

EUREKA COUNTY BOARD OF COMMISSIONERS
September 4, 2009

STATE OF NEVADA)
 :SS
COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on September 4, 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 9:31 a.m. and began with the Pledge of Allegiance; this was followed by a minute of reflection to wish a quick recovery for former County Commissioner, Ken Benson. The interactive video conference system was utilized between Crescent Valley and Eureka for the entire meeting.

APPROVAL OF AGENDA

Commissioner Page requested that item #6 under the Commissioner section be deleted. Chairman Ithurralde noted that this was in order to meet notification requirements under NRS 241.034. With that change, Commissioner Page motioned to approve the agenda notice as posted; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

PUBLIC COMMENT

The Chairman called for public comments; there were none. The Board briefly discussed items to be placed on the next agenda, including discussions of the master plan update and capital improvement plan.

APPROVAL OF MINUTES

Commissioner Fiorenzi motioned to approve the minutes of the August 20, 2009, Commissioner meeting; Commissioner Page seconded the motion; motion carried 3-0.

FINANCE

Payment of Expenditures: Expenditures were presented for approval by County Recorder & Auditor, Mike Rebaleati. Commissioner Fiorenzi noted that any action on his part would not include approval of payments or reimbursements to Pernicia Johnson. Commissioner Fiorenzi motioned to approve County expenditures in the amount of \$2,121,447.34, payroll in the amount of \$323,812.49, for a grand total of \$2,444,259.83; noting that expenditures included a \$1,259,416.00 pass-through payment to the School District, and further noting that he was abstaining from items related to Pernicia Johnson. Commissioner Page seconded the motion. Motion carried 3-0.

Commissioner Page motioned to approve Yucca Mountain expenditures in the amount of \$13,796.13; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Auditor's Report: The Board reviewed the Auditor's Report, requesting a more detailed breakdown of net proceeds by tax year.

CORRESPONDENCE

Correspondence was received from: Diamond Valley Fire Chief, Terry Conaway; Calvin Beveridge; District Attorney, Ted Beutel (4); Clerk & Treasurer, Jackie Berg; Public Works, Ron Damele (4); Eureka County Planning Commission (2); Eureka Townsite Annexation Advisory Committee; Eureka County Fair Board; Crescent Valley Town Advisory Board (3); Grand Lodge, Arthur Cronin; Lumos & Associates, Tom Young (2); Abigail

Johnson; Eco:Logic; Allison, MacKenzie, et al (2); McMullen McPhee; Lander County Commissioners; Washoe County (2); UNUM Insurance; Nevada Assoc. of Counties, Wes Henderson; Central Nevada Regional Water Authority; Nevada State Public Defender (3); Nevada Dept. of Taxation (2); Nevada Dept. of Motor Vehicles; Nevada Gaming Control Board; Nevada Div. of Environmental Protection (5); Nevada Dept. of Transportation; Nevada Pool/PACT; Public Utilities Commission of Nevada; Navigating the Nevada Economy; NDOT Centerline; Personnel Management Perspectives; Nevada Workforce Economy in Brief; US Army Corps of Engineers; USDA Forest Service; US Dept. of the Interior-Fish & Wildlife Service (3); and National Assoc. of Counties (3).

The Board discussed correspondence received from Calvin Beveridge regarding parking on Vandal Way; this will be taken under consideration at their September 21st meeting. Chairman Ithurralde was pleased to receive an accounting update for the Community Development Corporation.

ROAD DEPARTMENT

Road Superintendent, Raymond Hodson, provided an update on Road Department activities. The Martin Road is finished, including repair of the culvert; cattle guards on the Antelope Road were cleaned and one was widened; work was done on Sadler Brown Road, Union Pass, Vinnini Creek, Roberts Road, Whistler Road, and the High School parking lot. The Road Department also spent time with the water department, and assisted during the County Fair. Slurry seal and patching are completed for the 2009 Street Maintenance Project.

In northern Eureka County, work was done on the Maggie Creek Road, including cleaning and widening cattle guards; the Buckhorn Road was finished; work was done on McCluskey Creek Road; and road work and weed cutting were being done in Grass Valley and on the JD Ranch Road. The north end position was filled with Josh Winters, and he is already proving to be a big help. Chairman Ithurralde thanked the Road Department and Mr. Hodson personally for all the help during the 2009 County Fair.

PUBLIC WORKS

Approval to Purchase Mechanic's Service Truck: Public Works Director, Ron Damele, explained that the County is currently advertising for the mechanic position to maintain and service County owned fire equipment. This position will require a service truck outfitted with a welder, air compressor, crane, tool storage compartments, etc. (hand tools will be purchased at a later time). State purchasing has a contract for a suitable unit. The Board asked about funding, and Mr. Damele confirmed that a portion of the cost will come out of the Nevada Division of Forestry budget. Commissioner Fiorenzi motioned to authorize purchasing a mechanic's service truck under State Purchasing Contract #7378, in the amount of \$126,400.00; Commissioner Page seconded the motion; motion carried 3-0.

Resolution and Right-of-Way Application: Mr. Damele proposed that radio equipment utilized by Public Works and the Sheriff's Department be moved to the Bureau of Land Management building and tower on Mount Tenabo, rather than incurring costs to erect a separate building and tower. This will require submission of a right-of-way application to the BLM, along with a resolution supporting the right-of-way and authorizing Mr. Damele to sign the application. Commissioner Fiorenzi motioned to approve the resolution in support of a right-of-way application to the BLM in order to house County radio equipment at the BLM tower and building on Mount Tenabo; Commissioner Page seconded the motion; motion carried 3-0.

RESOLUTION

TO SECURE AN APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS AND FACILITIES ON FEDERAL LANDS FOR THE EUREKA COUNTY MT. TENABO REPEATER SITE

WHEREAS, the Board of County Commissioners wish to secure an application for transportation and utility systems and facilities on federal lands from the Bureau of Land Management; and

WHEREAS, the proposed relocation of radio communication equipment will be located in Township 27 North, Range 48 East, Section 33;

WHEREAS, the Bureau of Land Management requests a Resolution to process the application;

NOW THEREFORE BE IT RESOLVED by the Board of Eureka County Commissioners that:

- 1. Director of Public Works, Ron Damele, is hereby authorized to sign the application and other documents necessary to process the application for transportation and utility systems and facilities on federal lands for the Eureka County Mt. Tenabo repeater project; and
- 2. \$100 is hereby authorized to accompany the completed application, For SF299; and
- 3. The County has the funding; and with the approval of the application, will move forward with relocation of radio communication equipment on Mt. Tenabo.

Adopted this 4th day of September, 2009.

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

ATTEST: /s/ Jackie Berg
County Clerk

Authorization to Hire Senior Utility Operator: Mr. Damele relayed that Jack Orr, Senior Utility Operator, was retiring, and in compliance with the attrition policy, authorization was requested to replace this position. Mr. Orr has given two weeks notice, but has agreed to be somewhat flexible on his retirement date to assist the County with completion of several projects that are currently underway. Commissioner Page motioned to approve the hiring of this position; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Agreement for Collection and Recycling of Used Batteries: Jerry and Trina Machacek, of Eureka True Value, were in attendance. Mr. Damele explained that under the current agreement, Eureka True Value pays Eureka County \$4.55 per battery recycled from the landfill. Mr. Damele noted that the most important benefit to Eureka County is proper disposal of the batteries, and any revenue received is a secondary benefit. Due to the decline in lead prices, it was recommended that the price be reduced to \$3.28 per battery to ensure the contract remains beneficial to both parties. Commissioner Fiorenzi motioned to reduce the price per battery to \$3.28 and that the Chairman be authorized to sign documentation to that effect, to be attached to the original agreement between Eureka County and Eureka True Value; Commissioner Page seconded the motion; motion carried 3-0.

Eureka Justice Facility Remodel and Expansion Project: The project has been underway for about three weeks; some excavation has taken place and immediate work will include setting the footings and installation of helical-piers. A construction meeting is scheduled for September 8th with the contractor, architect, the Sheriff, and Public Works; the Sheriff has a couple of concerns that should be resolved at this meeting.

Sewer Line Maintenance: Mr. Damele reported that the portion of mainline sewer that goes under the pond at the Clark property will be relined on September 14th. The property owners and the operator of the bulk plant have been notified so they can plan for alternate access around the manholes and worksite involved.

COUNTY ENGINEER

JD Ranch Bridge Project: Tom Young, Lumos & Associates, reported that the JD Ranch Bridge culvert is in and the headwalls are complete. The grading is nearly done and the contractor should be working on the fencing next week. A walk-through will be scheduled within the next few weeks. Mr. Damele reported that he and Mr. Hodson will be monitoring the fencing daily because that is a critical issue affecting the rancher.

Town of Eureka 2009 Water System Improvements Project: Mr. Young reported that the contractor was currently sandblasting the interior of the 1.25 million gallon water tank; painting will begin the following week. Once the interior of the tank is complete, the same process will occur for the exterior. The small water tank at the booster station should be completely erected by the next week, with painting to follow. Once the new tank is in service, the old tank will be removed. Mr. Young explained that one wall of the booster station will be demolished to allow for the new addition, a temporary wall will be erected for security, and the floor of the new addition will be poured as well.

2009 Airport Maintenance Project: Mr. Young reported that a walk-through was conducted for the Airport Maintenance Project on September 3rd. The project is nearly complete with the exception of final sweeping which will occur 30 days after completion of slurry sealing. A second coat of paint will be applied over the striping in approximately two weeks.

Ruby Hill Sidewalk Project: Mr. Young reported that a walk-through was conducted for the Ruby Hill Sidewalk Project on September 3rd, with NDOT representatives in attendance. The contractor still has to resolve some punch-list items which will occur in approximately two weeks. The same contractor is scheduled to do the handicapped access at the Eureka Library.

2009 Street Maintenance Project: Mr. Young reported that slurry sealing and patching have been completed for the 2009 Street Maintenance Project. The contractor is working on the three culvert boxes in the Town of Eureka; excavation has occurred on Clark and Robbins Streets; and a crane will be brought in to set the box culverts. Parker Street will be excavated the following week. Headwalls and backfilling will be completed after the boxes are set. Mr. Damele added that once the backfilling occurs, one lane of traffic will be opened to traffic.

SENIOR CENTERS

Update Report: Site Directors, Millie Oram and Adell Panning, reported on their respective centers. Meal counts for August were 1,086 in Eureka, and 711 in Crescent Valley. A total of \$9,526.52 was deposited for the month. The Eureka Senior Center was inspected by the Division for Aging, and also by the health inspector who gave them a grade of 100%. Eight Eureka seniors attended the Miss Senior Nevada Pageant in Las Vegas the previous week, and there is interest in past queens performing at the Eureka Opera House. The Crescent Valley seniors traveled to Reno for shopping and entertainment. The Fannie Komp Senior Center has been painted, cleaned, had the fence completed, and Ms. Panning donated a new sign for the building. Crescent Valley is planning their second annual "Men in Drag" fundraising event since it was such a success the previous year.

SWIMMING POOL / PARKS / RECREATION

Update Report: Cindy Adams, Parks, Recreation, and Facilities Director, reported on activities since July 20th. There were 690 swimmers at the pool, and 31 students completed the third session of the Learn to Swim Program. Ralph Johnson, insurance consultant with POOL/PACT, evaluated the pool staff and facility on July 26th; his report will be provided at a later date. A mock rescue was carried out, and Mr. Johnson conducted a certified pool/spa

operator class for 14 individuals. Staff has been maintaining trees, flowers, sidewalks, and the ball fields. The annual Veterans of Foreign Wars (VFW) Men's Softball Tournament was held July 25th and 26th and supported nine teams. The Fairgrounds were prepared for the annual Barrick picnic and the Eureka County Fair. Ms. Adams supplied the Board with details of the 2009 Fair. The septic tanks at the Fairgrounds were located and serviced. Mr. Damele noted that the Board may want to consider replacing the bleachers at the Fairgrounds during the next budget cycle for handicap access and safety reasons. Ms. Adams thanked the Board for its support of the 2009 Eureka County Fair. Barrick (Ruby Hill Mine) has donated a new barbeque for the Town Park and new lighting is also being donated.

EUREKA COUNTY SHERIFF

Purchase of 2010 Chevy Impala: Sheriff Ken Jones requested one 2010 Chevy Impala patrol vehicle and additional outfitting/lighting, which has been budgeted. Commissioner Fiorenzi motioned to approve purchase of the 2010 Chevy Impala from Quality Chevrolet in the amount of \$27,065.00, with additional outfitting installed by Lighting Solutions, in the amount of \$13,073.58; Commissioner Page seconded the motion; motion carried 3-0.

Purchase of 2010 Ford E-Series Van: Sheriff Jones requested authorization to purchase a 12-passenger van to serve as a jail vehicle, noting that transporting inmates is currently being done with patrol vehicles which is adding unnecessary mileage on the more expensive vehicles. This purchase has also been budgeted. Commissioner Fiorenzi motioned to approve purchase of one 2010 Ford E-Series 12-passenger van from Ken Garff, in the amount of \$23,412.02, with additional outfitting installed by Lighting Solutions, in the amount of \$5,531.79; Commissioner Page seconded the motion; motion carried 3-0.

UNIVERSITY OF NEVADA COOPERATIVE EXTENSION

2008 Extension Needs Assessment Survey: Gary McCuin, Extension Educator, provided the Board with a letter of thanks and certificate of appreciation for support of the 2009 Eureka County Fair Hay Contest. Mr. McCuin reported on the results of the 2008 Extension Needs Assessment Survey for Eureka County. The survey had a 13% response rate, and the University of Nevada, Reno (UNR) considers anything above 10% a workable result. According to the survey, the top ten priorities of Eureka County residents included: youth violence and vandalism; groundwater; surface water; farm and ranch heritage; illegal drugs; juvenile crime; medical care; underage drinking; noxious weeds; and elder care. Mr. McCuin explained that a group of community experts were impaneled to evaluate the results of the survey. The group concluded that water is the greatest concern for the County. Survey results have been provided for the Master Plan update. Mr. McCuin discussed various ways to address and prevent many of the community concerns that were highlighted in the survey.

RECESS FOR LUNCH

The Board recessed for lunch from 11:57 a.m. to 1:03 p.m.

LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

Hazardous Material Emergency Preparedness Grant: Lisa Hoehne, representing LEPC, requested approval to submit a grant application to the Nevada Emergency Response Commission for \$3,731.18, which would fund training in Reno for six LEPC members, November 3-5, 2009. Commissioner Fiorenzi motioned to approve the Hazardous Material Emergency Preparedness grant application; Commissioner Page seconded the motion; motion carried 3-0.

NATURAL RESOURCES

Activity Report: Jake Tibbitts, Natural Resources Manager, reported that he attended: a National Environmental Policy Act (NEPA) Committee meeting on August 20th; a BLM meeting to discuss projects within the County on August 24th; a Bootstraps Project tour on Roberts Mountain on August 25th; a Mount Hope Hydrology meeting on August 27th; a special Wildlife Advisory Board meeting on September 2nd; a Community Firewise Board meeting on September 2nd; and an Annexation Committee meeting on September 2nd. Mr. Tibbitts further reported that during the Mount Hope Hydrology meeting, the BLM stated that the new Hydrology Model will be a better product with County expert opinions being incorporated into the document, which is expected to be completed by September 17th. The Forest Service Travel Management Project appeal was filed on August 28th. Mr. Tibbitts has been investigating cloud seeding and reported that the Desert Research Institute lost funding and began dismantling equipment; however, Southern Nevada Water Authority has stepped in to fund the cloud seeding program.

Upcoming Meetings: Mr. Tibbitts reported that he will be attending: a Natural Resources Advisory Commission (NRAC) meeting/informal disposition meeting with the Forest Service on September 10th; a Ruby Hill Advisory meeting on September 15th; the Mount Hope conference call on September 17th; and a 3M (monitoring, management, and mitigation) Plan meeting in Battle Mountain on September 18th. The purpose of the 3M meeting is to discuss the initial framework of the plan. It was decided that along with Mr. Tibbitts and Commissioner Fiorenzi, the meeting should also be attended by Abby Johnson and Dale Bugenig.

Forest Service Travel Management Plan Appeal: Mr. Tibbitts provided copies of the County's appeal of the decision on the Austin and Tonopah Ranger Districts Combined Travel Management Project, and reported that Nye and Lander Counties have appealed the decision as well. The Forest Service has contacted the County to schedule an informal disposition meeting with Steve Williams, Austin District Ranger, and Eureka's Natural Resource Advisory Commission on September 10th at 5:00 p.m.

Out-of-State Travel: Mr. Tibbitts will not be attending the Public Lands Council annual meeting in Sacramento, California; therefore, out-of-state travel was not considered.

EUREKA COUNTY FIRE EQUIPMENT

Modification of New Water Tenders: Mr. Damele reported that the water tenders recently purchased by the County were acquired by piggybacking on another bid. Bid specs allowed for changing the transmission (which the County opted for), but did not allow for changing the pump, and he advised that retrofitting the tenders with different pumps would be very costly. Ernie Dempsey, Assistant Chief for the Diamond Valley Volunteer Fire Department, and Sam Hicks, Nevada Division of Forestry – Eureka County Battalion Chief, were in attendance and participated with the Board in a detailed discussion regarding pump capabilities and needs of the various fire departments. Commissioner Fiorenzi stated that the modifications requested were not cost-effective and motioned to deny upgrading the newly purchased water tenders into tactical water tenders; Commissioner Page seconded the motion; motion carried 3-0.

Placement of Water Tenders: Discussion continued regarding placement of various equipment. Since the Diamond Valley Fire Department preferred the pumping capacity of the older tenders, Commissioner Fiorenzi suggested that the two new tenders be allocated to Beowawe and Crescent Valley; Diamond Valley could continue using their old tender until the old tender from Beowawe (the better of the two units) received new baffles for placement in Diamond Valley. All parties seemed satisfied with the suggested allocation of the tenders. Commissioner Fiorenzi made a motion to place the equipment as he outlined; Commissioner

Page seconded the motion; motion carried 3-0. The Board clarified that placement of any and all equipment was subject to change by the Board of Commissioners. Mr. Hicks added that the new water tenders were being outfitted with lighting packages and should be ready for delivery to the departments by September 23rd.

Lettering and Decals for County Fire Equipment: Mr. Damele reported that he contacted Pete Anderson, Nevada State Forester, to discuss decals, striping, and lettering on County owned equipment. Mr. Anderson relayed to Mr. Hicks that the County may decal and letter trucks as the County desires. The Board reviewed samples provided by Public Works and Mr. Hicks. Phil Schmitz, Chief of the Crescent Valley Fire Department, informed the Board that his department had begun removing old decals, had ordered red striping, and was ready to install striping as soon as it was received. The Board informed Chief Schmitz that action had not yet been taken on the decals and striping, and he may have to return what had been ordered. Decals, striping, color schemes, and placement were all discussed. Commissioner Fiorenzi motioned that all Eureka County fire vehicles be detailed with six-inch blue striping, NDOT required marking, and numbered decals on the cab and roofs; Commissioner Page seconded the motion; motion carried 3-0.

The Board agreed on a selected emblem, decided that "*official use only*" be applied above the emblem, and that the respective department's name be placed below the emblem. Commissioner Fiorenzi motioned that the selected emblem/decal be used County-wide (without the medical symbol), be printed with red lettering, and that the individual department be identified below the emblem; Chairman Ithurralde seconded the motion; motion carried 3-0.

The Board asked Mr. Hicks to order decals and striping for all departments, and instructed that all vehicles be retrofitted as time allows, which may carry over into the winter months. Commissioner Page motioned to have the decals professionally placed; Commissioner Fiorenzi seconded the motion; motion carried 3-0. It was agreed that Crescent Valley's equipment will be the first detailed, after the new water tenders are detailed.

PUBLIC HEARING – PROPOSED DISTRICT COURT SECURITY FUND ORDINANCE

Notice was given that the Board of Eureka County Commissioners would hold a public hearing on September 4, 2009, beginning at 2:00 p.m. in the Eureka County Commissioners' Chambers in the County Courthouse, at 10 South Main Street, Eureka, Nevada. The reason for said hearing was to invite public comments and take action on an ordinance amending the 2006 Eureka County Code, Title 5, Special Assessments and Funds, by adding a new chapter, Chapter 40, District Court Security Fund, and other matters properly relating thereto. This ordinance has been proposed by the Board of Eureka County Commissioners, and a copy of said proposed ordinance has been on file with the County Clerk for public examination.

Chairman Ithurralde called for public comments regarding this ordinance, which would impose an additional fee associated with civil cases to fund court security. Jackie Berg, Clerk & Treasurer, informed the Board that recent state legislation allows additional fees related to civil filings. Many of the fees are optional and have been adopted by other counties, especially the larger ones. Since civil cases can be filed anywhere in the state, this has resulted in Eureka County receiving civil filings from residents of the counties that have adopted these higher fees. Ms. Berg doesn't foresee a burdensome increase in workload, but will keep the Board informed.

Commissioner Fiorenzi stated he does not want to increase fees that affect County residents, noting that the budget can accommodate any security needs of the court, and motioned to deny the proposed ordinance. Commissioner Page seconded the motion. Motion carried 2-1, with Chairman Ithurralde voting against the motion.

PUBLIC HEARING – PROPOSED FIRE PROTECTION DISTRICT ORDINANCE

Notice was given that the Board of Eureka County Commissioners would hold a public hearing on September 4, 2009, beginning at 2:30 p.m. in the Eureka County Commissioners' Chambers in the County Courthouse, at 10 South Main Street, Eureka, Nevada. The reason for said hearing was to invite public comments and take action on an ordinance amending the 2006 Eureka County Code, Title 6, Health and Welfare, by revision, modification, and extension, by adding a new chapter, Chapter 130, Eureka County Fire Protection District, and other matters properly relating thereto. This ordinance has been proposed by the Board of Eureka County Commissioners, and a copy of said proposed ordinance has been on file with the County Clerk for public examination.

Chairman Ithurralde called for public comments. Phil Schmitz, Crescent Valley Fire Chief, thanked the Board for allowing time to review the changes and supply input on the issues. There were no other comments. Commissioner Fiorenzi made a motion to approve the Eureka County Fire Protection District ordinance; Commissioner Page seconded the motion; motion carried 3-0.

The Board inquired about the status of the contract with NDF. Sam Hicks, NDF Battalion Chief for Eureka County, agreed that he could provide the contract for review and discussion at the September 21st meeting, but the individual fire department AOPs will be drafted later, because this will require input from the individual fire departments. Commissioner Fiorenzi provided Mr. Hicks with documentation from the Eureka and Crescent Valley Fire Departments regarding their input on the AOPs. Mr. Hicks stated that the AOPs should be ready by November 6th.

COMMISSIONERS

Update Report: Commissioner Page attended the recent Crescent Valley Town Advisory Board meeting and has been in communication with the Crescent Valley and Beowawe Volunteer Fire Departments. Commissioner Fiorenzi attended a NEPA Committee meeting on August 20th and the BLM hydrology meeting on August 27th.

Chairman Ithurralde announced that Catherine Cortez Masto, Attorney General, will be in Eureka on October 22nd at 1:00 p.m. at the Opera House to discuss County issues. The Chairman attended the Annexation Committee meeting on September 2nd, where he spoke with Jeanette Dahl and Floyd Rathbun regarding the Master Plan update. The response to the Master Plan surveys has been very weak, and the public was encouraged to respond.

Contract with Eco:Logic (Dale Bugenig): A proposal from Dale Bugenig for review of outstanding hydrology items related to the Mount Hope environmental impact statement (EIS) from Dale Bugenig of Eco:Logic was provided. Ted Beutel, District Attorney, drafted a contract using the proposal information from Mr. Bugenig. Commissioner Fiorenzi made a motion to approve signing the contract with Eco:Logic (Dale Bugenig), not to exceed \$50,800.00; Commissioner Page seconded the motion; motion carried 3-0.

Resolution Affirming Secure Rural Schools Funding: Jake Tibbitts explained that the County has to elect how to disperse the funds received from the Secure Rural Schools (SRS) and Community Self-Determination Act of 2000, by selecting Title II and/or Title III payments. Both selections have very defined categories for expenditure of the funds. A resolution must be adopted (and submitted by September 30th) to affirm the selection. Last year, the Board voted to disperse 20% of the funds to Title III and 80% to Title II. The Natural Resources Department has been working on the establishment of Firewise Communities in Eureka County, as an acceptable Title III project. Commissioner Fiorenzi motioned to continue with the election of funds as approved for 2008 (20% to Title III and 80% to Title II); Commissioner Page seconded the motion; motion carried 3-0. Mr. Tibbitts informed the Board that the SRS funds must be obligated by September 30, 2011, or the money will have to be returned.

RESOLUTION
BEFORE THE BOARD OF COMMISSIONERS FOR EUREKA COUNTY, NEVADA

In the Matter of the FFY 2009)
Elections for **National Forest**)
Related Safety-Net Payments)

WHEREAS, Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest lands be paid to states for use by the counties in which the lands are situated for the benefit of public schools and roads; and

WHEREAS, the principal source of revenues from National Forest lands is from the sale and removal of timber, which has been curtailed in recent years with a corresponding decline in revenues shared with counties; and

WHEREAS, the United States Congress recognized a need to stabilize education and road maintenance funding through predictable payments to the affected counties, and to achieve that goal enacted the Secure Rural Schools and Community Self-Determination Act of 2000, which has been amended and re-authorized for FFY 2008-2011 (“SRS”); and

WHEREAS, Title I of SRS gives each eligible county the right to elect to receive either its traditional share of revenues from the National Forest lands pursuant to the Act of May 23, 1908 and Section 13 of the Act of March 1, 1911 (the “25-percent payments”), or instead to receive a guaranteed minimum share of the State payment pursuant to Sections 102(a)(1)(B) and 103 (the “full county payment amount”); and

WHEREAS, an election to receive the full county payment amount is effective for all federal fiscal years through FFY 2011, and an election to receive a 25-percent payment is binding for two years; and

WHEREAS, any county electing to receive a full county payment amount that is \$100,000 or more must further elect to expend an amount not less than 15 percent nor more than 20 percent of its full county payment amount as project funds; and

WHEREAS, Title I, Section 102(d) of SRS requires that counties electing to receive a full county payment amount of \$100,000 or more must allocate its project funds for projects in accordance with Title II and Title III, and return the balance of project funds unspent under Titles II and III to the Treasury of the United States, and communicate such allocation to the Secretary of the United States Department of Agriculture; and

WHEREAS, Title II provides for special projects on federal lands or that benefit resources on federal lands, which projects are recommended by local resource advisory committees (“RACs”); and

WHEREAS, RACs recommend projects for consideration by the Secretary of Agriculture, with project funding supplied in whole or in part out of monies allocated for such purposes by participating counties; and

WHEREAS, counties that allocate funding to projects under Title II, and are participants in one or more RACs, may further direct that their Title II project funds be divided between different RACs according to an allocation decided by each participating county, with such funds held in the Treasury of the United States under the name of the county with a designation of the amount allocated to each RAC; and

WHEREAS, Title III provides for county projects, some of which are associated with federal lands, with Title III authorizing expenditures for search, rescue and emergency services, fire prevention and planning under the Firewise Communities program, and development of community wildfire protection plans; and

WHEREAS, a county with a full county payment amount of \$350,000 or more may not allocate more than 7 percent of its full county payment amount for Title III projects.

WHEREAS, in 2008, Eureka County elected to receive the guaranteed minimum full county payment amount pursuant to SRS Sections 102(a)(1)(B) and 103.

NOW, THEREFORE, be it resolved as follows:

1. Eureka County reaffirms its election to receive the guaranteed minimum full county payment amount pursuant to SRS Sections 102(a)(1)(B) and 103.
2. Eureka County has elected to receive a full county payment amount that is \$100,000 or more, and hereby allocates 2 percent of its full county payment amount for expenditure on projects under Title II and Title III. Eureka County will return none (zero percent) of its full county payment amount to the Treasury of the United States.

3. Of the percent allocated to Title II and Title III projects above in paragraph 2, Eureka County further allocates between such Titles for FFY 2009 (for expenditure after FFY 2009) on the following basis: zero percent of full county payment amount for expenditure on Title II projects and 20 percent of the full county payment amount for expenditure on Title III projects.
4. As none of project funds are allocated to Title II projects in paragraph 3, Eureka County allocates zero percent to any RAC.
5. A copy of this Resolution shall be transmitted to the Nevada State Treasurer and the Nevada State Controller at the following:

OFFICE OF THE STATE TREASURER
101 North Carson Street, Suite 4
Carson City, Nevada 89701-4786
Fax: 775-684-5623

OFFICE OF THE STATE CONTROLLER
101 North Carson Street, Suite 5
Carson City, Nevada 89701-5695
Fax: 775-684-5695

Adopted this 4th day of September, 2009.

EUREKA COUNTY BOARD OF COMMISSIONERS

/s/ J.P. Ithurrealde

J.P. Ithurrealde, Chairman

ATTEST: /s/ Jackie Berg
Jackie Berg, Clerk

Speed Limit on South Monroe Street: The Board discussed the request made by senior housing residents to lower the speed limit on South Monroe Street, which is a one-way street, to 5 miles per hour (from the current 15 mph). Commissioner Fiorenzi motioned that the signs on South Monroe Street be evaluated for effectiveness and that the Sheriff's Office be asked to spend more time enforcing the speed limit on that street; Commissioner Page seconded the motion; motion carried 3-0.

Letter of Response to the Klindt Family: The Board discussed the Klindt family's offer to sell the land and building located at 50 South Main Street in the Town of Eureka for \$60,000.00 to the County. Commissioner Fiorenzi noted that offers to purchase the property in the past have been declined and now the building is deteriorating. Mr. Damele informed the Board that the Klindt family is going to hire Sartorial Masonry to repair the brick work on the building. Commissioner Fiorenzi made a motion to write the Klindt family a letter thanking them for the offer, but declining to purchase the property at this time; Commissioner Page seconded the motion; motion carried 3-0.

Letter Regarding Parcel #007-395-16: This agenda item was deleted.

Meeting Notice for Open House: Upon review, Commissioner Page made a motion to approve the meeting notice for the September 21, 2009, Open House regarding the Eureka Canyon Subdivision; Commissioner Fiorenzi seconded the motion; motion carried 3-0. The Clerk's office will mail the notice to all County post office 'boxholders'. Jim Evans, Community Development Coordinator, is preparing a slide show presentation for the Open House. Tim Arnold, General Manager for Eureka Moly, will participate in the Open House and asked if he and Mr. Evans should collaborate on the presentation. The Board agreed. A special meeting was scheduled at 8:00 a.m. on September 21st (prior to the regular Commission meeting) to allow the Board to review the presentation and make changes if necessary.

NACo Conference and Exposition Co-Sponsorship: A co-sponsorship donation of \$5,000.00 was approved at the last meeting for Eureka County's participation in sponsorship of the 2010 National Association of Counties annual conference; but the accompanying agreement was tabled because District Attorney, Ted Beutel, felt that the indemnification

clause in the document was not in the best interest of the County. Chairman Ithurrealde stated he was in favor of signing the contract. Commissioner Page motioned to sign the agreement with Washoe County for the 2010 NACo Conference and Exposition co-sponsorship; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Nevada Health Centers: Mr. Beutel reported that an email was sent to Nevada Health Centers requesting the amended FY 2009-2010 contract. The email was received by Nevada Health Centers on August 24th, but a response or a contract has not been received.

Mount Hope Project EIS and NEPA Process: Mr. Arnold informed the Board that he attended the Hydrology Report meeting with the BLM on September 2nd, and he will be attending the 3M Plan meeting in Battle Mountain on September 18th.

PUBLIC COMMENTS

Chairman Ithurrealde called for public comments. There were none.

ADJOURNMENT

Commissioner Fiorenzi motioned to adjourn the meeting at 2:40 p.m.; Commissioner Page seconded the motion; motion carried 3-0.

Approved this 21st day of September, 2009.

/s/ J.P. Ithurrealde

J.P. Ithurrealde, Chairman

Attest: /s/ Jackie Berg

Jackie Berg, Clerk