

EUREKA COUNTY BOARD OF COMMISSIONERS

May 6, 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 May 6, 2009. Present were Chairman Jim Ithurrealde, 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

Commissioner Fiorenzi made a motion to approve the agenda as written. Commissioner Page seconded the motion. Motion carried 3-0.

PUBLIC COMMENT

Chairman Ithurrealde called for public comments. Michael Mears, County Assessor, reported that the County received the results of the Department of Taxation ratio study of the Assessor's Office. The ratio study is conducted every three years by the Department of Taxation on each county assessor office throughout the state in order to equalize assessments. During the study, a comprehensive audit is also conducted to ensure compliance with State law and regulations. Goal range for the ratio study is between 32-35% and Eureka rated 34.7%. Mr. Mears will go before the Nevada Tax Commission on May 11th for final approval of the ratio study. There were no other public comments.

APPROVAL OF MINUTES

Chairman Ithurrealde corrected the spelling of a last name, and with that change Commissioner Fiorenzi motioned to approve the minutes of the April 20, 2009, Commissioner meeting. Commissioner Page seconded the motion. Motion carried 3-0.

FINANCE

Payment of Expenditures: Expenditures were presented to the Board for approval by Mike Rebaleati, County Recorder & Auditor. Commissioner Fiorenzi made a motion to approve County expenditures in the amount of \$868,887.37; Commissioner Page seconded the motion; motion carried 3-0. Chairman Ithurrealde noted that this total included a pass through payment to the Eureka County School District in the amount of \$45,953.20. Commissioner Fiorenzi motioned to approve Yucca Mountain expenditures in the amount of \$9,487.13; Commissioner Page seconded the motion; motion carried 3-0.

Auditor's Report: Mr. Rebaleati reported that a certificate of achievement was received from the Fiscal Officers Association for the County's June 30, 2008, report. The accompanying letter was provided to the Board. The Board reviewed the Auditor's report without comment.

PERSONNEL MANAGER

Personnel Manager Job Descriptions: Mr. Rebaleati provided sample job descriptions for a Personnel Manager position and a Personnel Analyst position. The Personnel Manager was the more advanced position, and the Personnel Analyst position allowed for some on-the-job training. The Board discussed the language and duties depicted in the job descriptions

and made two changes: (1) new employee orientation duties will fall under the Personnel Manager/Analyst rather than the Recorder/Auditor; and (2) language was expanded to include, “performs related and/or other duties.” Chairman Ithurralde motioned to approve the Personnel Manager and Analyst job descriptions with those changes. Commissioner Page seconded the motion. Motion carried 2-1. Commissioner Fiorenzi voted against.

CORRESPONDENCE

Correspondence was received from: Kit Benadom; Connie Hicks; Betty Krambs; District Attorney Ted Beutel; Clerk & Treasurer Jackie Berg; Public Works Director, Ron Damele; Lumos & Associates; Eureka County Wage & Salary Committee (5); Eureka County Television District; Eureka County Fair Board; Crescent Valley Town Advisory Board (3); Eureka County 4H News; Newmont Mining Corp.; Nevada Health Centers; Allison, MacKenzie et al; Rehab Services of Nevada; Nevada CASA Assoc., Inc.; Washoe County E-Update; Nevada Assoc. of Counties (6); Southern Nevada Regional Water Authority; Nevada State Public Defender; Nevada Div. of Environmental Protection (2); Nevada Dept. of Taxation (3); Public Utilities Commission of Nevada (2); Nevada Governor’s Proclamation – Emergency Services in Nevada; Nevada Dept. of Information Technology; Homeland Defense Journal; Nevada Workforce Economy in Brief; Fred Kelly Grant; National Assoc. of Counties; US Geological Survey; US Fish & Wildlife Service; and various publications.

ROAD DEPARTMENT

Update Report: Raymond Hodson, Road Superintendent, reported on Road Department activities over the past month, describing work on the JD Ranch Road, Grass Valley area roads, and roads near the Horse Ranch. Work was completed on a ditch in order to test pump the new well in Crescent Valley. Snow removal was required due to the recent spring snowstorms. Discussion was had on maintaining secondary roads. Mr. Damele explained that secondary roads are maintained, but minor County roads are not.

PUBLIC WORKS

Out-of-State Travel: Purchase of a new water tender was approved and a bid was accepted from Westmark. Ron Damele, Public Works Director, recommended that the custom built unit be inspected prior to accepting delivery, and requested out-of-state travel to inspect and pick up the tender. Commissioner Fiorenzi motioned to approve the out-of-state travel for two Public Works’ staff to travel to Ceres, California to inspect and accept the new water tender; Commissioner Page seconded the motion; motion carried 3-0.

Courthouse Re-Roof: Mr. Damele reported that the significant leaking of the Courthouse roof warranted expedited advertising for project bids. The opening and awarding of the re-roof bid is scheduled for May 18th. Fred Dolven, Dolven Architectural, described the Courthouse re-roof design and drainage plan. Chairman Ithurralde requested that Mr. Dolven look into placing a soffit across the old portion of the Courthouse. Commissioner Fiorenzi motioned to approve the re-roof plans for the Courthouse and authorize Public Works to obtain bids for the project. Commissioner Page seconded the motion. Motion carried 3-0.

Crescent Valley Well #2 Replacement: Mr. Damele reported that the Crescent Valley replacement well has been drilled, cased, gravel packed, and sanitary seal has been installed. The old well has been abandoned and the new well connection has been initiated. The replacement well will be completely connected once all permits have been issued by the State.

Swimming Pool Boiler Replacement: An estimate to replace the Swimming Pool boiler was accepted from Carrier Corporation in the amount of \$17,000.00. The boiler has been ordered and will be installed as soon as it arrives.

Eureka Fairgrounds Lighting Project: Mr. Damele has discussed installation of lights for the grandstands at the Fairgrounds with Gust Electric. The fixtures, at a cost of approximately \$7,500.00, are on order and will be installed when received. Mr. Damele commented that

replacement of the speaker system at the Fairgrounds has been budgeted, and he will bring this matter forward at a future Commissioner meeting.

COLONIAL LIFE INSURANCE COMPANY

Colonial Life Presentation: Jon Hambleton, Insurance Agent, explained that Colonial Life Insurance Company has been serving County employees since 1995; however, a representative has not been to Eureka since 1995. Mr. Hambleton was recently appointed as agent for the Eureka County account and will be offering Colonial Life products to County employees both in Eureka and Crescent Valley, as well as the School District employees, and plans to make regular visits to the County.

UNUM INSURANCE COMPANY

UNUM Long-Term Disability Insurance Presentation: Jim Sundquist, New York Life Insurance Agent, has been working with Eureka County for approximately seven years. Mr. Sundquist reviewed long-term disability insurance options offered by UNUM and noted that voluntary employee meetings will be held to inform interested employees. Mr. Sundquist requested authorization from the County to obtain 'blind' census information (job descriptions, income, and age) from Eureka County's personnel records to determine cost estimates for employees. After clarifying that the employees' identities and personnel information would be protected, Commissioner Fiorenzi motioned to authorize Mr. Sundquist to obtain the 'blind' census information. Commissioner Page seconded the motion. Motion carried 3-0.

COUNTY ENGINEER

Ruby Hill Sidewalk and Sewer Improvement Project: Seven bids were received for the Ruby Hill Sidewalk and Sewer Improvement Project. Of the three lowest bidders, Crocket Enterprises and Dan-O Construction submitted incomplete bids, making MKD Construction the lowest responsive bidder for this project, with a bid amount of \$343,000.00, which was comparable to the Engineer's estimate for the project. County Engineer, Tom Young, recommended awarding the bid to MKD Construction. Commissioner Fiorenzi motioned to award the Ruby Hill Sidewalk and Sewer Improvement Project to MKD Construction Company in the amount of \$343,000.00. Commissioner Page seconded the motion. Motion carried 3-0.

Town of Eureka 2009 Water System Improvements: Seven bids were received for the Town of Eureka 2009 Water System Improvements. The lowest bid, in the amount of \$2,114,007.00, was submitted by Sierra Nevada Construction. The bid was 43% below the Engineer's cost estimate, and Mr. Young recommended that the bid be awarded to Sierra Nevada Construction. Commissioner Fiorenzi motioned to award the Town of Eureka 2009 Water System Improvements bid to Sierra Nevada Construction in the amount of \$2,114,007.00. Commissioner Page seconded the motion. Motion carried 3-0.

JD Ranch Bridge Replacement Project: Mr. Young reported that the JD Ranch Bridge Replacement Project contractor is still waiting for the culvert boxes, which should be completed within a week. Work should begin on site following a second pre-construction conference, which is planned to take place within the next two weeks.

Eureka Town Volunteer Fire Station Project: Mr. Young reported that the Eureka Town Volunteer Fire Station Project is going well and is on schedule. Drywall is being hung; taping and texturing will occur later in the week; brick work is underway; the rough electrical should be completed within the week; the rough mechanical work is complete; windows will be installed within six weeks; the retaining wall is being backfilled, and will then be inspected.

Change Order Request #20: A change order was requested, in the amount of \$1,503.11, to install a pressure reducing valve in the mechanical room pursuant to building code requirements. When drafting the plans, the mechanical engineer did not expect the

water pressure in the street to be higher than 60 pounds per square inch (PSI); however it turned out to be 80 PSI. Commissioner Fiorenzi motioned to approve Change Order #20 in the amount of \$1,503.11. Commissioner Page seconded the motion. Motion carried 3-0. Mr. Young noted that \$77,672.50 has been approved in change orders for this project to date.

2009 Street Maintenance Project: Mr. Young reviewed the 2009 Street Maintenance Project and costs. The Board discussed the paving of the road from the Elementary School to Goodwin Canyon. Mr. Young explained that he can incorporate the possible leveling and drainage of the road where it ties into the existing pavement at the intersection. Commissioner Fiorenzi made a motion to approve Bid Schedule A and Bid Schedule B of the 2009 Street Maintenance Project. Commissioner Page seconded the motion. Motion carried 3-0.

2009 Airport Maintenance Project: Mr. Young reported that the 2009 Airport Maintenance Project is out to bid, with bid opening scheduled for May 18th or on June 8th. Earlier that week, Mr. Young submitted Part B of the County's Airport Maintenance grant application to the Federal Aviation Administration (FAA). The complete grant application will be submitted after the bids are received and an appropriate dollar amount is available.

FAA Grant Acceptance: Mr. Young explained that, due to the longer timeframe involved with a federal grant, the acceptance should be signed as soon as it is received by the County. Commissioner Fiorenzi motioned to authorize the Chairman to sign the FAA Grant Acceptance outside of the meeting; Commissioner Page seconded the motion; motion carried 3-0.

2009 Landfill Capacity Study and Closure Cost Estimate: This agenda item was tabled until the next regular Board meeting on May 18th.

Nevada Clean Water Revolving Fund Loan: Mr. Young explained that the Nevada Clean Water State Revolving Fund Loan includes sewer system projects, and a pre-application was submitted for the Town of Eureka Main Street Water and Sewer Line Reconstruction Project. The sewer line portion of that project is estimated to cost \$655,000.00, which was the amount submitted in the application. The results of the initial application rated this project low on the priority list making it unlikely that the County would qualify for more than a low interest loan. Mr. Young will monitor the priority list in the event this status changes.

Nevada Drinking Water Revolving Fund Loan: A pre-application was also submitted for Crescent Valley's Arsenic Treatment Project in the amount of \$1.1 million, which ranked high on the priority list qualifying for a 0% interest loan. After discussion, the Board agreed that a 0% interest loan would provide a cost savings to the County, and if this loan is accessed the water rates should not increase to repay the debt. Commissioner Fiorenzi made a motion to apply for the 0% interest loan, in the amount of \$1.1 million, for the Crescent Valley Arsenic Treatment Project. Commissioner Page seconded the motion. Motion carried 3-0.

Mr. Young explained that the Devil's Gate GID Board decided to have Public Works conduct an income survey of the GID residents for inclusion in a grant application to the Nevada Drinking Water Revolving Fund Loan for the Devil's Gate GID Arsenic Treatment Project. Mr. Young will investigate the loan repayment options and requirements and bring the issue back to the Board for consideration. Commissioner Fiorenzi made a motion to direct the County Engineer to pursue the Nevada Drinking Water Revolving Fund Loan grant for the Devil's Gate GID, and look into the requirements for loan repayment in relation to user rates. Commissioner Page seconded the motion. Motion carried 3-0.

The pre-application for the Main Street Water and Sewer Line Reconstruction Project under the Nevada Drinking Water Revolving Fund Loan in the amount of \$2.4 million resulted in a low priority ranking, so Mr. Young advised against pursuing this application.

RECESS FOR LUNCH

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

REHAB SERVICES OF NEVADA

Budget Requests: A letter was received from Greg Barker, Rehab Services of Nevada Director, providing clarification of budget requests for Fiscal Year 2009-2010. The original contract with Rehab Services of Nevada was for a six-month period and reflected a six-month contract cost. The recently approved one-year contract only reflected the six-month amount. Mr. Barker requested an adjustment to the contract to reflect a one-year service period and the associated increase in cost.

Subsidized Rehabilitation Services for the Town of Eureka: The proposed one-year contract cost estimate is \$44,697.00. Commissioner Fiorenzi made a motion to approve the contract and the subsidized amount for FY 2009-2010 for rehabilitation services in the Town of Eureka to be provided by Rehab Services of Nevada. Commissioner Page seconded the motion. Motion carried 3-0.

SENIOR CENTERS

Update Report: Site Directors, Millie Oram and Adell Panning, reported on their respective centers. For the month of April, Eureka served 933 meals and Crescent Valley serviced 711 meals. Grease traps were cleaned in the kitchen at the Eureka Senior Center. A total of \$8,191.90 was deposited for April. Commissioner Fiorenzi requested that the Senior Center monthly reports include social service and food bank requests.

Ms. Panning reported that the Division for Aging sent notification of additional grant monies available through the American Recovery and Reinvestment Act. Any approved grants will require a 15% match by the County, and applications must be submitted by May 22nd. These grant applications will be placed on the May 18th agenda for approval.

NATURAL RESOURCES

Activity Report: Jake Tibbitts, Natural Resources Manager, reported that he attended: a Mount Hope conference call on April 21st; a Budget meeting on April 27th; a Diamond Valley Irrigators meeting on April 30th; and a Cooperative Permittee Workshop on May 5th where Mr. Tibbitts taught a portion of the workshop.

The Permittee Workshop was attended by BLM permittees and Federal agency employees. Permittees will be allowed to gather their own data from BLM allotments which may be used to justify changes in grazing. Mr. Tibbitts reported that he monitored some south Diamond Valley wells on April 30th, which showed that the water levels have decreased an average of two feet since last year at this time. The water levels did increase over the past month by six inches, but are still two feet lower than this time last year. Mr. Tibbitts and Department Assistant Kathy Porter are compiling a natural resources newsletter for the public. Other important items Mr. Tibbitts has been focusing on include the Secure Rural Schools (SRS) Title III funds and the Barrick Mitigation Water Fund and associated transfers.

Mr. Tibbitts clarified the USGS phase studies. Phase 2 of the Diamond Valley Flow System Study is complete and results are being compiled in report form. Phase 3 is continuing with data collection and additional monitoring wells have been drilled. Data results determine where additional monitoring wells are drilled, which is why all of the wells are not drilled at the beginning of the study. The Phase 3 report should be available in approximately one year.

Upcoming Meetings: Mr. Tibbitts will be attending: a National Environmental Policy Act (NEPA) Committee meeting on May 7th; a Yucca Mountain tour May 13th and 14th; a Natural Resource Advisory Commission (NRAC) meeting on May 20th; and a Diamond Valley Irrigators meeting on May 14th.

Firewise Community: Mr. Tibbitts reported that the SRS Title III funds may be rolled over from year to year, but must be obligated by September 30, 2011. Spending requirements are very restrictive, obligating the bulk of the funds for Firewise Communities. To establish a

community, a Firewise Board must be instated, a community assessment must be completed, and a Firewise Day must be held. The Natural Resources department is working towards establishing the Town of Eureka as a Firewise Community, with a target date of December 31, 2009. Other areas being considered as future Firewise Communities include Beowawe, Crescent Valley, and possibly Pine Valley.

Secure Rural Schools Act Title III Funds: Other requirements for the County when expending SRS Title III funds include: utilize the funds as specified; allow a 45-day public comment period; and publish a notice of any proposed expenditures. Commissioner Fiorenzi made a motion to authorize the Natural Resources Department to publish the required notice for expenditure of Title III funds of the Secure Rural Schools Act for a Firewise Community. Commissioner Page seconded the motion. Motion carried 3-0.

Letter Mandating Coordinated Public Lands Management: Mr. Tibbitts drafted a letter to all Federal agencies maintaining jurisdiction over lands and resources within the County, mandating coordinated public lands management with Eureka County, in accordance with various County resolutions and Eureka County Code, Title 9, Chapter 40, Section .030, the County Master Plan. This coordination letter will be distributed annually. Commissioner Fiorenzi made a motion to approve the letter as drafted for submission to the appropriate Federal agencies. Commissioner Page seconded the motion. Motion carried 3-0.

Mr. Tibbitts reported that there is a vacancy on the NRAC due to Carl Waggoner moving from the area. Mr. Waggoner was the mining representative on the board, and this vacancy will be advertised to the public.

SEVENTH JUDICIAL DISTRICT COURT

CASA Program Services: Jackie Berg, County Clerk/Treasurer, explained that a bill was received from the Court Appointed Special Advocates (CASA) Program for services provided in a child protective case in Eureka County. The Board had approved \$10,000 in the upcoming fiscal year budget for CASA services. Commissioner Fiorenzi motioned to approve the payment of \$2,500.00 to the CASA Program, to be paid after commencement of the new fiscal year (July 1, 2009). Commissioner Page seconded the motion. Motion carried 3-0.

PUBLIC HEARING TO AMEND EUREKA COUNTY CODE, TITLE 13, TOWN OF CRESCENT VALLEY

Notice was given that the Board of Eureka County Commissioners would hold two separate hearings regarding an ordinance amending the 2006 Eureka County Code, Title 13, Town of Crescent Valley, by amending Chapter 20, Crescent Valley Town Advisory Board, to reduce the number of Board members from five to three; effective in the year 2011, and other matters properly relating thereto. This ordinance was proposed by the Board of Eureka County Commissioners, and a copy of said proposed ordinance has been on file with the County Clerk for public examination. The first hearing was conducted in Crescent Valley on April 29, 2009, at 6:00 p.m. in the Crescent Valley Town Hall. The second hearing was scheduled for May 6, 2009, at 2:00 p.m. in the Eureka County Commissioners' Chambers in the County Courthouse. The purpose of these hearings was to receive public comments on the proposed ordinance.

Chairman Ithurralde called for public comments. Chuck Henry, Crescent Valley Town Advisory Board (CVTAB) Chairman, stated that the residents in Crescent Valley gave their comments during the public hearing on April 29th. Commissioner Page commented that the opinion survey resulted in 55 in favor of retaining the board as is, and 61 in favor of a change. Commissioner Page felt that a three member board would be beneficial by working better with the Town of Crescent Valley, Commissioners, and would reduce the issues with Open Meeting Law violations. Commissioner Fiorenzi stated that the residents in Crescent Valley were supportive of a five member board and he would support that opinion, but he would vote to abolish the CVTAB if more problems occur. Commissioner Page motioned to approve the

ordinance amending the 2006 Eureka County Code, Title 13, which would reduce the CVTAB to three members by 2011. The motion failed for lack of a second, so no vote was taken on the proposed ordinance. The CVTAB will advertise to fill their vacant seat, with the Board of Commissioners making the final appointment. Commissioner Fiorenzi requested that at least two names be submitted to the Board for consideration.

NATIONAL HISTORY DAY PARTICIPANTS

Contribution for Travel Expenses: Students scheduled to participate in the National History Day competition in Washington, DC, June 14-18, 2009, gave a presentation describing their history projects and requested assistance with travel expenses from Eureka County. The students were advancing to the national competition after winning in various categories at the State competition. Students and their subjects were: Ethan Marshall (Frances Marion); Kathyne Starr (Benjamin Franklin); and Torrey Colby and Morgan Bailey (Sara Winnemucca). Commissioner Fiorenzi motioned to contribute \$250.00 per student towards travel expenses to attend the National History Day competition in Washington, DC, in June. Commissioner Page seconded the motion. Motion carried 3-0.

PERSONNEL RELATED BUDGET ISSUES

Employees Buy-Out vs. Retiree Insurance Subsidy: The Board discussed the possibility of offering an optional PERS (Public Employee Retirement System) buy-out versus the insurance subsidy for current employees. Mr. Rebaleati explained that consideration of an employee retirement buy-out would require a study regarding cost savings to the County. Ted Beutel, District Attorney, noted that in addition to costs, these points should also be considered: the appeal of a buy-out, cash versus PERS buy-out, and eligibility requirements. The Board clarified that the only buy-out being considered was in relation to PERS.

Cost Study and Sample Language: Commissioner Fiorenzi motioned to move forward with a cost comparison regarding the option of continuing with the insurance subsidy and offering the option of a retirement buy-out; Commissioner Page seconded the motion; motion carried 3-0. Mr. Rebaleati will try to have figures available by the May 18th meeting. Commissioner Fiorenzi made a motion to direct staff to begin drafting sample language regarding these options, to include that these policies are contingent upon Eureka County's financial status and are subject to change on a year to year basis. Commissioner Page seconded the motion. Motion carried 3-0.

New Employee Benefits: Mr. Rebaleati provided an amended resolution regarding the retiree insurance subsidy, with the addition that new employees hired after July 1, 2009, are not eligible for the retiree insurance subsidy. Commissioner Fiorenzi motioned to amend the resolution as presented; Commissioner Page seconded the motion; motion carried 3-0. The Board also agreed to add language stating that funding for the retiree insurance subsidy was contingent upon the financial status of Eureka County and was subject to change on a year to year basis. The Board directed Mr. Rebaleati to prepare the final resolution for approval at the May 18th meeting.

Deferred Compensation Plan: The County currently offers two deferred compensation plans to employees through Hartford and ING. The Board agreed that the deferred compensation plans should be strongly promoted to employees hired after July 1, 2009.

Dependent Health Insurance Premiums: The Board discussed the County/employee cost split for dependent health insurance premiums for new employees hired after July 1, 2009. Commissioner Fiorenzi did not want to obligate future Boards to increasing dependent insurance coverage for new employees, especially if the County's financial condition declines. The Board agreed that insurance premium cost splits should not be set in stone, but should be evaluated each year according to financial status. Current employees receive a 70/30

dependent health insurance subsidy split. Commissioner Fiorenzi motioned that new employees hired after July 1, 2009, receive a 60/40 split for dependent health insurance premiums and that this ratio should be evaluated each year. Chairman Ithurralde seconded the motion. Motion carried 2-1. Commissioner Page voted against the motion, indicating a preference that the reduction be limited (for example, the first 'x' years of employment).

New Employment Benefit Considerations: Commissioner Fiorenzi made a motion to direct staff to conduct further research on new employee benefit considerations and begin drafting sample language regarding benefit options, including language that these policies are contingent upon Eureka County's financial status and are subject to change on a year to year basis. Commissioner Page seconded the motion. Motion carried 3-0.

COMMISSIONERS

Update Reports: Commissioner Page attended the Crescent Valley Town Advisory Board meeting, the April 29th public hearing, and training for the volunteer fire department in Crescent Valley. Commissioner Fiorenzi attended the April 23rd NEPA Committee meeting and the April 29th public hearing in Crescent Valley. Chairman Ithurralde attended the April 29th public hearing in Crescent Valley; met with Joe Anelli, Eureka County Battalion Chief; and met with the Emergency Management Team regarding the H1N1 flu virus. Emergency Management Team regarding the H1N1 flu virus.

Request from Raine's Market: Scott Raine, Raine's Market, attended the meeting and presented a written request for the County to purchase the employee/volunteer 2009 holiday turkeys through Raine's Market, explaining that he places orders for those items early in the year to lock in a reduced price. The Board concurred that different options may be considered, but decisions regarding this issue will be made later in the year. No action was taken on this agenda item.

Pavement Criteria: Commissioner Fiorenzi motioned to adopt the resolution outlining criteria to be applied by the Regional Transportation Commission when considering paving requests in Eureka County, and further directed Public Works to conduct a baseline study on County roads. Commissioner Page seconded the motion. Motion carried 3-0. Chairman Ithurralde requested that a copy of the resolution be sent to Jerry and Trina Machacek.

Eureka, Nevada

May 6, 2009

RESOLUTION

DIRECTING THE REGIONAL TRANSPORTATION COMMISSION TO CONSIDER REQUESTS FOR NEW PAVEMENT ACCORDING TO SPECIFIC CRITERIA

WHEREAS, the Regional transportation Commission (RTC) is directed in Eureka County Code 4.20.120 to assist the Board of Eureka County Commissioners (Board) with prioritizing road projects by taking into consideration (A) the relation of the proposed work to other projects already constructed or authorized to be constructed; and (B) the relative need for the project in comparison with other proposed projects; and (C) the money available for roads projects; and

WHEREAS, both the RTC and the Board have reviewed a list of specific criteria to assist both bodies to determine whether requests for new pavement should be approved and funded;

NOW THEREFORE BE IT RESOLVED the Board directs the RTC to provide a recommendation to the Board on all requests for new pavement based upon a consideration of the following specific criteria, and report to the Board in writing whether the request for new pavement should be approved and funded, delayed, or rejected:

1. Volume determined by traffic count.
2. Number of full time residences served.
3. Number of businesses served, including hay barns and stack yards.
4. Whether the road in its current condition requires extra maintenance.
5. Whether the road ties into existing pavement.
6. The cost to prepare the road for paving.

7. The projected long range maintenance costs after the road is paved.
8. the costs of design, should the road cross a flood plain or other unusual conditions.

Adopted this 6th day of May, 2009.

Attest: /s/ Jackie Berg
County Clerk

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

Land Exchange and Boundary Line Adjustment: A request was received from Kit Benadom, Beowawe resident, proposing a land exchange and property line adjustment to alleviate traffic across her property to access County facilities (road shop and fire house). After discussion regarding the costs involved, appraisal and other requirements, the Board asked Mr. Damele if there was a more feasible solution. Mr. Damele suggested fencing an area that would prevent the public from accessing Ms. Benadom's property. Commissioner Fiorenzi motioned to resolve the issue by fencing the property as recommended. Commissioner Page seconded the motion. Motion carried 3-0.

Amendments to 2006 Eureka County Code: Draft amendments to the 2006 Eureka County Code, Title 8, Planning Commission, Chapter .140, Mobile Homes (including but not limited to permanent installation, conversion to real property, and ages of mobile homes) was provided for the Board's review. After discussion, Commissioner Fiorenzi motioned that an age limitation be added to the ordinance for consideration at a public hearing, and offered that both 10 or 15 years be considered. Commissioner Page seconded the motion. Motion carried 3-0. The Board continued the discussion regarding enforcement of the County Code as it pertains to mobile homes in the County.

Mount Hope Project EIS and NEPA Process: No action was taken on this agenda item. Mr. Tibbitts noted that a NEPA Committee meeting is scheduled for May 7th.

2009 Legislative Session: Mr. Tibbitts reported that House Resolution 1028 (national legislation) addresses wild horse issues. HR1028 would release every wild horse in holding facilities, create wild horse sanctuaries on public lands, and disallow gathering or managing of wild horses through aerial methods. This would impact adjudicated forage and water resources. The Nevada Cattlemen's Association has asked the Board of County Commissioners to sign a letter in opposition to HR1028. Commissioner Fiorenzi motioned to support and sign the joint letter opposing HR1028, authorizing the Chairman to sign the letter outside of the meeting. Commissioner Page seconded the motion. Motion carried 3-0.

Mr. Tibbitts reported that the Silver State Tag bill, temporarily at a standstill, is being amended. Legislators are trying to combine it with other bills proposing new hunting tags. Discussion will continue when the local Wildlife Board meets on May 11th.

Mr. Rebaleati reported that Bill Draft Request 32-1188 will have fiscal impacts on the County if passed. This would change the transfer rate of fees, taxes, interest, and penalties collected in each county as compensation to the State for the cost of collecting the tax.

Mr. Rebaleati explained that Assembly Bill 543 addresses the State's utilization of 4% of Washoe and Clark County's ad valorem tax. Commissioner Fiorenzi made a motion to send a letter to the Nevada Association of Counties (NACO) supporting NACO's opposition to AB 543 and authorized the Chairman to sign the letter outside of the meeting. Commissioner Page seconded the motion. Motion carried 3-0.

PUBLIC COMMENT

Chairman Ithurrealde called for public comments. Mr. Tibbitts provided the Board with a copy of new water right applications for review prior to the May 18th regular Board meeting.

Lisa Wolf, Crescent Valley resident, asked whether the Attorney General or the County's District Attorney was responsible for prosecuting individuals for Open Meeting Law violations. Mr. Beutel stated that according to NRS Chapter 241, the Attorney General is the prosecuting authority on any Open Meeting Law violations.

ADJOURNMENT

At 2:14 p.m., Commissioner Fiorenzi made a motion to adjourn the meeting. Commissioner Page seconded the motion. Motion carried 3-0.

Approved this 8th day of June, 2009.

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

Attest: /s/ Jackie Berg
Jackie Berg, Clerk