

EUREKA COUNTY BOARD OF COMMISSIONERS

June 8, 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 June 8, 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 9:32 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 meeting, except during a power outage in the afternoon.

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 Ithurralde called for public comments. Vicki Drenon, Public Works employee in Crescent Valley, commented on the Wage & Salary Committee agenda item, requesting that the Commissioners postpone any decisions until the employees have the opportunity to review the recommendations and provide input. There were no other public comments.

The following agenda items were requested for the next meeting: Commissioner Fiorenzi wanted to address policy for the new fire station; Chairman Ithurralde would like a legislative update from Lobbyist, Bjorn Selinder, and Assemblyman Pete Goicoechea.

APPROVAL OF MINUTES

Commissioner Fiorenzi motioned to approve the minutes of the May 6, 2009, Commission meeting; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Fiorenzi motioned to approve the minutes of the May 18, 2009, Commission meeting; Commissioner Page seconded the motion; motion carried 3-0.

FINANCE

Payment of Expenditures: Expenditures were presented for approval by Mike Rebaleati, County Recorder & Auditor. Mr. Rebaleati noted a sizeable “pass through” payment to the Eureka County School District. The Board questioned a \$1 million balance for the School District under a net proceeds mitigation fund. Mr. Rebaleati and Jackie Berg, Clerk & Treasurer, will look into the fund. Mr. Rebaleati explained that problems with the new phone system, specifically caller identification and dropped calls, were due to an issue with the circuit in the telephone building, and the problem rests on the shoulders of the supplying company. Commissioner Fiorenzi stated that he would abstain on the specific approval of an expense payment to County employee, Pernecia Johnson. With that abstention, Commissioner Fiorenzi motioned to approve County expenditures and payroll, including a special payroll, in the amount of \$8,639,710.28, noting that included a pass through to the School District totaling \$7,694,635.27; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Fiorenzi made a motion to approve the Yucca Mountain expenditures in the amount of \$14,712.23; Commissioner Page seconded the motion; motion carried 3-0.

Auditor’s Report: The Board reviewed the Auditor’s Report and discussed net proceeds revenues. The Nevada Department of Taxation forwarded breakdowns for the 2008 actual net

proceeds and 2009 projected net proceeds. The Board questioned the absence of certain net proceeds on the 2008 spreadsheet and Mr. Rebaleati agreed to investigate the matter.

Personnel Analyst Position: Mr. Rebaleati explained that a Personnel Analyst position is suggested due to the salary range set by the Board (\$45,000 to \$50,000 was approved in the Fiscal Year 2009-2010 budget). The salary range for a Personnel Manager is typically \$60,000-\$70,000. Commissioner Page made a motion to proceed with advertising and the selection process for a Personnel Analyst position with a salary range between \$45,000 and \$50,000. Commissioner Ithurralde seconded the motion. Motion carried 3-0.

Hiring Committee for Personnel Analyst: Mr. Rebaleati suggested a three-member hiring committee for this position. After discussion, Commissioner Page made a motion to appoint Mr. Rebaleati, District Attorney Ted Beutel, and Chairman Ithurralde to the Personnel Analyst hiring committee, with the understanding that the position falls directly under the County Commissioners. Commissioner Fiorenzi seconded the motion. Motion carried 3-0.

Budget Transfers for Fiscal Year (FY) 2008-2009: *(NOTE: This agenda item was discussed later in the meeting).* Mr. Rebaleati explained that per Nevada Administrative Code, the County Budget Officer must notify the County Commissioners of budget transfers within any County fund. Mr. Rebaleati described some of the different transfers that were made. Commissioner Fiorenzi made a motion to approve the budget transfers as presented for FY 2008-2009. Commissioner Page seconded the motion. Motion carried 3-0.

Contract Renewal with AT&T: The proposed AT&T contract is a continuation for services, but will save County approximately \$400-\$500 per month because some circuits have been eliminated. The contract encompasses internet access for the County directly under AT&T. Mr. Rebaleati is waiting for the contract to be sent from AT&T. Commissioner Fiorenzi made a motion to renew a three-year contract with AT&T for internet access in the amount of \$2,000.00 per month and to authorize the Chairman to sign the contract outside of the meeting. Commissioner Page seconded the motion. Motion carried 3-0.

Special Audits by Kafoury, Armstrong, & Co.: In addition to the overall County audit, two special audits are conducted each year if approved by the Board. Mr. Rebaleati recommended that these two special audits be for: (a) collection and disbursement of funds collected on behalf of the State of Nevada; and (b) evaluation of the current method and compliance regarding disposal of all County property, including items listed or not listed as fixed assets, by County officials and staff. Commissioner Fiorenzi made a motion to approve two special audits, to be conducted by Kafoury, Armstrong, & Co.; Commissioner Page seconded the motion; motion carried 3-0.

CORRESPONDENCE

Correspondence was received from: Eureka High School Rodeo Club; Kit Benadom; Connie Hicks (2); Eleny Carrion; District Attorney, Ted Beutel; Eureka County Sheriff, Ken Jones; Eureka County Natural Resource News; Eureka County Planning Commission; Eureka County Wage & Salary Committee; Eureka County Fair Board; Community Development Coordinator, Jim Evans; Crescent Valley Town Advisory Board (3); Elko County Public Guardian; Allison MacKenzie et al; Washoe County Manager's E-Update; Nevada Assoc. of Counties (5); Southern Nevada Regional Water Authority; Secretary of Nevada State Senate, Claire Clift; Nevada Dept. of Taxation (5); Nevada Div. of Assessment Standards; Subcommittee on Local Government Finance; Committee on Legislative Operations & Elections (2); Nevada Dept. of Public Safety; Nevada Div. of Environmental Protection; Nevada Rural Housing Authority; Nevada Small Business Development Center; Nevada Dept. of Transportation; Nevada Dept. of Motor Vehicles; Nevada Gaming Control Board; Nevada POOL/PACT (2); Personnel Management Perspectives; Nevada Dept. of Information Technology; Nevada Workforce; National Assoc. of Counties; US Dept. of the Interior-BLM (4); USDA-Forest Service; US Army Corps of Engineers; and Weed District Advisor.

Commissioner Fiorenzi asked for clarification on a working draft of a proposed temporary regulation on the Committee of Local Government Finance. Ted Beutel, District Attorney,

explained that the matter involves record keeping for the School District. Mr. Rebaleati stated that according to Nevada Revised Statutes (NRS), counties can review the finances of school districts unless a school district takes over its own finances, but further noted that the review could cause extra work and possibly extra auditing.

Commissioner Fiorenzi commented that a letter was sent from the BLM informing the County that an environmental impact statement (EIS) will be done for solar energy on public lands, and the County is being invited to become a cooperating agency and join a memorandum of understanding. The Natural Resources Manager was directed to comment to the BLM on the matter. Chairman Ithurralde noted that an issue regarding the tax rate for the indigent accident fund should be addressed, and this issue will be discussed with Assemblyman Goicoechea at the next Board meeting.

ROAD DEPARTMENT

Update Report: Raymond Hodson, Road Superintendent, reported that the Road Department has completed work on the JD Ranch Road. Work on secondary County roads includes the Tonkin Road, McClusky Road, Henderson Road, Fish Creek Road, and Windfall Canyon. Activity in the north end of the County includes work on the Rose Ranch, Geothermal, Dry Hills, Frenchie's, Stanford, Palisade, and Barth roads. Road Department employees filled in at the County Landfill and watered the arena for the High School Rodeo. Mr. Hodson and Todd Hubbard traveled to California to inspect the new water trailer purchased by the County prior to delivery. Commissioner Fiorenzi would like to have the Road Department blade all of the County's secondary, or general, roads at least once this summer; and would like a review of minor roads that may need to be upgraded to general County roads due to new residences. A copy of a Senate Resolution was provided for Mr. Hodson, which states that minor county roads will be filed on a map with the BLM, Forest Service, and NDOT; a website will be provided to assist counties in performing this mapping and documentation.

PUBLIC WORKS

Mosquito Abatement Bids: Ron Damele, Public Works Director, reported that the only proposal for mosquito abatement was received from Seven Valleys, LLC, and was for \$34.00 an hour plus 58.5 cents per mile to and from Winnemucca. The hourly rate remains the same as the previous year, and the mileage is the County's current reimbursable rate. Commissioner Fiorenzi motioned to award an independent contract for ground based mosquito abatement in Crescent Valley and Beowawe to Seven Valleys, LLC, and that the Chairman be authorized to sign the contract outside of the meeting. Commissioner Page seconded the motion. Motion carried 3-0.

Underground Power for Eureka Town Volunteer Fire Station: Mr. Damele explained that there was a need to supply power to the Eureka Town Volunteer Fire Station, which he authorized in the amount of \$20,315.00. The installation included new primary underground power from an existing pole and extended approximately 60 feet. Commissioner Fiorenzi made a motion to ratify the decision of the Public Works Director for the construction costs to install underground power to the Volunteer Fire Station in the amount of \$20,315.00. Commissioner Page seconded the motion. Motion carried 3-0.

Contract with Building Solutions, Inc.: The Board reviewed the contract with Building Solutions, Inc. for the County Courthouse Re-Roofing Project in the amount of \$151,502.00. The project is scheduled to be completed by August 8, 2009. Commissioner Fiorenzi motioned to approve and sign a contract with Building Solutions, Inc., for the Eureka County Courthouse Re-Roofing Project; Commissioner Page seconded the motion; motion carried 3-0.

Sheriff's Office Dispatch and Booking Area Remodel: Mr. Damele reported that advertising has been initiated for the Eureka County Sheriff's Office Dispatch and Booking Area Remodel Project, with the bid opening scheduled for July 6th. The project will include installation

of a new HVAC mechanical unit and a new roof for the entire building. The engineer's estimate for the project is \$800,000.00, and estimated time for completion is 270 calendar days, to accommodate installation of specialty equipment and working around a functioning department. Commissioner Fiorenzi made a motion to direct staff to advertise for bids for the Eureka County Sheriff's Office Dispatch and Booking Area Remodel Project. Commissioner Page seconded the motion. Motion carried 3-0.

Proposal from Sartorial Masonry: Water from the lawn sprinklers at the Administration Building have caused water stains to the building's exterior. The masonry company working on the Volunteer Fire Station has submitted a proposal to acid wash the stains and can complete the job while in Eureka. Adjustments have been made to the sprinklers, so the stains should not reappear. Commissioner Fiorenzi made a motion to accept the proposal from Sartorial Masonry to remove the water stains from the Administration Building brick exterior, not to exceed \$6,400.00; Commissioner Page seconded the motion; motion carried 3-0.

Temporary Highway 50 Closure: Mr. Rebaleati reported that a letter has already been sent to the Nevada Department of Transportation requesting temporary closure of Highway 50 for the 4th of July street events. Mr. Damele suggested that a letter also be sent to Kevin Lee, District Engineer for NDOT, enclosing a traffic control plan and an emergency backup plan to open Main Street in the case of an emergency. Commissioner Page made a motion to approve forwarding a letter to Kevin Lee, District Engineer for NDOT, requesting the temporary closure of Highway 50 for the 4th of July street events, and authorizing the Chairman to sign the letter outside of the meeting. Commissioner Fiorenzi seconded the motion. Motion carried 3-0.

Mitigation for Eureka Canyon Subdivision: Mr. Damele reported that an Interim Dust/Erosion Management and Landscape Stabilization Plan for the Eureka Canyon Subdivision submitted by General Moly, LLC (GMLLC) was provided to the County. Mr. Damele requested that the site be walked with GMLLC employees to locate the areas where the juniper woods chips will be spread. Mr. Damele expressed concerns with the future of the subdivision in the absence of a record of decision (ROD) or financing for GMLLC.

Mr. Beutel pointed out that the dates on the lease agreement and the dates on the stabilization plan differ and the lease should be amended. Tim Arnold, General Manager with General Moly, stated that a general schedule was provided for the subdivision stabilization and construction. Mr. Damele reiterated his concern that the County will be left with a half completed subdivision if GMLLC does not receive the ROD. Mr. Arnold agreed that without a ROD, Mount Hope Mine will not come into production and the subdivision will not be completed. Mr. Damele noted that it was his understanding that construction on the subdivision would resume this spring and was not contingent on the ROD or financing. Mr. Arnold assured everyone that the subdivision area will look different after stabilization has been completed with seeding and wood chips, and the land has benefited from significant improvements even in the event that GMLLC does not complete the subdivision.

Commissioner Fiorenzi agreed that the lease agreement should be modified, and would like to see the on-site pipe placed in the ground with the dirt work and grading completed. Mr. Arnold replied that the suggested work would cost GMLLC millions of dollars in addition to the approximately \$5 million already spent. Mr. Damele preferred that the ground be rough graded prior to stabilization. Mr. Arnold stated that GMLLC may be able to use some of its drilling crew to place the on-site pipe in the ground, but a separate crew would have to be hired for rough grading. Along with weed control, dust control, and erosion control, the County is concerned with the status of the Storm Water Pollution Prevention Plan (SWPPP). Mr. Arnold stated that the site will be monitored for weeds, dust, and erosion, and seeding is planned for the fall. Mr. Damele requested that a Gantt chart be provided for the County on the subdivision stabilization plan. Commissioner Fiorenzi made a motion to request that GMLLC look into finishing the dirt work, laying the on-site pipe, proceed with the Management and Stabilization Plan, and review

the lease for possible renegotiations. Commissioner Page seconded the motion. The information was requested by June 19th. Motion carried 3-0.

Mr. Arnold reported that GMLLC is still projecting that the ROD will be received during the third quarter of 2010. The drilling program is ahead of schedule, and is being pursued to assess pit inflows. Once the ROD is received, the mine will take about 20 months from commencement of construction to reach full production. GMLLC is investigating cost reduction plans and is on track to have cash on hand through 2010. Other options being researched include capital cost reduction, electrification of the mine, toll roasting, and cost for construction materials. Mr. Arnold reported that the molybdenum market (as well as many base metals) and GMLLC's stock have increased. Steel demand is also gradually increasing.

Proposal for Sewer Line Inspection: Mr. Damele reported that a proposal was received from Hydro Tech, Inc. to clean and video the main sewer line from the area near the dog pound to the sewer lagoons. There is approximately one to two inches of sand and grit in the sewer pipe which has the potential to cause problems. Only one company was interested in the project and provided a proposal. Commissioner Fiorenzi made a motion to authorize Hydro Tech, Inc. to clean and inspect approximately 7,000 linear feet of sewer line, not to exceed \$20,020.00. Commissioner Page seconded the motion. Motion carried 3-0.

Proposal for Sewer Line Maintenance: The Eureka Town main sewer line was videoed and cleaned, and the sewer line was found to be in need of relining to correct deflections as soon as possible. Cleaning, inspection, and relining were included in the Fiscal Year 2009-2010 budget. Commissioner Fiorenzi made a motion to approve the proposal from Hydro Tech, Inc. to reline approximately 310 linear feet of main sewer line to correct deflections, for a cost of \$35,049.50. Commissioner Page seconded the motion. Motion carried 3-0.

Proposed Landfill Hours: Mr. Damele explained the proposed work schedule for Landfill employees to accommodate expanded hours at the Landfill. New landfill hours will be 8:00 a.m. to 5:00 p.m. (closed 12:00-1:00 p.m.) in the summer; and 8:00 a.m. to 4:00 p.m. (closed 12:00-1:00 p.m.) in the winter. The new hours and work schedule will be implemented after the additional employee is hired and trained. Commissioner Page motioned to approve the implementation date of the new Landfill hours upon successful recruitment and training of the new Landfill Attendant; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Crescent Valley Well #2 Replacement Project: Mr. Damele reported that the new pump was pulled and the shroud was repaired for the new replacement Well #2 in Crescent Valley. The well is now producing 300 gallons per minute. Crescent Valley Well #1 quit working the previous Friday and Humboldt Drilling was called to pull the pump. The well's column had rusted through and it has the potential to fail much like Well #2. A new pump, motor, and column will be placed in Well #1 in order to get through the high-demand season and a replacement well may have to be drilled in the near future. New well costs should be budgeted, possibly for FY 2010-2011.

Swimming Pool Boiler Replacement: The Swimming Pool boiler, water softener, and surge tank have been installed. The contractor will return to configure the appliances.

Fairgrounds Lighting Upgrades: Mr. Damele reported that the Fairgrounds lighting has been installed.

COUNTY ENGINEER

Eureka Town Volunteer Fire Station Project: Tom Young, County Engineer, reported that a Fire Station Project meeting was held that morning and the project is going well. There is an issue with the lip of the curb and gutter being higher than the asphalt at the site; grading is being considered to fix the problem, and a retaining wall may need to be altered as well. A power line along Robins Street is interfering with the brick work, because the wind blows the line too close to the scaffolding preventing the brick work from proceeding. A temporary pole (at a cost of \$6,500.00) or a permanent pole (no cost to County) will need to be installed. The permanent

pole would have to be located in the parking lot area, so Mr. Young suggested placing a planter around the pole.

Change Order: Mr. Young explained that concrete or asphalt paving rather than landscaping has been suggested near the mechanical units and propane tanks at the Fire Station. The paving is a change order request, but is not mandatory. Mr. Young explained that hard surface asphalt would last longer at a comparable price. Commissioner Fiorenzi made a motion to approve the change order request for the Eureka Town Fire Station Project in the amount of \$6,742.59. Commissioner Page seconded the motion. Motion carried 3-0.

JD Ranch Bridge Replacement Project: Mr. Young reported that the contractor has begun work on the JD Ranch Bridge Project. Mr. Damele explained that an issue arose when a rancher needed to irrigate a meadow and had to back the water up to the construction zone. The contractor had to demobilize equipment and materials and will have to remobilize when the rancher is done irrigating in two weeks. There will be an extra cost to the County, and the contractor has been asked to come up with a temporary solution to the irrigation issue. Mr. Young explained that a dike, pond, and pump system can be constructed and water can be pumped to the rancher's ditch to mediate the problem in the future. The contractor should coordinate the matter with the rancher.

2009 Eureka Town Water System Improvement Project: Mr. Young reported that the Eureka Water System Improvement Project has started. The contractor has begun work on some potholes and has already removed the roof of the old water tank. A project meeting has been scheduled for June 9th and meetings will be held every two weeks.

Ruby Hill Sidewalk Project: Mr. Young reported that a pre-construction meeting is scheduled for June 9th on the Ruby Hill Sidewalk Project. The contracts for the project were provided for the Chairman to sign (bid was awarded on May 6th to MKD Construction Company).

2009 Street Maintenance Project: The 2009 Street Maintenance Project is being advertised and the bids will be opened on June 19th at 1:30 p.m.

Traffic Control Plan for July 4th Activities: Mr. Young was asked to complete a traffic control plan for the temporary closure of Highway 50 during the 4th of July street activities. NDOT will not approve a closure without a traffic control plan. Commissioner Fiorenzi made a motion to authorize the County Engineer to complete a traffic control plan in preparation for the 4th of July and submit it Public Works as soon as possible. Commissioner Page seconded the motion. Motion carried 3-0.

RECESS FOR DEVIL'S GATE MEETING

The Board recessed from 11:20 to 11:45 a.m. for the Devil's Gate GID meeting.

MOUNT WHEELER POWER

General Updates: Kevin Robison, Member Services Manager for Mount Wheeler Power, reported on national legislation regarding a carbon tax bill. Approximately 70% of Mount Wheeler's energy is produced from coal, and this proposed carbon tax would increase Mount Wheeler rates by approximately 350%. Mr. Robison traveled to Washington, DC, to speak with legislators and Senator Harry Reid on the matter. The proposed tax revenue generated by this carbon tax does not currently have a research and development component for the purpose of curbing carbon emissions to offset climate change. Mr. Robison will write a letter to NACO, requesting a resolution in opposition to the proposed carbon tax. The bill reportedly has over 950 pages with a cap and trade component. The Board agreed to address the carbon tax matter and directed the Natural Resources Manager to draft a letter. Global warming and Senate Bill (SB) 358, regarding renewable energy, were briefly discussed.

Mount Wheeler has begun working four ten-hour days to curb expenses by cutting down on travel time. The hours have expanded for the Mount Wheeler offices Monday through Thursday to equal the hours that were open during the five day work weeks. New electronic

power meters have been installed in Eureka, Diamond Valley, and Newark Valley. Mr. Robison stated that if the County chose to replace the Town's water meters with electronic meters compatible with Mount Wheeler's system, Mount Wheeler could read the meters under a cooperative agreement with the County, at a tremendous time savings.

RECESS FOR LUNCH

The Board recessed for lunch from 12:00 p.m. to 1:02 p.m.

BUREAU OF LAND MANAGEMENT (BLM)-ELKO DISTRICT OFFICE

Update on BLM Lands in Eureka County: Ken Miller, Elko District Manager, introduced Leona Rodreick, newly instated Public Affairs Officer, and explained that the previous lack of a Public Affairs Officer resulted in lack of communication. Mr. Miller explained that the Elko BLM Office is trying to maintain open communication and cooperation. The County resolution regarding federal agency coordination was recently received by the Elko District Office, and Mr. Miller stated interest in participating in development of a coordination protocol with the County, adding that an employee from their office can be available to come to Eureka anytime for participation in the process.

The Elko District Office will be in contact with the Battle Mountain BLM Office so that every district is communicating effectively on Eureka County issues. Discussion was had on the length of time taken to approve environmental impact statements (EIS) and environmental assessments (EA) by the BLM. Mr. Miller relayed that the Elko District Office will continue to work with the County and Jake Tibbitts, Natural Resources Manager, as well as anyone else as needed or recommended. Status of the Western Watersheds lawsuit against the BLM regarding permit renewals and sage grouse EIS actions was discussed. Currently, the BLM in Nevada is trying to remove itself from the lawsuit which includes the Idaho BLM, so they can focus efforts more appropriately as a separate entity. Mr. Miller agreed to forward a request to Jerry Smith, Field Manager in the Battle Mountain Field Office, to attend a future Eureka County Commission meeting.

SENIOR CENTERS

Update Report: Site Directors, Millie Oram and Adell Panning, reported on their respective centers. Meal counts for May were 931 at the Eureka Senior Center and 703 at the Fannie Komp Senior Center. Total deposits for May were \$6,553.84. The following was reported for Eureka: one van is out of service; the center will be closed July 13th-31st for installation of new flooring, and Ms. Oram is looking into serving meals at the Opera House or one of the schools during this period; 24 families were served through the Food Bank; three families received assistance with LEA (Low Energy Assistance) Program applications; two families applied for indigent medical assistance; and one family completed a welfare application. The following was reported for Crescent Valley: the air conditioners and swamp cooler received routine service from Ruby Mountain Heating & Air Conditioning; three families were assisted with LEA Program applications; and one application for medical indigent assistance is being reviewed.

EUREKA COUNTY SCHOOL DISTRICT

April 2009 Financial Reports: Commissioner Fiorenzi motioned to accept the Eureka County School District financial reports for April 2009. Commissioner Page seconded the motion. Motion carried 3-0.

NATURAL RESOURCES

Activity Report: Jake Tibbitts, Natural Resources Manager, reported that he attended: the special Commission meeting with NDF on May 19th; a Natural Resource Advisory

Commission (NRAC) meeting on May 20th; a meeting with Mary Tumbusch, US Geological Survey (USGS), on May 28th; a State Land Use Planning Advisory Council (SLUPAC) meeting on May 29th; cooperative permittee monitoring on June 4th; and a conference call on Wildfire Awareness Week on June 4th. A copy of the USGS project proposal for evapotranspiration and Phase III of the Diamond Valley Flow System Study was provided for the Board to review. Ms. Tumbusch is incorporating data provided by General Moly into her Phase II report.

Mr. Tibbitts has been addressing legislative issues of concern. The County signed a letter in opposition of House Resolution (HR) 1018, Restore Our American Horses (ROAM). Mr. Tibbitts has had reports of Mormon crickets near Copper Canyon, Crescent Valley, and Cold Springs. A pallet of bait is available in Crescent Valley and can be used when needed. The Nevada Department of Agriculture has been notified and is monitoring the cricket levels. A letter of interest was received for a vacancy on NRAC from Frank Self for the mining representative member. The Nevada Cattlemen's Association is considering becoming an intervener in the Western Watersheds lawsuit against the BLM, and the County has been contacted regarding also becoming an intervener. There are eight affected BLM permittees in Eureka County from the Western Watersheds lawsuit. Mr. Tibbitts noted that he would like to have the Battle Mountain and Elko BLM offices aid in creating a coordination conflict resolution protocol with the County.

Upcoming Meetings: Mr. Tibbitts reported that he will be attending: a NRAC meeting on June 19th; the Central Nevada Regional Water Authority meeting on June 12th; possibly a Nevada Society for Range Management summer meeting June 12th-13th; a Ruby Hill Community Advisory Board meeting on June 16th; a BLM Northeastern Great Basin Resource Advisory Commission tour at Red Hills on June 17th; and a National Environmental Policy Act (NEPA) Committee meeting on June 18th. Mr. Tibbitts reported that he will be continuing with Firewise Community assessments beginning June 15th in Crescent Valley and Beowawe.

Natural Resources and Land-Use Element of Master Plan: Mr. Tibbitts reported that the NRAC budget contains a line item for contract services, which has been used in the past to pay for updating the Land-Use Element of the County's Master Plan. NRAC would like to remain involved in updating the Land-Use portion of the Master Plan, and proposes utilizing these funds to hire a contractor for that purpose prior to the end of the fiscal year. Floyd Rathbun was contacted and provided an estimate of \$5,000.00. This recommendation was made prior to any decisions made by the Planning Commission on the consultant recommended for the Master Plan update. Action on this agenda item was tabled.

Biological Monitoring of Diamond Valley Flow System: Mr. Tibbitts explained that the County and USGS have been focusing on hydrology monitoring of the Diamond Valley Flow System; however, vegetation monitoring can provide valuable information when determining biological impacts. Baseline data is necessary in order to measure changes and impacts and defend causes of the impacts. Mr. Tibbitts further explained that the Natural Resources Office, if allowed, could begin gathering baseline data in the Diamond Valley discharge areas. USGS protocols would be used and are accepted as reliable data. Commissioner Fiorenzi motioned to authorize the Natural Resources Department staff to move forward with biological monitoring of the Diamond Valley Flow System in order to gather baseline data for determination of impacts of groundwater withdrawal. Commissioner Page seconded the motion. Motion carried 3-0.

Joint Funding Agreement with USGS: The agreement with the US Geological Survey has been amended to reflect the County's fiscal year and will be forwarded to the County for final signatures. At their May 18th meeting, the Board approved the Joint Funding Agreement for continuation of the Diamond Valley Flow System Study-Phase III, pending the date corrections.

PLANNING COMMISSION AND COMMUNITY DEVELOPMENT

Professional Services to Update Master Plan: Jim Evans, Community Development Coordinator, reported that earlier that day, the Planning Commission heard presentations,

conducted interviews, and ranked the professionals for the Eureka County Master Plan update. Screening criteria and a summary were provided to the Commissioners on the top four candidates. The top-ranked candidate was the team of Floyd Rathbun and Jeanette Dahl.

Mr. Rathbun and Ms. Dahl addressed the Board, stating they were pleased with the organization and structure of the proposal and interview process. Mr. Rathbun described the basic components of their task regarding the Master Plan update. The existing document will be updated by adding new items concerning the County and removing or changing matters that no longer pertain to the County. Mr. Rathbun has a substantial background in writing planning documents. Ms. Dahl interjected that the Master Plan update will be written in format to easily accommodate incorporation of the 2010 census information when available. The final Master Plan document will belong to the County and community and will not held by Mr. Rathbun and Ms. Dahl.

Negotiations for Contract for Professional Services: Ms. Dahl and Mr. Rathbun provided a copy of their cost estimate and morning's presentation. Details regarding travel and reimbursement, number of meetings, available software, availability of the current Master Plan in a useable format, and County equipment use were discussed in relation to the cost estimate. Commissioner Fiorenzi expressed that he wanted the Land-Use Element to be included in the total contract price proposed to the consultant team. Mr. Rathbun, Ms. Dahl, and the Board considered and calculated the cost of the contract services. Commissioner Fiorenzi made a motion to award the contract for the Master Plan update to Floyd Rathbun and Jeanette Dahl in the amount not to exceed \$72,100.00. Commissioner Page seconded the motion. Motion carried 3-0.

Contract for Professional Services: Mr. Beutel requested direction from the Board on the specifics of the contract. Details of the contract were discussed including named contractors, invoicing, monthly payments, addresses, and deliverables. Mr. Rathbun and Ms. Dahl plan on invoicing separately and submitting invoices monthly. Commissioner Fiorenzi would like the team to supply the Planning Commission with a monthly log or report throughout the process. Commissioner Page suggested that \$10,000 be paid when the deliverables are received, with the remainder divided by six months and split between the two individuals. Commissioner Fiorenzi made a motion to direct the District Attorney to write the contract, and authorize the Chairman to sign the contract after review by all parties. Commissioner Pages seconded the motion. Motion carried 3-0.

EUREKA WAGE AND SALARY COMMITTEE

Recommendations from Wage and Salary Committee: Ron Damele, Chairman of the Wage & Salary (W&S) Committee, called to order a Wage and Salary meeting held in conjunction with the regular County Commission meeting. Those in attendance included: Vice Chair, Joyce Jeppesen; and members, Michael Mears, Diane Podborny, Kathy Kinkade, Toni Wright, Sandy Mariluch, and Ree Taylor. Mr. Damele reported that the W&S Committee worked well together and accomplished its objectives in a timely manner. The W&S Committee surveyed seven surrounding counties as well as the Eureka County School District in order to compare job descriptions and associated salaries. After reviewing the survey information, the Committee found that Eureka County was equitable across the Board with surrounding counties, with the exception of the deputy and communication positions in the Sheriff's Office. The Committee's recommendations were provided to the Board in the following letter:

Eureka County Commissioners
Po Box 677
Eureka, NV 89316

June 8, 2009

RE: Recommendation of the Eureka County Wage & Salary Committee

Dear Commissioners;

The Eureka County Wage and Salary Committee is presenting recommendations based on a review of the wages from surrounding counties. Seven surrounding counties as well as the Eureka County school District and a private employer were contacted for information. Information was received from Elko, Lander, Humboldt, White Pine, and Nye Counties, as well as the School District.

Positions were matched according to job descriptions and the committee's knowledge of duties performed within the county. Some positions were not equitably reflected in other counties, and therefore a comparison was not possible for them. THE committee considered counties that participate in negotiated wages as well as those that do not participate. Appointed department heads and salaried employees were not reviewed.

After reviewing the information, we found that Eureka County is equitable across the board with surrounding counties, with the exception of the deputies and dispatchers at the Sheriff's Office.

The committee recommends the County Commissioners:

- *Abolish the current range and step system.*
- *Implement a percentage based merit increase awarded annually based on an objective criteria evaluation.* The option will be either to award a merit increase recognizing above average performance or not to award a merit increase, and it will be restricted to a single percentage as opposed to the current practice of one or two steps. Length of service will not determine eligibility for a merit increase.
- *Eliminate the initial six-month merit increase, but retain the minimum six-month evaluation period for new hires.*
- *Direct department heads/elected officials to re-evaluate the job descriptions within their department.* We recommend implementing a minimum of three levels of classification per position, based on education, experience, and training. Department heads should also define a base salary/hourly wage for each classification level.
- *Provide assistance to the department heads and elected officials for the timely execution of rewriting job descriptions/level classifications and assigning a base salary/hourly wage.*
- *Direct a restructure of the current performance evaluation form in order to make it less time consuming, more objective and user friendly.* The structure should reflect specific departmental expectations as opposed to the current generic format.
- *Implement supervisor and employee trainings.* Upon approval by the County Commissioners, training sessions should be implemented to inform department heads/elected officials and supervisors of their options and responsibilities in respect to the implementation of the new pay system. Employee sessions should be held to ensure everyone is made aware of the new policy.
- *Direct the re-classification of the deputies and communications personnel at the Sheriff's Office.* Based on the information collected, patrol deputies, detention deputies, and communication personnel are below the overall pay scale for the surrounding counties and should be brought up to scale. There appears to be a \$3.00-\$4.00 discrepancy.
- *Direct the implementation of these recommendations is not retroactive.*

We would like to take this opportunity to thank the Board for allowing the members of this committee to participate in this process.

/s/ Ron D. Damele
Ron Damele, Chairman

/s/ Michael A. Mears
Michael Mears, Member

/s/ Kathy Kinkade
Kathy Kinkade, Member

/s/ Sandra Mariluch
Sandra Mariluch, Member

/s/ Joyce Jeppesen
Joyce Jeppesen, Vice Chairman

/s/ Diane D. Podborny
Diane Podborny, Member

/s/ Toni Wright
Toni Wright, Member

/s/ Ree Taylor
Ree Taylor, Alternate

Acceptance of Recommendations: Following discussion of the recommendations, Commissioner Fiorenzi made a motion to accept the W&S Committee's recommendations and begin implementation steps. Commissioner Page seconded the motion. Commissioner Fiorenzi commented that he would like to approach this in a manner where changes could be implemented simultaneously to make for a less complicated transition, and would like to have

the department heads attend a future meeting to discuss implementation. Chairman Ithurralde requested that every employee receive a copy of the recommendations with their next pay check. Motion carried 3-0.

COMMISSIONERS

Update Reports: Commissioner Page attended the most recent Crescent Valley Town Advisory Board (CVTAB) meeting; and toured water treatment facilities in Fallon, Stillwater Reservation, and at the TS Power Plant.

Commissioner Fiorenzi attended the special Commissioners' meeting with the Nevada Division of Forestry (NDF); the meeting with Governor Gibbons at the Opera House on May 20th; a NRAC meeting on May 20th; and a contract meeting with NDF and the District Attorney on June 3rd.

Chairman Ithurralde traveled to Washington, DC, with Mr. Damele and Abby Johnson, Yucca Mountain consultant, where they met with different congressional members and governmental agencies regarding Yucca Mountain issues. They met with Senator Harry Reid, Congressman Dean Heller, Congresswoman Dina Titus, Congresswoman Shelley Berkley, Senator John Ensign, and associated staff. Other issues discussed included Senate Bill 787, House Bill 1018, hard rock mining bills, greenhouse gas regulations, and the West Carlin I-80 Interchange. The County representatives attended a House and Energy Appropriations Subcommittee hearing where Steven Chu, Secretary of the US Department of Energy, testified. Meetings were had with Diane Curran, Yucca Mountain licensing attorney, and another will be held via videoconference on June 15th. Ms. Johnson will give a complete report on the Washington, DC trip on June 19th.

Resolution Supporting Temporary Closure of Highway 50: Mr. Rebaleati explained that a resolution supporting the Highway 50 temporary closure and a letter pertaining to the matter, if approved, will be attached to the closure permit. Commissioner Fiorenzi made a motion to approve the resolution supporting an official request to Nevada Department of Transportation to close a portion of US Highway 50 (Main Street in Eureka) for the 4th of July street events. Commissioner Page seconded the motion. Motion carried 3-0.

Eureka County, Nevada

June 8, 2009

RESOLUTION SUPPORTING THE TOWN OF EUREKA'S ANNUAL FOURTH OF JULY PARADE AND STREET EVENTS

WHEREAS, the Eureka County Commission, acting as the Board of Directors of the Town of Eureka, with cooperation of the Eureka Volunteer Fire Department, has sponsored an annual 4th of July Parade and Street Events for over 100 years; and

WHEREAS, the Town of Eureka Parade and Street Events have always been held on a portion of State Highway 50 between Robin Street and Bullion Street in the Town of Eureka; and

WHEREAS, Eureka County wants to ensure the economic, cultural, and traditional aspects of celebrating our nation's Independence Day in the Town Eureka;

NOW, THEREFORE BE IT RESOLVED:

That Eureka County hereby supports the annual Town of Eureka Annual Fourth of July Parade and Street Events and Eureka County assumes the responsibility of traffic control and will coordinate all related aspects of maintaining a proper detour from 9 to 2 pm during the 4th of July events.

By: /s/ J.P. Ithurralde
Eureka County Commissioners

Attest: /s/ Jackie Berg
Eureka County Clerk

Fire District Ordinance: Sam Hicks, Northern Region Fire Management Officer for Nevada Division of Forestry, explained that no further changes had been made to the Fire District Ordinance, so the revisions made on May 19th are the only changes to be considered. Mr. Hicks asked the Commission to relay to the public that NDF is not trying to staff all of the volunteer stations with paid NDF personnel, which was stated at a CVTAB meeting by Phil Schmitz, Crescent Valley Volunteer Fire Chief. Commissioner Fiorenzi made a motion to propose the Fire District Ordinance. Commissioner Page seconded the motion. A public hearing was set for July 6th at 3:00 p.m. Motion carried 3-0.

Contract for Forensic Support Services: Commissioner Fiorenzi motioned to ratify the contract signed by Sheriff Ken Jones between Eureka County and Washoe County, for forensic support services for FY 2009-2010 in the amount of \$4,594.00. Commissioner Page seconded the motion. Motion carried 3-0.

Mount Hope Project EIS and NEPA Process: Commissioner Fiorenzi requested that Jim Evans provide the Commissioners with a draft copy of points for the Development Agreement between the County and Eureka Moly. Mr. Evans explained that a consensus still needs to be reached on the terms of the land transfer. Commissioner Fiorenzi would like the tentative decisions on the Development Agreement compiled and provided to the Development Agreement Team. Mr. Evans relayed that the information will be provided and a meeting will be scheduled to address the matter.

2009 Legislative Session: A question had arisen in another meeting attended by Chairman Ithurrealde regarding the Hospital Indigent Fund. Mr. Rebaleati explained that in Eureka County the Hospital Indigent Fund receives a 1 cent tax, which adequately funds the account. Some counties have a 6 cent tax for the same fund. Eureka County also funds indigent care from the General Fund.

PUBLIC COMMENT

Chairman Ithurrealde opened the floor to public comments. Mr. Hicks commented that the Fire District Ordinance review, NDF contract, and volunteer agreements are progressing well. A draft contract may be available by June 19th. Mr. Beutel asked Mr. Hicks if a draft annual operating plan (AOP) would be available. Mr. Hicks explained that draft AOPs are in the making, but will take time as the volunteer chiefs decide what is needed for each fire department. A draft AOP template will be emailed to the Board and Mr. Beutel.

A letter was received from Phil Schmitz, Crescent Valley Volunteer Fire Chief, describing recommendations for the Fire District contract and addressing equipment concerns. The letter asked about the status of the water tender, CV62, which had repairs done and is now having an air brake kit installed. Mr. Hicks explained that CV62 will be returned when complete. Mr. Hicks commented on the Crescent Valley Fire Department's unwillingness to discuss issues with NDF. Mr. Beutel suggested that Mr. Hicks outline and document issues and status of fire equipment for everyone's information. Also, a Crescent Valley brush truck has had electrical issues repaired and received new tires; Mr. Hicks stated that the brush truck will be returned after it has been test driven by NDF staff to ensure that the electrical issues have been resolved.

Commissioner Fiorenzi asked that the status of the 550 rescue truck be addressed at the next Commissioner meeting. The contract comments made by Mr. Schmitz will be addressed when the draft contract is reviewed by the Board. Mr. Hicks relayed that the Battalion Chief position is currently open in Eureka County, and Mr. Hicks is covering operations until the position is filled. Mr. Hicks inquired about the status of the Crescent Valley Fire Department. Commissioner Fiorenzi said that Mr. Schmitz indicated that Crescent Valley wanted to remain in the Fire District and wanted to meet to work out the details. Mr. Hicks was asked to schedule a meeting with Mr. Schmitz and Commissioner Fiorenzi. Commissioner Page requested that a quarterly operational update be provided to the Board from NDF. There were no other public comments.

ADJOURNMENT

At 4:28 p.m., Commissioner Fiorenzi made a motion to adjourn the meeting. Commissioner Page seconded the motion. Motion carried 3-0.

Approved this 6th day of July, 2009.

/s/ J.P. Ithurralde

J.P. Ithurralde, Chairman

Attest: /s/ Jackie Berg

Jackie Berg, Clerk