

EUREKA COUNTY BOARD OF COMMISSIONERS
July 20, 2020

STATE OF NEVADA)
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COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on July 20, 2020. Present were Chairman J.J. Goicoechea; Vice Chairman Michael Sharkozy; Commissioner Rich McKay; District Attorney Theodore Beutel, Esq.; and Clerk Recorder Lisa Hoehne. The meeting was called to order at 9:35 a.m. The Pledge of Allegiance followed. The interactive video conferencing system was not connected and utilized between Crescent Valley and Eureka due to an unresolved audio “echo”.

APPROVAL OF AGENDA

Chairman Goicoechea moved to remove from consideration the 1:35 p.m. agenda item regarding the Veteran’s Memorial Park and table the minutes to provide more time to complete a draft; Sheriff Jesse Watts requested an item under the Sheriff’s agenda items also be removed from consideration; Commissioner McKay motioned to approve the agenda as amended; Commissioner Sharkozy seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Goicoechea called for public comment; there were none.

COUNTY COMPTROLLER

Payment of Expenditures: Expenditures were presented for approval by Comptroller, Kim Todd. One expenditure needed separate action due to being over 6 months old. A bill from Wells Propane (for the Crescent Valley Dumping Station), was not received via email or otherwise in a timely manner; Commissioner McKay motioned to approve the expenditure to Wells Propane dated December 26, 2019 for the Dunphy Fire Station in the amount of \$452.03; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Commissioner Sharkozy motioned to approve expenditures in the amount of \$632,760.68 for accounts payable, which includes the \$452.03 to Wells Propane and \$94.90 in Yucca Mountain expenses; Commissioner McKay seconded the motion. motion carried 3-0.

Fund Balance Report: The Board reviewed a report on all current fund balances.

COMMISSIONERS

Hearing pursuant to NRS 338.1381: Chairman Goicoechea called the hearing to order at 10:02 a.m. and allowed the contractor to proceed.

Tillio Olcese, Owner and President of Olcese Construction Company, stated Olcese tore the Klindt building down between the Senior Center and Courthouse in Eureka, and they have a good track record with the County so they would like the County to reconsider allowing Olcese to bid.

Mike Bennett with Lumos and Associates explained Lumos received 9 responses on behalf of Eureka County to the call for pre-qualification to bid and recommended two applicants be disqualified, and Olcese Construction Company was one of them, because Olcese failed to prove bonding capacity and insurance, did not include a Safety Plan, and did not sign one of the pages of the pre-qualification; upon further inspection Olcese received 3 citations from OSHA of which 2 were considered major. Olcese did provide additional paperwork after being rejected. Lumos

did a review and found the Safety Plan was still not compliant with NRS standards. Lumos and Associates does not recommend making any changes.

Chairman Goicoechea closed the hearing at 10:10 a.m. An immediate deliberation and decision of the matter was made. Chairman Goicoechea stated based upon the paperwork and the evidence presented in the hearing, his recommendation was to uphold the Public Works Director's decision and the decision of Lumos and Associates. Commissioner McKay stated he empathizes with Olcese, but allowing them to bid on the project with an incomplete application would set a bad standard for contractors in the future. Commissioner McKay stated he believes Olcese's bid should not be accepted. Commissioner Sharkozy stated he agrees the Commissioner should not pick Olcese. Commissioner McKay motioned to disqualify Olcese Construction Company's bid; Commissioner Sharkozy seconded the motion; motion carried

Pray and Company's Proposal: Commissioner McKay stated there were three possible elements the County could hire Pray and Company to accomplish. The first element is for recruitment of a Human Resource Director. The second element is for investigations. Commissioner McKay stated the County will be utilizing POOL/PACT for future human resource investigations. The third element is for Pray to continue modifying language in the County Personnel Policy.

Chairman Goicoechea stated that he would like to see Pray and Company finish up policy language in the Personnel Policy, and at this time the County does not need them for recruitment. For investigations, the new Human Resource Director may wish to access an outside contractor for help and that decision should be made by the new HR Director when and if needed and not by the Board at this time.

Commissioner Sharkozy motioned to notify Pray and Company the County would like to have Pray finish suggested changes to the Personnel Policy and invoice the County for those services and not take any further action until the County has a Human Resource Director in place who may wish to utilize Pray's services; Commissioner McKay seconded the motion; motion carried 3-0.

Mutual Release of Claims: Chairman Goicoechea participated in an Early Neutral Evaluation conference in case number 3:20-CV-0130-RCJ-WGC before the United States District Court on July 1, 2020. The County has not received the final agreement from outside counsel at the time of this meeting. There is no monetary exchange of any kind in this case. The parties came to an agreement that certain documents and records would be destroyed. There is also an agreement that a former employee would not seek employment at the Eureka County Sheriff's Department as a peace officer while the current District Attorney is still in Office. Chairman Goicoechea would like to ask the Board to give him authority to sign that agreement outside the meeting with the understanding this is the agreement outline. Commissioner McKay motioned to give Chairman Goicoechea authority to sign the agreement outside of the meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0.

BOARD OF HEALTH

Board of Health's recommendation to appoint a Health Officer: Kenny Sanders, Vice Chairman of the Eureka County Board of Health, stated the Board of Health recommends J.J. Goicoechea as County Health Officer. Commissioner McKay motioned to appoint J.J. Goicoechea as the County Health Officer for Eureka County; Commissioner Sharkozy seconded the motion; Chairman Goicoechea abstained from voting, motion carried 2-0.

Updates on items related to COVID-19: Chairman Goicoechea stated he believes the Governor may scale back to Phase 1. Eureka County was not identified as a "red or yellow zone" by the White House. Deaths are down in the State, and have been for the past 8 days, but hospitalization is up in Southern Nevada. The Board needs to be prepared for Phase 1 again.

Chairman Goicoechea does not believe we will need to make another Emergency Declaration at this time.

Sheriff Watts stated that his recommendation is the County should stay the course and keep doing what we are doing. After the 4th of July we have not had a large spike. He thinks the County's stance should not change.

Chairman Goicoechea would like to recommend that everyone stay safe, stay smart, keep doing what you are doing. Wear masks if you want. Community testing begins on Tuesday, July 21, 2020 and Wednesday, July 22, 2020.

Chairman Goicoechea stated the County was awarded \$370,000.00 from the CARES Act to assist the County to offset costs from COVID. The County plans to use a portion of that money to boost internet access in the County and that should also help the School District with distance learning. Nearly half the money has already been spent. The Chairman would like to see some of this money used to add more wireless antennas. The CARES Act money needs to be expended by December 31, 2020.

Commissioner McKay stated as part of the school re-opening plan, the County School District plans to do an assessment of WiFi capabilities in the County. The Superintendent of Schools would like to work with the County to identify gaps in WiFi infrastructure to support distance and online learning.

Commissioner Sharkozy asked if SkyFiber was still planning on placing a tower in Crescent Valley; Chairman Goicoechea stated that prior to COVID, SkyFiber was planning on that; Jeb Rowley informed the Board the only contact with SkyFiber he has had was a request for power to the tower location. SkyFiber is in the process of moving over to that location.

PUBLIC WORKS

Contract ratification with SNC: Chairman Goicoechea stated this bid was awarded in the Board meeting July 6, 2020, signed by the Chairman subsequent to that award, and a notice to proceed will be issued immediately upon ratification; Commissioner Sharkozy motioned to approve a contract ratification with Sierra Nevada Construction (SNC) in the amount of \$3,414,007.00 for the 2020 Road and Airport Maintenance Project, PWP EU-2020-328; Commissioner McKay seconded the motion; motion carried 3-0.

Report on Public Works projects and activities: Jeb Rowley, Public Works Director, stated the arsenic media was replaced in the Crescent Valley treatment plant; the water line extension is well on its way, and the County is now working out of the Highway 50 right of way; the Senior Mechanic position was filled, David Jones was hired for that job; SNC is ready to start their project in Crescent Valley, and the County will work to get out a schedule so people know when the road chipping will begin.

2020 Road and Airport Maintenance Project: Jeb Rowley stated some money budgeted for road improvements could extend the application of seal on the roads to Diamond Valley. Commissioner McKay motioned to approve utilizing the remaining balance of budgeted funds for the 2020 Road and Airport Maintenance Project, PWP EU-2020-328 from RTC Dept Capital Outlay (025-110-55010-000) in the amount of \$385,993.00 to maximize the work that can be accomplished; Commissioner Sharkozy seconded the motion; motion carried 3-0.

¾-inch residential water service in Crescent Valley: Commissioner Sharkozy motioned to approve a ¾-inch residential water service application in Crescent Valley to serve APN #002-021-04; Commissioner McKay seconded the motion; motion carried 3-0.

¾-inch residential water service in Devil's Gate General Improvement District (GID) District #1: Commissioner Sharkozy motioned to approve a ¾-inch residential water service in Devil's Gate General Improvement District (GID) District #1 to serve APN #007-380-07; Commissioner McKay seconded the motion; motion carried 3-0.

EMS

EMS Report: Kenny Sanders, EMS Director, provided the Board with an update regarding EMS runs in Eureka County for the month of June. There 19 runs for service, 11 of those calls were refusals for transport for further evaluation or care, 5 were transfers to MedX Air, 1 was transferred to REACH Air, 1 was transferred to William Bee Ririe Hospital, and 1 was transferred to Northeastern Nevada Regional Hospital. There is one additional volunteer in process to assist Crescent Valley EMS staff. A CPR/First Aid class is scheduled July 30, 2020 for the School District's bus drivers to renew their certification.

SHERIFF

Employee of the Quarter: Sheriff Watts stated Maureen Garner was voted as the Employee of the Quarter for both the first and second quarters of the year.

National Night Out: Commissioner McKay motioned to proclaim August 2, 2020 National Night Out; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Two Patrol Trucks: Sheriff Watts stated the cost of these trucks will cover all of the upgrades necessary to two new F-150, half-ton pickups. \$120,000.00 was budgeted for these trucks. The Sheriff indicated he was using State purchasing, but said Gallagher Ford beat the cost through State purchasing for the requested upgrades.

Jeb Rowley requested that Sheriff Watts inform the Road Shop when another company is doing the add-ons to these trucks, because the Shop needs to make sure they are up to the County's standards.

Kim Todd clarified that if the Sheriff does not use State purchasing, he must get two quotes. Chairman Goicoechea requested the Sheriff try to save the County money and get two quotes and use the lowest quote.

Commissioner Sharkozy motioned to approve a Capital Outlay purchase of \$120,000.00 for two half ton patrol vehicles which includes everything; lights, bars, decals, etc.; Commissioner McKay seconded the motion; motion carried 3-0.

Two speed feedback signs: Sheriff Watts stated that these signs were approved during the budget process to come out of Capital Outlay. The signs are completely solar and pole mounted. Sheriff Watts stated he will be meeting with NDOT to get the locations and coordinates for the signs. These signs will show "your speed" or any other message that the County wishes to place on the signs. The signs will also have flashing blue and red lights to indicate if someone is speeding.

Commissioner Sharkozy motioned to approve a Capital Outlay purchase for two speed feedback signs; Commissioner McKay seconded the motion; motion carried 3-0.

Out of state travel to St. George, Utah: Commissioner McKay motioned to approve out of state travel for Deputy Collins to attend Desert Snow, Highway Interdiction Training in St. George, Utah on August 18-22, 2020; Commissioner Sharkozy seconded the motion; Chairman Goicoechea reminded the Sheriff of the County policy regarding only traveling for essential needs during the Covid-19 Pandemic. He stated he appreciated the essential need for training, but urged caution related to travel at this time. The motion carried 3-0.

Out of state travel to Torrance, California: Commissioner McKay motioned to approve out of state travel for Deputy Korth and Deputy Kees to attend the Gracie Defensive Tactics Instructor Course in Torrance, California on September 13-19, 2020; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Notification of Grant Award from the State of Nevada, Office of Traffic Safety: Chairman Goicoechea asked if there was a County match, Sheriff Watts said there was a 25% match and all this money will go to equipment for Patrol.

Commissioner Sharkozy motioned to approve the Notification of Grant Funding of \$25,000.00 from the State of Nevada, Office of Traffic Safety; Commissioner McKay seconded the motion; motion carried 3-0.

Notification of Funding Award from the State of Nevada, Office of Traffic Safety (Joining Forces): Sheriff Watts informed the Board the State receives this funding then disperses this money to each County. Sheriff Watts stated this is an overtime reimbursement for traffic safety, last year the County received \$23,000.00, this year the County should receive \$25,000.00; Chairman Goicoechea asked if Kim Todd notifies the State or if the Sheriff notifies the State of its expenditure; Sheriff Watts stated that Sergeant Thomas sends in information to the State.

Commissioner Sharkozy motioned to approve the notification of funding award from the State of Nevada, Office of Traffic Safety (Joining Forces); Commissioner McKay seconded the motion; motion carries 3-0.

BID OPENING – EUREKA SEWER POND UPGRADES – POND 1 SLUDGE REMOVAL AND RELINING PROJECT

Final call for bids: Chairman Goicoechea made a final call for bids, there were no additional bids provided.

Open, read, and accept bids: Mike Bennett, Lumos and Associates, stated there were 3 bids received from Sierra Nevada Construction, MKD Construction, and Remington Construction.

Sierra Nevada Construction acknowledged both addendums, provided proof of preferential bidder status and contractor's license, were pre-qualified, acknowledged the Boycott of Israel, signed the affidavit of non-collusion, have their subcontractor list, both 5% and 1%, have the bid bond, and have signed their bid, for a total base bid of \$1,112,007.00.

MKD Construction acknowledged both addendums, preferential bidder status and proof of contractor's license, they were pre-qualified, acknowledged the Boycott of Israel, signed the affidavit of non-collusion, have their subcontractor list, both 5% and 1%, have the bid bond, and have signed their bid, for a total base bid of \$1,091,000.00.

Remington Construction acknowledged both addendums, have preferential bidder status, a contractor's license, they were pre-qualified, acknowledged the Boycott of Israel, signed the affidavit of non-collusion, have their subcontractor list, both 5% and 1%, have a bid bond, and have signed their bid, for a total base bid of \$742,742.00.

Mike Bennett stated that it appears Remington Construction is the apparent low bidder. Mr. Bennett will review the bids for errors and be back at 1:30 p.m. with a determination. Commissioner Sharkozy motioned to accept the bids; Commissioner McKay seconded the motion; motion carried 3-0.

NATURAL RESOURCES

Report on Natural Resource Issues: Jake Tibbitts, Natural Resource Manager, informed the Board the Chairman and the Natural Resources Manager attended a meeting with the Elko BLM July 14, 2020 regarding AUM grazing forage allocations for trailing permits, when people are moving cattle from one area to another, not crossing private land. Jake Tibbitts thanked the Elko BLM and Gerald Dixon, the new BLM District Manager, for help gaining some clarity.

Mormon crickets are still at the 9th Street and 12th Street areas, and the Department of Agriculture field technician will be do some field checks and determine whether to do some baiting.

Legislative Committee on Public Lands: Chairman Goicoechea informed the Board the July 22, 2020 meeting of the Committee was canceled. Jake Tibbitts stated the paperwork that was in this Board's meeting packet was provided to the Legislative Committee on Public Lands and will be considered in the next Committee meeting, which should take place in August. No further action needed.

USDA Solicitation of Input from Stakeholders on Agricultural Innovations: Jake Tibbitts stated the USDA's agenda does not focus on some of our agriculture industries, or our industries in Nevada and Eureka County, including open range livestock, ranching, and some of our agricultural commodities. Mr. Tibbitts would like to weigh in and focus on rangeland ranching and water, which needs to be included. The comment period ends August 1, 2020. Mr. Tibbitts will attend two webinars regarding this issue. A placeholder letter has been provided to the Commissioners for review.

Chairman Goicoechea, Commissioner Sharkozy, and Commissioner McKay agree the County should make a comment. Chairman Goicoechea will work with Mr. Tibbitts to finalize the letter.

Commissioner McKay motioned to authorize the Chairman to sign the letter outside of the meeting; Commissioner Sharkozy seconded the motion; motion carried 3-0.

RUBY HILL MINING COMPANY

Joseph Martini, Director of Environmental Affairs, Elko Mining Group, and Randy Hassen, Ruby Hill Mine Manager, presented a slide show to the Board regarding mining plans at Ruby Hill Mine.

Dennis McCoy and Sons have been hired on as the contractor for the mining operation. There will be approximately 20 people on site. They will be living in the Ruby Hill Mining Complex Apartments. McCoy will bring their own people to mine.

Commissioner McKay asked if Ruby Hill Mining Company was hiring any new hires or if there were any lateral transfers. The plan is to have 25 total employees once hiring is complete. Commissioner McKay also asked if the 13-month estimation for mining was flexible, and it can be. Chairman Goicoechea asked if there were any plans for exploration. Mr. Martini stated they are always looking to explore. Commissioner Sharkozy asked if they are giving preference to Eureka County applicants; Randy Hassen stated they have already hired several locals. Chairman Goicoechea thanked Mr. Martini and Mr. Hassen for their presentation and told them to come to the Board if they needed anything.

BID AWARD – EUREKA SEWER POND UPGRADES – POND 1 SLUDGE REMOVAL AND RELINING PROJECT

Mike Bennett, Lumos and Associates, recommended Remington Construction, they were the low bid and the bid was complete; Commissioner Sharkozy motioned to award the bid to Remington Construction for the 2020 Eureka Sewer Pond Upgrades – Pond 1 Sludge Removal and Relining Project, PWP EU-2020-322 for the amount of \$742,742.00; Commissioner McKay seconded the motion; motion carried 3-0.

TV DISTRICT

Bill Leppala, President of the TV Board, requested 250 megabytes of fiber to Tank Hill, in order to provide TV to the residents of Eureka. Misty Rowley, IT Director, asked if the TV Board needs internet, or fiber. It would cost \$1,200.00-\$1,300.00 per month for fiber. Chairman Goicoechea asked if the TV Board needs "a hole in the pipeline" from the Courthouse to Tank Hill. Mr. Leppala stated they just need access to the fiber to get to Tank Hill. Misty Rowley asked if the TV Board has the \$1,300.00 per month in their budget, and this fiber at the rate of 250 megabytes would come from AT&T through a third-party provider. Mr. Leppala stated the money was available in the current budget.

Commissioner McKay motioned to approve the Eureka County Television District to utilize a port on the County's fiber circuit at the Courthouse for access to AT&T fiber at the rate of 250 megabytes; Commissioner Sharkozy seconded the motion; Chairman Goicoechea stated that this is with the understanding the TV District will buy their own data; motion carried 3-0.

CORRESPONDENCE

Correspondence was received and reviewed.

PUBLIC COMMENT

Chairman Goicoechea called for public comments; there were none.

Nevada Rural Housing would like to be added to the next agenda; the VFW Memorial Park would be included as well; and the introduction of new Deputies under the Sheriff's agenda items.

ADJOURNMENT

Commissioner Sharkozy moved to adjourn the meeting at 1:55 p.m.; Commissioner McKay seconded the motion; motion carried 3-0.

Approved by vote of the Board this 14th day of August, 2020.

/s/ J.J. Goicoechea
J.J. Goicoechea, Chairman

I, Lisa Hoehne, Clerk Recorder of Eureka County, acknowledge and accept the attached minutes as approved by the Board of Eureka County Commissioners.

/s/ Lisa Hoehne
Lisa Hoehne, Clerk Recorder