the draft resolution represented what had been developed by the Commissioners over the last couple months, and motioned to adopt the draft resolution amending Section 6.3.1 in the Eureka County Personnel Policy, leaving section 2.d. blank for input by employees and the Budget Officer at a public hearing scheduled in May. Commissioner Bailey seconded the motion. Motion carried 3-0.

Consider Amendment to Allow for Purchase of Retirement Credit: District Attorney, Ted Beutel, explained that an issue has come up with some employees who wish to participate in some form of cooperative purchase of retirement credit. A retirement credit purchase option was included in the Personnel Policy in 2002, but was sunsetted that same year. If the Commissioners are serious about considering this type of policy again, Mr. Beutel and Mike Rebaleati will work in conjunction to draft a proposed amendment.

Chairman Ithurrealde stated he was in favor of providing this option to the employees, but would like to require that it is offered upon full retirement only, unlike the policy offered in the past. Commissioner Benson stated he was not interested in this option at all, as he believed in supporting programs that encouraged employees to stay and not programs that encouraged employees to leave. Commissioner Bailey stated she preferred to leave the policy as is.

Chairman Ithurrealde forwarded a motion that Mr. Beutel and Mr. Rebaleati work on draft language to amend the Personnel Policy to accommodate this request brought forward by retiring employees, provided the employees immediately go into the Public Employees

Retirement System and not simply bank the purchased credits. Commissioner Benson and Commissioner Bailey both declined to second the motion.

COMMISSIONERS

Update Reports: Commissioner Benson attended the recent Natural Resource Advisory Council meeting, which resulted in interviews being scheduled for five candidates for the Natural Resource Manager position. He attended the Lander County Commission meeting on April 17th where Eureka's position was presented regarding the Kobeh Valley, LLC, applications to transfer water between the counties. On April 18th, Commissioner Benson and other County representatives met with several professionals who may be engaged to assist with the EIS process related to General Moly's Mount Hope Project.

Chairman Ithurralde reported that he enjoyed a vacation in Arizona visiting family. On his return, he met with General Moly staff and their attorney regarding a possible lease agreement on the Eureka Canyon Subdivision. Chairman Ithurralde gave the welcome address at the recent Assessor's Conference, and enjoyed visiting with many of his fellow Assessors.

Propose Background Check Ordinance and Set Public Hearing Date & Time: Mr. Beutel submitted a draft ordinance, explaining that it authorized the County to request background checks for employees and volunteers making application for certain positions. FBI policy has changed, and they will no longer accept fingerprint cards in the absence of an authorizing ordinance. The draft was reviewed the Department of Public Safety and the FBI and both agencies were comfortable with the language. Commissioner Benson motioned to propose the ordinance and move forward with the public hearing at 2:00 p.m. on May 19th. Commissioner Bailey seconded the motion. Motion carried 3-0.

Additional Protests on Water Applications: Applications #76802, #76803, #76804, and #76805 were part of a group of applications referenced at the State Engineer's pre-conference hearing. The hearing officer and Ross DeLipkau, legal counsel for General Moly, discussed these additional late applications, and both stated they were simply paperwork that had to be filed to explore for water, and would not show up in the newspaper. But these four were published, so Mr. Beutel felt the Commissioners should make a decision regarding protesting these additional filings. Commissioner Benson motioned that Eureka County continue to file protests to deny the four referenced water applications. Commissioner Bailey seconded the motion. Motion carried 3-0.

PUBLIC COMMENT

The Chairman opened the floor to public comment and there was none.

ADJOURNMENT

At 3:47 p.m., Commissioner Benson motioned to adjourn the meeting. Commissioner Bailey seconded the motion. Motion carried 3-0.

Approved this 19th day of May, 2008.

/s/ J.P. Ithurralde

J.P. Ithurralde, Chairman

Attest: /s/ Jackie Berg
Jackie Berg, Clerk