

EUREKA COUNTY BOARD OF COMMISSIONERS
October 6, 2008

STATE OF NEVADA)
 : ss
COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on October 6, 2008. Present were Chairman Jim Ithurrealde; Vice Chair Donna Bailey; Member Leonard Fiorenzi; District Attorney Theodore Beutel; and Clerk & Treasurer Jackie Berg. The Chairman called the meeting to order at 9:35 a.m. The interactive video conference system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

APPROVAL OF AGENDA

The amount listed on the agenda for the Eco:Logic contact was corrected to read \$42,000.00. Item #2 under the Commissioner section was moved to follow item #6. With those changes, Commissioner Bailey motioned to approve the agenda. Commissioner Fiorenzi seconded the motion. Motion carried 3-0.

APPROVAL OF MINUTES

Commissioner Fiorenzi motioned to approve the minutes for the September 5, 2008 Commission meeting. Commissioner Bailey seconded the motion. Motion carried 3-0.

PUBLIC COMMENT

Chairman Ithurrealde opened the floor for public comment; there was none.

SEVENTH JUDICIAL DISTRICT COURT

Court Appointed Attorney Fees: Commissioner Fiorenzi motioned to approve payment of court appointed attorney fees to Marvel & Kump, Ltd., in the amount of \$1,333.00, per order of Judge Steve Dobrescu. Commissioner Bailey seconded the motion. Motion carried 3-0.

FINANCE

Payment of Expenditures: Expenditures were presented for approval by Recorder/Auditor, Mike Rebaleati. Commissioner Fiorenzi motioned to approve expenditures in the amount of \$670,699.21 for accounts payable and \$288,829.63 for payroll, for a grand total of \$959,528.84. Chairman Ithurrealde noted that the accounts payable included a pass through of taxes payable to the School District in the amount of \$379,631.93. Commissioner Bailey seconded the motion. Motion carried 3-0.

Commissioner Fiorenzi motioned to approve the expenditures for Yucca Mountain in the amount of \$7,687.15. Commissioner Bailey seconded the motion. Motion carried 3-0.

Auditor's Report: Mr. Rebaleati presented the Auditor's Report for the Board's review.

Uncollectible Ambulance Accounts: Lisa Hoehne, Deputy Recorder, presented \$7,998.98 in delinquent ambulance bills. They represented ambulance runs from 2003 and 2004 that had been submitted to Washoe County Collection Agency and were determined to be uncollectible. Per County policy, Commissioner approval was required to write these amounts off. Commissioner Fiorenzi motioned to approve the write-off of uncollectible ambulance bills in the amount of \$7,998.98. Commissioner Bailey seconded the motion. Motion carried 3-0.

Budget Transfers and Augmentations: At the Commissioners' request, Mr. Rebaleati provided updates on budget status for all NEPA contracts and legal fees in relation to the Mount Hope Project Environmental Impact Statement (EIS). The costs will exceed the budget

allocations in both categories, and Mr. Rebaleati would like to do budget augmentations in November of this fiscal year, in addition to the annual budget augmentations generally done in May. Mr. Rebaleati will bring a proposed supplement amount forward after conclusion of the water protest hearings scheduled for mid-October, and tentatively recommended that \$100,000.00 be augmented for legal fees. Commissioner Fiorenzi motioned to authorize the Recorder/Auditor to augment the legal fees by \$100,000.00. Commissioner Bailey seconded the motion. Motion carried 3-0. Mr. Rebaleati will do the required advertising, and augment of the NEPA related contracts will be addressed when needed.

Treasurer and Investment Committee Report on Investments: Mr. Rebaleati explained that the Investment Committee has been meeting to discuss the instability of the market and what steps the County will take to address this. Clerk/Treasurer, Jackie Berg, explained that the County utilizes a State program (NVEST) for a portion of the investment portfolio. The State periodically goes out to bid for new managers, and this was the case in November 2007, which caused the County to select a new manager, Davidson Financial. Ms. Berg reviewed the entire Eureka County portfolio with Davidson, and a decision was made to liquidate 4.8 million of the riskier investments in November of 2007. A review of those mortgage backed securities in September 2008 showed the bulk was presently worth ten cents on the dollar.

Updates to Investment Policy: Mr. Rebaleati explained that the Investment Committee will address changes to the Investment Policy focusing on a safer approach which is more applicable in today's market. The changes will be reviewed by the outside auditors and then brought before the Commissioners for final approval. Commissioner Fiorenzi motioned to direct the Investment Committee to draft a proposal with a goal of protecting principal rather than a focus on maximizing return. Commissioner Bailey seconded the motion. Motion carried 3-0.

Independent Auditor's Report on Personal Property Collection: Chairman Ithurralde tabled discussion on this item until Assessor, Michael Mears, was available.

CORRESPONDENCE

Correspondence was received from: Claire Morrow; Larry Gene Hardin; Dale Hornickel; Thomas Gardner; District Attorney, Ted Beutel (2); Recorder/Auditor, Mike Rebaleati (2); Assessor, Michael Mears; Public Works Director, Ron Damele (3); Crescent Valley Public Works (2); Town of Crescent Valley; Crescent Valley Town Advisory Board (3); Cooperative Extension, Gary McCuin; 4H Program Assistant, Lynn Conley, and Economic Development Dept. Assistant, Trish Reynolds; Kafoury Armstrong; Eco:Logic; Allison, MacKenzie, et al; Elko County Public Guardian; Rena Hanks Consulting; Nevada Assoc. of Counties (4); Central Nevada Regional Water Authority; Esmeralda County Yucca Mountain newsletter; Southern Nevada Water Authority; Nevada Dept. of Motor Vehicles; Committee on Local Government Finance; Nevada Div. of Welfare; Nevada Works; Public Utilities Commission of Nevada (3); US Dept. of the Interior-BLM (4); American Land Rights Assoc.; National Assoc. of Counties; US Dept. of Agriculture-Forest Service; and Lorman Education Services.

DEPARTMENT HEAD REPORTS

COUNTY FACILITIES AND ECONOMIC DEVELOPMENT

A letter was received from Rena Hanks, GO System Consultant, complimenting the Eureka Opera House and staff. Ms. Hanks recently held two organizational classes at the Opera House.

Facilities Director, Wally Cuchine, reported on activities at the County Facilities. A blood drive is currently being conducted at the Opera House. Mr. Cuchine and Museum Director, Ree Taylor, recently attended the annual Nevada Museum Associations' Conference, and as a result of that, will be hosting a conference in Eureka next year. Economic Development is meeting regularly, but still struggling to get a quorum for the meetings.

SENIOR CENTERS

Update Report: Site Director, Millie Oram, provided an update on the Senior Centers, including meal counts and money receipts for the month. Site Director, Adell Panning, provided a written report in her absence. The Nevada Division for Aging visited the Eureka Senior Center on September 11th and found only minor issues, which have been remedied.

Purchase Patio Chairs: Ms. Oram stated that the plastic patio chairs have started cracking and she feels they are no longer safe. She recommended replacing them with metal folding chairs. Commissioner Fiorenzi motioned to approve purchasing folding chairs for the Eureka Senior Center, not to exceed \$750.00. Commissioner Bailey seconded the motion. Motion carried 3-0.

Replacement Refrigerator: The current refrigerator is 13 years old, has begun to freeze up, and replacement parts are no longer available. Failure of the refrigerator has caused the Senior Center to dispose of food in compliance with state regulations. It was suggested that the refrigerator be donated to the ball park where it would only be used occasionally. Commissioner Fiorenzi motioned to approve purchasing a new refrigerator for the Eureka Senior Center from Resco, not to exceed \$2,500.00; Commissioner Bailey seconded the motion; motion carried 3-0.

SWIMMING POOL / PARKS / RECREATION

Update Report: Pool Supervisor, Cindy Adams, provided an update on activities. The pool had 412 swimmers for the month of September. This included participants in the morning swim, programs for senior citizens and rehabilitation for surgery patients, and five birthday parties. Winter pool hours are Tuesday through Saturday. Door hinges and casings have all been repaired, and the doors, door casings, walls, and office have been repainted.

Activities at the ball parks included the season-end tournament for the Eureka Soccer League on September 20th. Picnic tables, tents, and extra garbage cans were provided for the event. The Eureka Roping Club has been making regular use of the fairgrounds and will be moving their cattle out at the end of September. The water will then be turned off and the facility will be winterized. The fair building was rented for several family events. An inquiry was made regarding having a circus at the fairgrounds, but the group has not yet produced the signed contract or proof of insurance.

Maintenance continues on the lawns and landscaping, and watering is down to once a week. Weed and feed was applied to all the lawns in preparation for winter; trees will be treated with insecticide. Straw and tree trimmings will be chipped and used for mulch around the facilities. The wall behind the Courthouse has been backfilled. The wooden bell stands in front of the Courthouse will be replaced with welded steel stands.

ROAD DEPARTMENT

Update Report: Road Superintendent, Raymond Hodson, reported on recent Road Department activities. The Grass Valley road is finished up north and turned out well. The road crew is working on the spring at McCluskey, installing rock and a bigger culvert. Work continues on the JD Ranch Road; when that is complete the Tonkin Road will be bladed. The Palisade and Crescent Valley roads have been bladed, and the Maggie Creek area will be worked on next. Work is being done on the Roberts Creek Road, with approximately six more miles until that is complete. Eureka County obtained a permit to haul from the gravel pit on the Roberts Creek Road, which will be a shorter haul. Work is being done on the Antelope Valley Road and Sadler Brown Road, which is experiencing increased traffic. Mowing is being done on the Fish Creek Road, where the brush is high.

RECESS FOR DEVIL'S GATE GID MEETING

The Board recessed from 10:54 a.m. to 11:35 a.m. for the Devil's Gate GID meeting.

PUBLIC WORKS

Digital Map Copier: Public Works needed to replace the digital map copier, and obtained authorization from the County Assessor to utilize the Assessor's Technology Fund. Two quotes were received: one from High Desert Micro-Imaging and one from Nevada Blue. The Assessor, Michael Mears, and Recorder/Auditor, Mike Rebaleati, both recommended High Desert because of the quality of their equipment and service. Commissioner Fiorenzi motioned to authorize Public Works to purchase a new 3100 digital map copier from High Desert Micro-Imaging, Inc., not to exceed \$22,310.00, to be funded from the Assessor's Technology Fund. Commissioner Bailey seconded the motion. Motion carried 3-0.

Dispute on Crescent Valley Water Account: Public Works Director, Ron Damele, provided the Board with documentation related to a protest on water account 250.0.0 from a Crescent Valley customer. The Board reviewed the customer protest, which was submitted in accordance with the appeal process outlined in the Eureka County Code. Documentation and usage history were provided by Public Works. No irregularities were found when the meter was tested for accuracy and checked for leaks. Commissioner Fiorenzi motioned that the Board deemed the customer responsible for the water charges, but directed Public Works to install a new meter; this decision could be revisited if the new meter proved there had been a malfunction. Commissioner Bailey seconded the motion. Motion carried 3-0.

Crescent Valley Justice Facility: Mr. Damele reported that installation of the phone system is still three weeks out. Downspouts and minor interior items need to be addressed. Staff will begin moving in soon and the Grand Opening is scheduled for October 10th.

\$40,000.00 Retention for Unfinished Items: The Crescent Valley Justice Facility is substantially complete, and Mr. Damele believed \$40,000.00 would cover the outstanding items. Commissioner Fiorenzi motioned to retain \$40,000.00 from the final payment to Building Solutions, Inc., pending completion of the Crescent Valley Justice Facility. Commissioner Bailey seconded the motion. Motion carried 3-0.

Eureka Volunteer Fire Station Project: Mr. Damele reported that the project is moving along, structural fill is in, and excavation for the footings will begin soon.

Winter Hours: Commissioner Bailey motioned to approve changing the work schedule to five days a week, eight hours per day for Public Works, the Road Department, and Utility Department, beginning November 3, 2008. Commissioner Fiorenzi seconded the motion. Motion carried 3-0.

Sprinkler System Installation: Mr. Damele explained that the budget included installation costs for sprinkler systems at the Downtown Park and Baseball Park picnic area. Quotes were obtained from Lamoille Lawn, Team Green, G&G Nursery, and Harris Landscape. Chairman Ithurralde motioned to accept the lowest quote of \$12,350.00 from Team Green for installation of the sprinkler systems (\$6850.00 for the Downtown Park and \$5500.00 for the Baseball Park). Commissioner Bailey seconded the motion. Motion carried 3-0.

New Ramp in District Courtroom: All parties, including the District Judges, had agreed on locating the new ramp in the center of the District Courtroom. Dolven Architectural submitted a quote of \$15,710.00 to prepare the design. Commissioner Fiorenzi requested that this item be tabled until Public Works could look into obtaining a design/build quote.

Eureka Moly Temporary Construction Worker Housing Project: Casey Kelley, from General Moly, provided a brief update for the Board. Ames Construction has gone to a five day schedule with double shifts. Work is currently being done north of the dog pound road. Large debris in the southern area of the property is being cleaned up. The stumps are being removed and ground up. Eureka County donated use of a one-ton dump truck to help deliver the firewood. Once some utilities are relocated, the major earthwork can begin on the south side of the property. Mr. Damele added that Eureka County now has an inspector on site.

COUNTY ENGINEER

Eureka Town Fire Station Project: County Engineer, Tom Young, stated he didn't have anything to add to what Mr. Damele reported earlier, other than the volunteers are selecting interior colors, brick, etc.

2008 Street Maintenance Project: Mr. Young reported that paving was completed the week before and the roads are now open to the public. Remaining work includes grading and seeding of the ditch and completion of the guardrail. The concrete tests are coming up a little light on strength for the box culverts. More test cylinders were cast and will be broken near the end of the week, and a determination will be made depending on the outcome of the tests.

Commissioner Fiorenzi commented that he would like to look into whether hiring additional Public Works staff to complete some of the capital projects would eliminate some of the construction costs. Mr. Young stated that Carson City did something similar several years back and were still required to go out to bid on capital improvement projects (not maintenance projects) and submit their own bid alongside the contractors.

RECESS FOR LUNCH

The Board recessed for lunch from 12:01 to 1:01 p.m.

USDA – RURAL DEVELOPMENT

Presentation on Community Projects: Ernest Purefory, Area Specialist from the Elko Rural Development office, presented information on programs through the USDA Rural Development that are available for Eureka County. These programs included loans and grants for waste and waste water disposal; solid waste management; renewable energy; first responder; building of fire departments, clinics, hospitals, libraries, etc. Mr. Purefory distributed information packets on the programs which included objectives, population requirements, and other information.

Ann Bostic, also from the Elko Rural Development office, works with single family homes. These programs assist very low income to moderate income families in purchasing a home. They also have home improvement programs and programs for senior citizens. Information on these programs was included in the packets. Ms. Bostic invited the Board and the community to an Open House, scheduled for November 18th, to meet all of the Elko Rural Development staff.

AMBULANCE & EMS

Update Report on Emergency Services: EMS Coordinator, Mike Sullivan, reported that since the last meeting Eureka has had five calls for service (85 calls year-to-date) and Crescent Valley has had two (46 year-to-date). Mr. Sullivan reviewed volunteer staffing levels, including those in training. He thanked Barrick Mining Corporation for allowing a volunteer to attend their EMT basic class in Elko. A training class will be held in Eureka at 7:00 p.m. on October 6th, and in Crescent Valley on October 9th. A Crescent Valley volunteer designed several emergency services patches; samples were made of the top two and the volunteers will review those to make a final selection. On October 8th, Mr. Sullivan will meet with a representative of the company that is working to buy Air Access.

Ambulance Bill Write-Offs: Commissioner Bailey motioned to approve write-offs for patient #2006274 in the amount of \$161.64, patient #2006285 in the amount of \$82.68, and patient #2006290 in the amount of \$30.00. Commissioner Fiorenzi seconded the motion. Motion carried 3-0. Commissioner Fiorenzi commented on the number of ambulance write-offs, and requested that Mr. Sullivan look into the feasibility of initializing a County program where citizens could be provided ambulance services in exchange for an annual program fee.

NATURAL RESOURCES DEPARTMENT

Activity Report: Natural Resources Manager, Jake Tibbitts, reported on department activities. He provided the Board with the monthly State Engineer's report which noted a point of diversion change application by Kobeh Valley Ranch. Mr. Tibbitts continues to participate in the Mount Hope conference calls. On September 24th and 25th he attended the Public Lands Council meeting. On September 26th he attended the Central Nevada Regional Water Authority meeting held in Eureka. On September 29th, the Natural Resource Advisory Council held a special meeting to discuss the stipulated agreement between the BLM and General Moly, where the BLM would agree upon a water model and dismiss their water protests in exchange for recognition of their reserve rights. This prompted NRAC to draft a letter noting concerns that the State Engineer should consider other interests and water holders, rather than just the BLM reserve rights. On October 2nd, Mr. Tibbitts met with Karen Peterson and other contracted experts to review material for the protest hearing. On October 3rd, he attended an informal meeting with the Diamond Valley irrigators regarding the protest hearing and other concerns.

The letter to the BLM requesting an extension of time on the comment period has been signed by Commissioner Fiorenzi. Mr. Tibbitts continues to follow legislative issues including the designation of wilderness lands and PILT (payment in lieu of taxes) which has been fully funded.

Upcoming Meetings: For upcoming meetings, Mr. Tibbitts will spend the week of October 13th at the protest hearings in Carson City.

Request from White Pine County: Eureka County received a letter from the White Pine County Commissioners proposing a shared Natural Resources Manager position. Mr. Tibbitts looked into this and found that White Pine County didn't realize Eureka County had already filled their Natural Resource position. Commissioner Fiorenzi moved to deny the request for a shared Natural Resource Manager. Commissioner Bailey seconded the motion. Motion carried 3-0.

Letter to White Pine County: Commissioner Fiorenzi motioned to send a letter to White Pine County notifying them of Eureka's decision regarding the Natural Resource position. Commissioner Bailey seconded the motion. Motion carried 3-0.

EUREKA COUNTY WILDLIFE ADVISORY BOARD

Appointment to Wildlife Board: Three letters of interest were received regarding the vacancy on the Wildlife Advisory Board. They were from Tom Gardner, Dale Hornickel, and Mike Rebaleati. After a brief discussion, Commissioner Fiorenzi motioned to appoint Dale Hornickel to the Eureka County Wildlife Advisory board. Commissioner Bailey seconded the motion. Motion carried 3-0.

COMMUNITY DEVELOPMENT COORDINATOR

Update Report on Eureka Moly Temporary Construction Worker Housing: Community Development Coordinator, Jim Evans, provided an update on this project. Grading has been in operation for about a month and they are working double shifts. The storm water pollution and prevention best management practices are in place. The water line right-of-way amendment was prepared by Summitt Engineering and submitted to the BLM. The Department of Transportation encroachment permit application will be prepared as soon as the intersection plan is complete. Speed zones through the area will also be addressed. A draft outline is being prepared for a potential purchase or development agreement between Eureka Moly and Eureka County and should be ready for review at the next Commission meeting.

Commissioner Fiorenzi commented that the plan for the temporary housing should be done first, as it would act as a building block for the development of the permanent subdivision.

The Board and Mr. Evans briefly discussed commercial and business aspects of population growth in Eureka County. Chairman Ithurralde would like to begin looking into acquiring some BLM land, eligible for disposal, to use as commercial property. He hoped some might be available near the fairgrounds. Commissioner Fiorenzi would like to have a meeting with the local businesses, as soon as the final socioeconomic report related to the Mount Hope Project is released.

EUREKA COUNTY PLANNING COMMISSION

Parcel Map for William & Robin Hicks (APN 001-172-02): Ellen Rand, Planning Commission Chairwoman, stated that the Planning Commission approved this parcel map with conditions, which have all been met. Commissioner Fiorenzi motioned to approve the parcel map for division of lands submitted by William & Robin Hicks for APN 001-172-02. Commissioner Bailey seconded the motion. Motion carried 3-0.

AGRICULTURAL EXTENSION & EUREKA COUNTY 4H PROGRAM

Update Report on Farmers' Market: Lynn Conley, Program Assistant, reported that the recent Farmers' Markets were well received by the community and had anywhere from four to ten vendors at each market. Plans are to continue with this next year, and they hope to form a core group to be involved in coordination of the markets.

Job Description for 4H Program Assistant: Ms. Conley and Mike Rebaleati explained the need for the 4H Program Assistant job to be changed to a salary position. This will better accommodate the odd hours, weekend hours, and travel that are sometimes required in this job. The position will remain at 40 hours per week, except for certain circumstances, and will remain a non-exempt position. Commissioner Fiorenzi motioned to approve a new job description changing the 4H Program Assistant to a salary non-exempt position. Commissioner Bailey seconded the motion. Motion carried 3-0.

EUREKA COUNTY FAIR BOARD

Letter of Resignation: Commissioner Fiorenzi motioned to accept a letter of resignation from the Fair Board submitted by Lisa Marshall. Chairman Ithurralde seconded the motion. Motion carried 2-0. Commissioner Bailey abstained because she is related to Ms. Marshall.

EUREKA COUNTY CLERK/TREASURER

Quarterly Clerk's Report: Clerk/Treasurer, Jackie Berg, reported that the courts are required to submit a quarterly report to the Board of Commissioners, and this report reflects the fees collected by District Court, as well as miscellaneous Clerk fees.

Ms. Berg provided a copy of a letter from Ross Miller, Nevada Secretary of State, where he committed to reimbursing the costs for staying open on Nevada Day for early voting.

JUSTICE COURT QUARTERLY REPORTS

Quarterly Reports: Quarterly reports were submitted from the Eureka Justice Court and the Beowawe Justice Court. The Board reviewed the reports without question or comment.

BEOWAVE JUSTICE COURT

Request for Wage Variance: Judge Susan Fye presented a request for a wage variance for a new employee due to extensive experience and qualifications. The new Court Clerk will begin on October 13th. Commissioner Fiorenzi motioned to approve a wage variance for the new Beowawe Justice Court employee to range 115, step 2, which is \$15.64 per hour. Commissioner Bailey seconded the motion. Motion carried 3-0.

JUVENILE PROBATION DEPARTMENT

Introduction of Juvenile Probation Officer: Steve Zimmerman was recently hired as Eureka County's Juvenile Probation Officer and was present to introduce himself to the Board. He spoke of the excellent job Karen Labarry had done during her years as JPO and plans to continue the high standards. Mr. Zimmerman also introduced his assistant, Joyce Jeppesen.

Red Ribbon Week: Mr. Zimmerman requested that the Board approve a proclamation designating October 23rd through 31st as Red Ribbon Week, to commemorate working towards a drug-free community. Commissioner Fiorenzi motioned to approve the 2008 Red Ribbon Week Proclamation, which will also be approved by the School District Board of Trustees. Commissioner Bailey seconded the motion. Motion carried 3-0.

FIRE DEPARTMENT QUARTERLY REPORTS

Eureka Fire Department: Chief Dan Brown presented the quarterly report for the Eureka Fire Department. The main order of business for the Eureka Volunteers has been involvement in the Eureka Town Fire Station Project. Chief Brown also provided the Board with a statistical report of the department's activities over the last quarter.

Crescent Valley Fire Department: Chief Terry Foster was unable to attend, but provided a written report to the Board. The report outlined membership, meeting schedule, training, vehicle status, building status, fire safety activities planned at the local school, and noted that two business meetings were conducted in July to prepare bylaws for the department.

EUREKA COUNTY SHERIFF

Quarterly Report on Detention Facility: Sheriff Ken Jones provided the quarterly report on the Eureka County detention facility, for the period of July 1st through September 30th, 2008. The treatment of the prisoners and the condition and security of the facility are all more than satisfactory. There were 21 new bookings. A total of 27 inmates were housed during the quarter, with a total of 478 inmate days, for an average of 5.25 inmates per day.

QUARTERLY DRUG REPORTS

The Sheriff and District Attorney provided quarterly drug reports covering the period of July 1st through September 30th, 2008.

Sheriff's Report: Sheriff Jones reported on drug related arrests as follows: one offense for possession of marijuana, less than one ounce; one offense for possession of controlled substance; and two arrests for possession of drug paraphernalia. Drug arrests are down, and two factors contributed to that. Following the resignation of Sergeant Case, the Sheriff's Office has lacked a narcotics officer during this past quarter; and two patrol officers are currently away at POST (Peace Officer Standards and Training). The narcotics vacancy was recently filled, and that officer has just returned from two weeks of DRE Training (Drug Recognition Evaluator), so Sheriff Jones expects the numbers will reflect this in the next quarter.

District Attorney's Report: District Attorney, Ted Beutel, reviewed the drug related charges including: possession of a hypodermic device (1); DUI possession of controlled substances (3); hit and run DUI (1); substantial bodily harm DUI (1); possession of stolen car, controlled substances, and drug paraphernalia (1). The charges resulted in various convictions and sentences ranging from participation in a diversion program; a \$600.00 fine; credit for time served; and the remaining defendants are still awaiting arraignment.

SODA MACHINE VENDOR CONTRACT

30-Day Notice of Termination: Per terms of the agreement, a letter was received from the vendor as notice of termination of the contract. Commissioner Fiorenzi motioned to accept

the letter from Joseph Swanson, serving as 30-day notice of termination for the soda machine vending contract. Commissioner Bailey seconded the motion. Motion carried 3-0.

Consider Invitation for Bids for Soda Machine Vendor: Commissioner Fiorenzi suggested tabling an invitation for bids for a soda machine vendor, believing there wasn't much demand for this service; if this proved untrue, or if somebody wished to provide this service, he invited them to approach the Commissioners in the future. Commissioner Bailey and Chairman Ithurrealde agreed to table this item.

COMMISSIONERS

Commissioner Update Reports: Commissioner Bailey reported that her activity had revolved around campaigning. Commissioner Fiorenzi attended the September 29th Public Lands meeting and the October 2nd NEPA Committee meeting. Chairman Ithurrealde attended the following meetings: Yucca Mountain Nuclear Waste Technical Review Board hearings in Las Vegas on September 24th; Central Nevada Regional Water Authority meeting in Eureka on September 26th; Eureka County Investment Committee meeting on September 30th; meeting with the County team and legal representation on October 2nd related to the upcoming water protest hearings; and the informal Diamond Valley irrigators meeting on October 3rd.

Eco:Logic Contract: Eco:Logic was originally contracted for review of the hydrology water model for the Mount Hope Project EIS. The County now felt it would be beneficial to amend this contract to include the water protest hearings, and Eco:Logic provided an estimate for this additional work. Commissioner Fiorenzi motioned to approve increasing the contract with Eco:Logic by \$42,000.00 for preparation and participation related to the water protest hearings. Commissioner Bailey seconded the motion. Motion carried 3-0.

Request for Separate Assessor's Parcel Number: Claire Morrow appeared before the Commissioners to request a separate parcel number for a lot in the Town of Eureka located on South Spring Street. Ms. Morrow detailed the history of the parcel, explaining that it was involved in recent litigation, but that a proper deed has been recorded and title insurance is in place. The Board informed Ms. Morrow that parcel number assignment is a function of the County Assessor, and this request should be taken before the Assessor, Michael Mears. Commissioner Fiorenzi motioned that no action be taken by the Board in favor of referring this request to the Assessor. Commissioner Bailey seconded the motion. Motion carried 3-0.

Update on County Participation in Mount Hope EIS: Commissioner Fiorenzi submitted a request to Jim Evans, Community Development Coordinator, to identify possible County uses for the annexed property, or portions of the property, and Mr. Evans is still working on that. Commissioner Fiorenzi met with the NEPA Committee, and they are still waiting on the socio-economic report. Jake Tibbitts reported that the final hydrology report had just been received, and he will be reviewing that. Ron Damele reported that Rex Massey's draft report has been received and forwarded to all department heads for comments.

Upcoming Water Protest Hearing: Chairman Ithurrealde reported that the water protest hearing was scheduled in Carson City from October 13-17, 2008. There is a possibility that the hearing may extend into the following week, which could cause a conflict with the Commission meeting of October 20th. This was discussed at the September 19th meeting where the Board reached a consensus to change the meeting date to October 23rd. Commissioner Fiorenzi motioned to ratify the decision to change the meeting date from October 20th to October 23rd to accommodate the water protest hearing. Commissioner Bailey seconded the motion. Motion carried 3-0.

The District Attorney reviewed meeting and hearing protocol with the Board members so that everyone was clear on what was allowed or was not allowed under Open Meeting Law, including exemptions when meeting with the attorneys for the hearing, or when gathering

socially, such as for a meal. To avoid even the perception of a violation, it was recommended that the Board members travel separately to and from the hearing.

PUBLIC COMMENT

Chairman Ithurrealde opened the floor to public comment. Tammy Redfield of Crescent Valley wanted to make sure that the Crescent Valley students were included in any Red Ribbon Week activities. The Board said they would relay this request to Steve Zimmerman.

Ms. Redfield then asked about a Crescent Valley fire truck that was being used by Nevada Division of Forestry. Ms. Redfield stated this truck was approved during the budget process, was purchased for \$77,000.00, was meant to be a first-responder truck for the Crescent Valley Fire Department, and she felt it should remain in Crescent Valley.

Commissioner Bailey responded that the truck was assigned to Brian Hoehne of NDF because he is out every day, his truck wasn't running properly, and it was determined that this was a better use for the light duty truck. Commissioner Fiorenzi stated that the truck was being used by NDF, but was still servicing the Crescent Valley area. Chairman Ithurrealde stated that NDF is under contract with Eureka County and sometimes makes decisions related to best use of the equipment.

Ms. Redfield claimed that there were several individuals under the impression that the truck was taken from Crescent Valley, because "we couldn't get along at the fire department." Commissioner Bailey stated that had nothing to do with the decision. Ms. Redfield stated that the whole department had been told by the Chief, at their last meeting, that it was due to the 'Redfield letter' that she wrote to Chairman Ithurrealde, and she felt the timing of the decision seemed to support this theory. Chairman Ithurrealde told her, "Please understand, that statement did not come from this Board."

Ms. Redfield reiterated that the truck should remain in Crescent Valley. The discussion continued a brief while longer, until the Chairman interrupted to state that public comment was limited to three minutes per person and had gone beyond that.

A final call was made for public comment, and there were no further comments.

ADJOURNMENT

At 3:45 p.m., Commissioner Fiorenzi motioned to adjourn the meeting. Commissioner Bailey seconded the motion. Motion carried 3-0.

Approved this 20th day of November, 2008.

/s/ J.P. Ithurrealde

J.P. Ithurrealde, Chairman

Attest: /s/ Jackie Berg

Jackie Berg, Clerk