

EUREKA COUNTY BOARD OF COMMISSIONERS

August 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 August 20, 2020. Present were Chairman J.J. Goicoechea; Vice Chairman Michael Sharkozy (via telephone); Commissioner Rich McKay; District Attorney Ted Beutel (via telephone); and Commissioner Administrative Assistant Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance.

The meeting was conducted telephonically pursuant to Governor Sisolak’s Declaration of Emergency Directive 006, which was extended by subsequent Directives through duration of the current State of Emergency. County staff and members of the public were able to attend the meeting via a toll-free conference call number.

APPROVAL OF AGENDA

Chairman Goicoechea noted the following changes to the agenda: General Election update by the Clerk Recorder was removed; IT items were moved to an earlier time; and Eureka Business Network was moved to a later time.

Commissioner McKay motioned to approve the agenda with those changes; Commissioner Sharkozy seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Goicoechea opened the floor for public comments.

Sheriff Watts said he received a phone call earlier in the week from a gentleman who assists with coordination of the Burning Man event. The call was to inform the Sheriff of his intent to host a Music Fest, with up to 25 bands, in northern Eureka County in the near future. Although the plan is to hold the event on private property, Sheriff Watts cautioned the Board that large gatherings like this have an impact on County resources and Eureka County may want to consider requiring special event permits as other counties do.

IT DEPARTMENT

IT Update: IT Director Misty Rowley introduced Blaine Bacon who was hired for the IT Support/Helpdesk Technician position. Along with training new staff, Ms. Rowley has been working on completion of the fiber and wireless projects started the previous fiscal year. Confirmation is expected from Mt. Wheeler any day that upgraded poles have been installed, which will carry aerial fiber for the County. Work is being done to repair the AS400 backup system. She is working with Commissioner McKay to finalize the scope for the wireless 5G assessment, with deliverables expected by the end of September.

Syber Networks: IT has contracted with Syber Networks for assistance on the County’s fiber infrastructure, and continued support will be needed for the upcoming fiber projects.

Commissioner McKay motioned to authorize payment of up to \$10,000.00 to Syber Networks utilizing monies budgeted for fiber optic and network upgrades in the Capital Projects Fund. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Fiber Projects: Commissioner McKay motioned to approve purchase of two fiber modules for the Eureka Fiber Expansion Project for an amount not to exceed \$5,280.76 utilizing monies budgeted for fiber optic and network upgrades in the Capital Projects Fund. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Commissioner McKay motioned to authorize purchase of two APC Smart uninterruptable power supplies for an amount not to exceed \$3,220.80 utilizing funds budgeted for capital outlay in the Technology Support Fund. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Commissioner McKay motioned to approve purchase of two fiber modules for switches in Crescent Valley for an amount not to exceed \$4,096.23 using funds budgeted for capital outlay in the Technology Support Fund. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

APPROVAL OF MINUTES

August 14, 2020: Commissioner Sharkozy motioned to approve minutes of the August 14, 2020, Commission meeting. Commissioner McKay seconded the motion. Motion carried 3-0.

COMPTROLLER

Payment of Expenditures: Expenditures were presented for approval by Comptroller Kim Todd, who noted that two invoices required specific action since they were over six months old (due to the vendor using an obsolete email address).

Commissioner McKay motioned to approve payment to Quill in the amount of \$5.31; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Commissioner McKay motioned to approve payment to Quill in the amount of \$397.78; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Commissioner Sharkozy motioned to approve expenditures in the amount of \$522,517.57 for accounts payable, including the two Quill invoices approved separately, and \$99.40 in Yucca Mountain expenses for a grand total of \$522,616.07; Commissioner McKay seconded the motion; motion carried 3-0.

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

COMMISSIONERS

Health Insurance Advisory Committee: A letter was received from Michaella EliceGUI stating her interest in serving on the Health Insurance Advisory Committee.

Commissioner McKay motioned to appoint Michaella EliceGUI to the Health Insurance Advisory Committee representing Courthouse employees for the remainder of a two-year term through December 31, 2021. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Plain Talk Newsletter: The Board discussed content for the next edition of the *Plain Talk* newsletter with Editor Abby Johnson. Several topics were discussed and the Chairman asked Ms. Johnson to reach out to the School District for any updates related to COVID-19. He also asked that the newsletter include acknowledgement that the Fair Board carried out a successful County Fair despite restrictions and difficulties related to COVID-19.

Ms. Johnson will send an email to all those providing details or updates. She asked that all submissions be sent to her by September 4th so she can get a draft to Public Works by September 16th for publication and mailing by the end of September.

YUCCA MOUNTAIN

Yucca Mountain Update: Abby Johnson, Nuclear Waste Advisor, provided an update on current developments with the Yucca Mountain Project.

Nevada Agency for Nuclear Projects: On the State level, Bob Halstead, Executive Director of the Nevada Agency for Nuclear Projects, retired in July after many years of opposing the Yucca Mountain Project. The Director position is now being advertised.

Dr. Fred Dilger continues working as transportation advisor to the Nevada Agency for Nuclear Projects, so Ms. Johnson felt the State is being well-served on transportation issues.

Secret Shipments to Nevada: In June, Governor Sisolak announced that an agreement was reached with the US Department of Energy to remove one-half metric ton of plutonium that was secretly shipped to the Nevada National Security Site (Yucca Mountain Repository site) in 2018.

The plutonium will be removed between 2021 and 2026, and the agreement requires that the State be notified if any future shipments are planned.

National Hearings: Congressional hearings were held in July to consider energy and water development appropriations for Fiscal Year 2021. The DOE requested \$27.5 million to develop interim storage sites (possibly in Texas and New Mexico), but requested no money for licensing or development of the Yucca Mountain site.

Nuclear Waste Policy Act: In an E&E (Environment & Energy) publication, Ms. Johnson read that Secretary of Energy Dan Brouillette conceded that the Nuclear Waste Policy Act precludes the DOE from actively seeking a specific new waste site or licensing interim storage elsewhere, so the entire program is basically in limbo until Congress amends the Act.

JOHN BIALE SR. VETERANS MEMORIAL PARK

Update on VFW Park: Ralph Cuda, member of VFW Post 8194, gave an update on construction plans for the John Biale Sr. Veterans Memorial Park. Plans and drawings are finalized. About \$30,000.00 has been raised to-date (\$15,000.00 from the Recreation Board, \$10,000.00 from the Elko Mining Group, and \$5,000.00 in private donations). VFW members worked on a preliminary estimate, projecting the entire park will take several years to construct and will cost about \$240,000.00. A local contractor will soon begin excavation, leveling, and drainage work.

Mr. Cuda showed a conceptual photo and described the park, which will consist of a central memorial constructed of cobblestone and granite surrounded by a display of flags, grass, picnic tables, and a stage in the back for VFW ceremonies and other community use. The decision on whether to include restrooms is still being debated and will be addressed later in the process.

Donation Request: Mr. Cuda asked that the Board consider budgeting a future donation towards the park. The Chairman asked the Comptroller to include this in the next budget cycle and offered that the Board might be able to consider a donation later in the current budget year.

Commissioner McKay inquired whether the VFW was having success finding grants. Mr. Cuda replied that someone was hired to complete grant applications, but most grants are currently suspended due to COVID-19.

PLANNING COMMISSION

Ridgetop Road Utility Connections: Certain parcels on Ridgetop Road in Eureka, currently owned or formerly owned by David Pastorino, include a condition that utility connections for water and sewer are the responsibility of the lot owner and must be done by a licensed contractor.

At the August 3rd meeting of the Planning Commission, Jeb Rowley suggested that Public Works be given authority to consider granting a waiver of this requirement, on a case-by-case basis, to allow Public Works to install the utility connection. He felt this would add an additional layer of protection for the County's mainline infrastructure. The Planning Commission agreed and voted in favor of making this recommendation to the Board of County Commissioners.

Commissioner McKay motioned to approve the Planning Commission's recommendation that the Public Works Director be authorized to review written requests from property owners of certain lots on Ridgetop Road (either currently or formerly owned by David Pastorino) to consider granting a waiver of the requirement placed on these lots that utility connections for water and sewer must be performed by a licensed contractor and, when appropriate and consistent with Eureka County Code, to instead authorize that the connections be performed by Public Works employees. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

TREASURER

Treasurer's Report: The Treasurer's Report for July was presented by Treasurer Pernecia Johnson, showing an ending General Fund balance of \$34,250,563.79. Ms. Johnson noted that staff will be opening bids later in the day for the August 20th Tax Delinquent Properties Auction, with a sealed-bid deadline of 4:00 p.m. on August 19th. Results will be reported at the next meeting.

SHERIFF

Copy Machine: Sheriff Jesse Watts budgeted for a copy/scan/fax machine to replace the machine at the Sheriff's Office in Eureka. The current machine will be moved to Crescent Valley, and the machine in Crescent Valley will be utilized in the Commissioners' office which currently has no copy machine.

Commissioner Sharkozy motioned to authorize the Sheriff to purchase a copy/scan/fax machine for the Eureka County Sheriff's Office for an amount not to exceed \$15,000.00 utilizing monies earmarked for capital outlay in the Sheriff's budget. Commissioner McKay seconded the motion. Motion carried 3-0.

Undersheriff Job Description: The Sheriff explained that the Undersheriff job description had not been updated since 2006 and didn't adequately reflect essential functions and physical requirements of the position. The updated job description has been vetted thru Nevada POOL/PACT and the Comptroller's office.

Commissioner McKay motioned to approve the updated Undersheriff job description; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Hiring Freeze Waiver – Undersheriff: Commissioner Sharkozy motioned to waive the hiring freeze and authorize the Sheriff to fill the position of Undersheriff; Commissioner McKay seconded the motion; motion carried 3-0.

Fee Schedules: Sheriff Watts informed that staff has worked to update fee schedules in the Sheriff's Office to better reflect actual costs and to be consistent with neighboring jurisdictions.

Commissioner McKay motioned to approve the updated Sheriff's Fee Schedule and Civil Fee Schedule, effective September 1, 2020. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

COUNTY FACILITIES

Facilities Update: Joyce Jeppesen, Public Works Assistant Director-Administration, gave an update on activities at County managed facilities in recent months.

Eureka Opera House: In June and July, the Opera House had 225 tourists and 63 people at various events. These numbers show the effects Coronavirus is having on tourism and events, as there are typically 1,000 more visitors during the busy summer months.

Sentinel Museum: The Museum had 265 visitors in June and July, which is also 1,000 less than typical. Ree Taylor is preparing new exhibits for display cases at the Courthouse and Administrative Facility and is cataloging a large family donation with over 1,000 photos and documents.

Swimming Pool: The Swimming Pool had 1,396 swimmers for June and July, about 400 less than the previous year. Public swimming lessons were offered for two weeks with a decent turnout. Six new casual employees were hired for the season. Four have lifeguard certification and two are attendants who will soon have certification. Pool employees assisted with town cleanup in Eureka in preparation for the 4th of July holiday (including cleaning/weeding the Spring Street Ditch). The next cleanup project will be at the Eureka Landfill.

Chairman Goicoechea voiced appreciation for the cleanup work being done by the young people, noting it reduces the County's reliance on the NDF Conservation Camp crews.

Eureka Canyon Subdivision: Ms. Jeppesen relayed that the last lot sale at the Subdivision was in February, but Ledcor has inquired about lots. A total of 11 lots have been sold and there are 58 remaining. A shipping delay occurred with the transformers, but Mt. Wheeler Power hopes to have them in time to begin installation in early September.

Eureka Airport: Fuel sales at the Airport are down just a bit, but the new payment terminal is working great and has vastly improved connectivity over the old dial-up system.

Eureka Landfill: The Landfill had 1,125 customers in June and July. Items received for recycling included 436 pounds of batteries and 839 tires (as part of June cleanup). The County will pay to have the tires hauled for recycling.

PUBLIC WORKS

Public Works Update: Public Works Director Jeb Rowley reported on projects and activities.

Devil's Gate Mainline Extension: Mr. Rowley stated that construction of the water line extension on Selim Way (in Devil's Gate GID) is complete and ready to be charged pending final approval from the State, which is expected by the following week.

Sewer Pond Remediation: The hauling phase of the remediation project at the sewer ponds has been completed well before the deadline. The contractor, Remington Construction, removed and hauled approximately 3,000 yards of sludge and material to the Landfill, much less than the original estimate of 6,000 yards. The contractor is currently calculating cut and fill ratios to complete that portion of the project. Once the site work is done, piping will be installed. The pond should be back in service by October 1st, and then remaining site work (such as fencing) will be completed.

Street Maintenance: The Crescent Valley portion of the Street Maintenance Project is complete and included chipping and micropaving of all asphalt – paved streets and parking lots.

The crew relocated to Eureka on August 19th to begin work there and in Diamond Valley. A concrete crew will replace damaged curb and gutter in Eureka and will construct some new sidewalk and curb and gutter downtown, including at the “caboose lot” on Main Street.

This project includes Eureka Airport and work will begin there on August 31st. NOTAMs will be posted to inform aircraft of paving and striping work, which will affect the Airport for about a week and a half. The concrete crew will repair a drain at the Airport, which is necessary in the event of a fuel spill. Coordination will be done during the entire project so that access to services at the Airport, such as medical flights and fuel, will not be interrupted.

Water Service Application: Commissioner Sharkozy motioned to approve a 3/4-inch residential water service in Crescent Valley for APN 002-056-06; Commissioner McKay seconded the motion; motion carried 3-0.

NATURAL RESOURCES

Report on Activities: Natural Resources Manager Jake Tibbitts reported on recent activities, meetings, and upcoming events.

Proposed Water Legislation: On August 18th, Mr. Tibbitts participated in a conference call with the Division of Water Resources that included a broad spectrum of stakeholders. The call was to discuss the State Engineer's Bill Draft Requests that have been sent to the Legislative Counsel Bureau to be drafted for the 2021 Nevada Legislative Session. One BDR proposes a formula for banking agricultural water and another incentivizes conservation of irrigation water. Mr. Tibbitts will keep the Board informed as these bills move forward.

Extension Advisory Council: Mr. Tibbitts attended the Cooperative Extension Advisory Council meeting on August 18th. The Council is working on its enhancement requests to the Legislature, although the enhancements will likely not move forward in the next session due to the financial issues surrounding COVID-19. If additional funding is established, it will bolster 4-H Programs around the State, including creation of some new county-level positions.

GMP Litigation: Mr. Tibbitts noted that litigation will move forward in the Nevada Supreme Court on the Diamond Valley Groundwater Management Plan, but an emergency motion for stay of Judge Gary Fairman's April 2020 District Court decision was denied earlier this week by the Nevada Supreme Court. The GMP, originally approved by the State Engineer and a majority of water users in Diamond Valley, was successfully challenged in the Seventh Judicial District Court by some of the senior water users and will now be heard on appeal at the State level.

Mr. Tibbitts wanted the record to reflect that he will make himself available to assist farmers and water rights holders in Diamond Valley looking for a solution. In 2015, the State Engineer designated Diamond Valley as a Critical Management Area, and there are essentially five years remaining in a 10-year timeframe for groundwater rights holders to develop a plan to remove the CMA designation.

Wild Horse Issues: Mr. Tibbitts noted this is one of the most severe drought seasons the area has ever seen. He discussed the tough conditions that wild horses are facing in Herd Management Areas in and adjacent to Eureka County, as well as on rangelands outside the HMAs where horses drift, particularly when resources in the HMAs are stressed. He is hearing frequent reports of horses dying of thirst and starvation in Eureka and neighboring counties.

The Fish Creek HMA faces a lack of resources even in a so-called “normal” year and is greatly affected by the drought. The BLM just received approval to conduct an emergency gather to remove 30 horses from that HMA and crews should begin setting up bait and water traps shortly.

The Diamond Complex was included on the BLM’s gather schedule this fall and the Fish Creek HMA was included for a winter gather. Unfortunately, the emergency gathers are expected to affect the scheduled gathers because of limited holding capacity for the horses.

The BLM received authorization to award contracts for three new and one expanded holding facility for up to 8,500 horses, but with a 30-day appeal period and then construction time, it will be several months before these are available.

Chairman Goicoechea added that John Raby, Nevada State Director for the BLM, attended the Sagebrush Ecosystem Council meeting on August 13th and confirmed that scheduled gathers, including the Diamond Complex, could not be done due to the emergency gathers. The Chairman reached out to the affected permittees who voiced concerns and said the BLM needs to understand that overpopulation of wild horses in the Diamond Complex is an emergency.

As a veterinarian, the Chairman has been called several times over the past couple weeks to assist the BLM with horse assessments and a plan forward for Eureka County. He acknowledged that many of the horses are not healthy enough to withstand a gather and the mortality rate would be excessive. The BLM is considering the best method to lessen impacts to the rangeland while ensuring horses are healthy enough for a gather.

Letter to BLM Concerning Gathers: Mr. Tibbitts asked that the Commissioners send a letter to the BLM documenting the overpopulation issues in and adjacent to Eureka County, and asking that the BLM do everything possible to continue with the wild horse gathers as scheduled, especially in the Diamond Complex and Fish Creek HMA.

Commissioner McKay motioned to approve having Chairman Goicoechea work with Mr. Tibbitts to prepare a letter to the BLM expressing the County’s concerns and asking the BLM to continue working to conduct the scheduled gathers. Commissioner Sharkozy seconded the motion. Motion carried 3-0. The letter will be presented at the next meeting for ratification.

Nevada Vanadium’s Gibellini Project: Nevada Vanadium has scheduled an Open House at the Eureka Fairgrounds on August 25th from 4:00 to 6:00 p.m. Mr. Tibbitts felt this would be a good opportunity for the County to partner with the company to help inform the public about the project and to provide information on how the public can participate and provide input during BLM scoping meetings on the Gibellini Project EIS (which are virtual meetings scheduled on September 2nd and September 3rd).

Mr. Tibbitts explained that, if permitted, this project will provide employment opportunities and will supply 50% of all vanadium for the entire country (all vanadium is currently imported because there are no active vanadium mines in the US). There are some negative perceptions concerning this project because a small amount of yellow cake uranium is produced when vanadium is concentrated. But substantial controls are in place concerning uranium, and it can only be sold to the federal government. Mr. Tibbitts felt this meeting was a good forum for the community to ask questions and learn about the project. He added that COVID-19 prevention measures will be practiced at the meeting.

Commissioner McKay motioned for Eureka County to participate with Nevada Vanadium in co-hosting an Open House at the Eureka Fairgrounds on August 25th regarding the Gibellini Project, including assistance and posting and distributing notices concerning the event. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

EUREKA BUSINESS NETWORK

Request to Waive Facility Fee: Commissioner McKay disclosed that as a member of the Eureka Business Network, he would not participate in deliberation or vote concerning this request.

Cher Hayward, Chair of the Eureka Business Network, explained that EBN has used the Opera House for recent meetings, and she asked that the County waive the facility fee for EBN meetings, which typically occur monthly but are sometimes held more often.

Chairman Goicoechea motioned to approve the request to waive fees for Eureka Business Network to use a County facility to conduct its meetings. Commissioner Sharkozy seconded the motion. Motion carried 2-0; Commissioner McKay abstained from the vote.

CORRESPONDENCE

Correspondence was received from: Michaella Elicegui; Health Insurance Advisory Committee; William Bee Ririe & Eureka Clinic; Television District; Crescent Valley Town Advisory Board (2); Nevada Assoc. of Counties (2); Governor's Office of Energy; Nevada Dept. of Agriculture; Nevada 2020 US Census; General Moly press release; and US Dept. of the Interior-BLM.

Commissioner Reports: Chairman Goicoechea stated he is working with Mr. Tibbitts to set up a phone call in response to a request from Senator Jacky Rosen's staff to discuss the 3 Bars Ecosystem & Landscape Restoration Project, which was authorized by the BLM and is located entirely in Eureka County.

On August 25th, the Chairman and Mr. Tibbitts will meet with NV Energy regarding its plan to install transmission lines for green energy projects and the associated impacts to Eureka County.

PUBLIC COMMENT

Chairman Goicoechea called for public comments; there were none.

ADJOURNMENT

Commissioner Sharkozy motioned to adjourn the meeting; Commissioner McKay seconded the motion; the meeting was adjourned at 11:06 a.m.

Approved by vote of the Board this 8th day of September, 2020.

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

I, Jackie Berg, Commissioner Administrative Assistant, attest that these are a true, correct, and duly approved minutes of the August 20, 2020, meeting of the Board of Eureka County Commissioners.

/s/ Jackie Berg
Jackie Berg, Commissioner Administrative Asst.

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

/s/ Lisa Hoehne
Lisa Hoehne, Clerk Recorder