

EUREKA COUNTY BOARD OF COMMISSIONERS
October 6, 2009

STATE OF NEVADA)
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COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on October 6, 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 9:30 a.m. and began with the Pledge of Allegiance. The interactive video conference system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

APPROVAL OF AGENDA

Commissioner Fiorenzi motioned to approve the agenda as posted; Commissioner Page seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Ithurralde called for public comments. There were none. Commissioner Fiorenzi stated that he would not participate in discussing or voting on item #3 under the Commissioners' section of the agenda due to a family relationship with the Public Guardian.

APPROVAL OF MINUTES

Commissioner Fiorenzi motioned to approve the minutes of the September 21, 2009, Commissioner meeting; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Fiorenzi motioned to approve the minutes of the September 21, 2009, Open House; Commissioner Page seconded the motion; motion carried 3-0.

FINANCE

Payment of Expenditures: Expenditures were presented for approval by Mike Rebaleati, County Recorder & Auditor. Commissioner Fiorenzi motioned to approve County expenditures in the amount of \$2,367,519.19, which includes \$456.92 in special accounts payable, \$330,978.35 in payroll, and \$2,036,083.92 in accounts payable, noting that the accounts payable included a \$1,089,510.22 pass-through to the School District; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Fiorenzi motioned to approve Yucca Mountain payroll and expenditures in the amount of \$6,295.22; Commissioner Page seconded the motion; motion carried 3-0.

Auditor's Report: Mr. Rebaleati explained that the external auditors will be in Eureka in October or November to complete the audit of Fiscal Year 2008-2009, which will include the Comprehensive Annual Fiscal Report. Combined revenues for FY 2009 were approximately \$31 million. Mr. Rebaleati reminded the Board that the current year (FY 2010) will show inflated revenues because of the regular net proceeds receipts, plus the projected net proceeds receipts. The Board reiterated that the projected net proceeds will be allocated and spent in the appropriate budget year, and that the large capital improvement projects are being planned accordingly.

Worker Compensation Claims: Mr. Rebaleati reported that the County has been experiencing a trend of increasing worker compensation and other insurance claims, which can cause an increase in premiums. Jerry Larson, Human Resources Analyst, and Mr. Rebaleati have been working on developing a means to incorporate safety training to

potentially reduce the number of claims made by County employees. Mr. Larson will be involved with the County's Safety Committee, Nevada Public Risk Management (PRIMA), and the POOL/PACT Loss Control Committee.

Fiscal Results for FY 2008-2009: This was reported on with the Auditor's Report.

Sidewalk Upgrade on Capron Street: Mr. Rebaleati commented on the success of the Ruby Hill Sidewalk project and asked the Board to consider extending the sidewalk to Capron Street, as a continuation of this project. The School District Board of Trustees has been approached and asked to financially contribute towards this extension. The Commissioners agreed to consider this item during the FY 2010-2011 budget process.

Capital Improvement Plan and Strategy: Mr. Rebaleati explained that the capital improvement plan strategy for FY 2010-2011 should be addressed soon and asked the Board to set a timeframe to begin discussing these projects. The Board agreed to schedule a capital improvement plan strategy meeting for November 19th at 3:00 p.m. The County's department heads will be contacted and asked to submit any capital improvement projections.

Red Alert Service Agreement: Mr. Rebaleati explained that the Red Alert Service Agreement - Basic Plan with Belfor USA Group, Inc., is a procedural agreement with POOL/PACT, at no cost to the County. Belfor USA Group, Inc. is a disaster contractor through the Public Agency Insurance Pool to help mitigate the effects of disasters such as floods or earthquakes. Commissioner Fiorenzi motioned to approve signing the Red Alert Service Agreement - Basic Plan at no cost to the County; Commissioner Page seconded the motion; motion carried 3-0.

Uncollectible Ambulance Service Accounts Receivable: Lisa Hoehne, Deputy Recorder/Auditor, reported on ambulance service bills dating from December 15, 2004, to April 21, 2005, that are uncollectible, even after utilizing a collection service. Ted Beutel, District Attorney, reviewed the bills and has deemed them uncollectible according to Nevada Revised Statutes. Bills older than four years that cannot be collected can be written off. Commissioner Page made a motion to write-off certain uncollectible ambulance service accounts receivable in the amount of \$4,620.00; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Chainsaws for Diamond Valley Fire Department: Mr. Rebaleati requested authorization to purchase two chainsaws for the Diamond Valley Fire Department (to match models used by the Eureka Fire Department), and noted there are funds available in the budget. Commissioner Fiorenzi motioned to approve the purchase of two chainsaws for the Diamond Valley Fire Department in the amount of \$1,720.00; Commissioner Page seconded the motion; motion carried 3-0.

CORRESPONDENCE

Correspondence was received from: Fred Kessler; William Marshall; District Attorney, Ted Beutel (2); Clerk & Treasurer, Jackie Berg (2); Public Works Director, Ron Damele (3); Fannie Komp Senior Center Director, Adell Panning; Eureka County Planning Commission; Crescent Valley Town Advisory Board (3); Cooperative Extension, Gary McCuin; Lumos & Associates; Abigail Johnson; Allison, MacKenzie, et al (3); Hoss Disposal; Gust Electric, Inc. (2); Rehab Services of Nevada; SRK Consulting; Carlin Volunteer Fire Dept.; Humboldt River Basin Water Authority; Daka Doiyabe Resource Conservation & Development; Washoe County; Nevada Health Centers, Dr. Carl Heard; Nevada Assoc. of Counties (2); Nevada Dept. of Transportation; Nevada Dept. of Taxation (4); Nevada Dept. of Motor Vehicles; Nevada Gaming Control Board; Nevada Div. of Environmental Protection (4); Nevada Div. of Welfare; Nevada Works Economy in Brief newsletter; US Dept. of Agriculture-Nevada Office; National Assoc. of Counties (2); US Congresswoman, Dina Titus; US Secretary of the Interior; and US Dept. of the Interior-BLM (4).

Jackie Berg, Clerk, read the letter of resignation of Dr. Carl Heard from Nevada Health Centers. Chairman Ithurrealde noted that US Congresswoman Dina Titus would like Eureka County's comments on the proposed Health Care Reform Act, and that he would attend the Resource Conservation Development Council on October 26th per invitation from Daka Doiyabe.

ROAD DEPARTMENT

Update Report: Raymond Hodson, Road Superintendent, reported on Road Department activities, which included: a culvert on the Mustang Road; magnesium chloride applications; culvert work; leveling at Perdiz Shooting Range; weed mowing; and maintenance on various roads (Three Bars Road, Santa Fe Road, Ferguson Road, Fish Creek Road, Monitor Valley Road). North end work included: weed mowing and work on various roads (Dry Hills Road, JD Ranch Road, Grass Valley Road, Horseshoe Ranch Road, Tonkin Road, Rose Ranch Road, Palisade Road, Barth Road). Road Department employees received training involving gravel roads and drainage, workplace safety, and supervisor training. The recently hired mechanic for the Beowawe Road Shop is doing very well.

EUREKA COUNTY WEED DISTRICT

Annual Update Report: Ellaree Mariluch, recently retired Diamond Valley Weed District Weed Control Technician, provided the Board with the 2009 Annual Weed District activity report. The report included photographs showing progress in weed treatment areas. Commissioner Fiorenzi asked how much time was spent monitoring the Eureka Canyon Subdivision for weed invasion. Ms. Mariluch replied that she treated weeds for approximately half a day and monitored the site every two weeks. The Board thanked Ms. Mariluch for her dedicated service to Eureka County.

Resignation of William Marshall: Commissioner Fiorenzi motioned to accept the resignation of William Marshall from the Diamond Valley Weed District Board; Commissioner Page seconded the motion; motion carried 3-0.

PUBLIC WORKS

Janitorial Services for Eureka Fire Station: Ron Damele, Public Works Director, reported that the scope of work has been determined for cleaning services at the Eureka Fire Station, but noted this is not currently budgeted. The proposal is for once a week cleaning of certain areas by an independent contractor. Commissioner Fiorenzi suggested that cleaning might only be needed monthly. Chairman Ithurrealde asked if the ambulance bay bathrooms could be added to that cleaning contract. Commissioner Fiorenzi motioned to table the cleaning contract for the Eureka Fire Station for consideration during the next budget process; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Fiorenzi felt the building could be maintained by the Volunteer Fire Department until a cleaning contract is in place.

Commissioner Fiorenzi asked staff to look into the recent changes regarding Nevada Business Licenses, because he believed a license must be obtained by all contractors.

Residential Water & Sewer Application: Application for a ¾-inch residential water service and sewer service was received from Ted and Cindy Beutel for new construction, and Public Works recommended approval. Commissioner Page motioned to approve the residential water and sewer application from Ted and Cindy Beutel for 580 Nob Hill Avenue in Eureka; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Eureka Justice Facility Remodel and Expansion Project: Mr. Damele reported that the Eureka Justice Facility Remodel and Expansion Project is going well. The dispatch area has been temporarily moved pending completion of construction in that area.

Electronic Payment Requests: Mr. Damele explained that the Federal Aviation Administration (FAA) will no longer issue checks, requiring the County to enroll in the electronic payment system to receive grant funds. Commissioner Fiorenzi motioned to have Public Works sign authorization and certification forms for enrollment with the US Federal Government's electronic payment system; Commissioner Page seconded the motion; motion carried 3-0.

Design Services for the Airport Improvement Project: The County was contacted by the FAA and advised that additional grant funding is available in the amount of approximately \$200,000.00. With a portion of these funds, Lumos & Associates proposed that geotechnical and design work for the next phase of the Airport Improvement Project be completed. Tom Young outlined the five tasks this would entail for a cost of \$120,000.00. A five-percent County match is required (\$6,000.00). Commissioner Fiorenzi motioned to approve the proposal from Lumos & Associates for design services of the next phase of the Airport Improvement Project; Commissioner Page seconded the motion; motion carried 3-0.

Retaining Wall on Paul Street: The Chairman had been contacted by a property owner and resident on Spring Street in Eureka regarding the deteriorating retaining wall between Paul and Spring Streets. Mr. Damele provided a topographical survey map completed in 1996 by Lumos & Associates, along with a portion of the Commissioner minutes of July 5, 1996, where the Board unanimously agreed that the condition and repair of the retaining wall was the property owner's responsibility because it was on private property. Utilizing the topographical map, Mr. Damele reviewed which portions of the wall are located on private property and which portions are located on the County right-of-way. Property owners, Marsha Davis and Claire Morrow, relayed problems currently created by deterioration of the wall and further anticipated problems. A lengthy discussion ensued between the property owners, the Board, and the Public Works Director. Commissioner Fiorenzi motioned that the County Engineer and Public Works review the drainage issues on Paul Street, as well as look into liability issues as they relate to the County and the property owners, and that Public Works contact Mount Wheeler to inspect the security of a leaning power pole; Commissioner Page seconded the motion; motion carried 3-0.

Crescent Valley Community Center Lighting: The Crescent Valley Town Advisory Board requested parking area lighting for the Crescent Valley Community Center. Public Works obtained a quote from Gust Electric for materials and labor to install two light poles and eight metal halide fixtures in the amount of \$10,600.00. This specific cost has not been budgeted, but the funds could come out of the buildings and grounds budget. Commissioner Page motioned to accept the quote from Gust Electric for outside lighting at the Crescent Valley Community Center; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Contract Extension with Hoss Disposal: The County's contract with Hoss Disposal (for garbage pickup at County buildings/facilities) includes provision for a one-year extension. Hoss Disposal provided a cost proposal to the County for a one-year contract extension with an increase of \$30.00 per month for a total monthly cost of \$790.00 and an expiration date of November 1, 2010. Commissioner Fiorenzi motioned to approve the contract extension with the increase of \$30.00 per month with Hoss Disposal; Commissioner Page seconded the motion; motion carried 3-0.

Nuclear Waste Advisor Contract: A request was received from Abigail C. Johnson for a two-year renewal of the Nuclear Waste Advisor Contract (for the Yucca Mountain Project) with the County, at a total cost for two years of \$249,000.00, to be paid from the Department of Energy (DOE) federal grant funding for affected units of local government. Ms. Johnson's contract will be contingent on Department of Energy funding received by the County and no County tax dollars are used to pay the contract. Commissioner Fiorenzi motioned to approve the Nuclear Waste Advisor Contract for two years, at a total cost of \$249,000.00, contingent

upon the County's receipt of grant funding from the DOE; Commissioner Page seconded the motion; motion carried 3-0.

2009 Street Maintenance Project Change Order: A change order to the 2009 Street Maintenance Project was requested by the Eureka County Safety Committee to provide safety striping on Vandal Way near the High School. A formal cost proposal had not yet been received, but Mr. Damele indicated it should not exceed \$1,500.00. Commissioner Fiorenzi motioned to approve the change order, not to exceed \$1,500.00 for safety striping on Vandal Way in Eureka; Commissioner Page seconded the motion; motion carried 3-0.

Petroleum Monitoring Wells in Crescent Valley: Mr. Damele explained that there were some leaking underground storage tanks associated with the store in Crescent Valley and the Nevada Division of Environmental Protection (NDEP) is requiring placement of monitoring wells near the contamination site. At the time the leakage was identified, the property owner was Al Park Petroleum; and the current owner will not authorize monitoring wells on his property. Eureka County was provided documentation and a request from SRK Consulting and Al Park Petroleum to locate two petroleum monitoring wells in the general vicinity of State Route 306 and 2nd Street in Crescent Valley (within the County right-of-way). Mr. Damele noted the importance of protecting the County's municipal wells and water supply to Crescent Valley residents, and although there will be some impact to traffic during drilling of the wells, he felt it was in Eureka County's best interest to approve this request. Chairman Ithurralde motioned to approve the request from SRK Consulting and Al Part Petroleum to locate two monitoring wells in the general vicinity of SR 306 and 2nd Street, adding that any damage to the street must be borne by someone other than Eureka County; Commissioner Page seconded the motion; motion carried 2-1, with Commissioner Fiorenzi voting against.

NEVADA DEPARTMENT OF TRANSPORTATION

State Route 780 Transfer of Ownership: A proposal was submitted by the Nevada Department of Transportation (NDOT) regarding transferring ownership of State Route 780 in Eureka, known as Ruby Hill Avenue, to Eureka County. NDOT outlined two options for the transfer: Option 1 states that in exchange for transferring SR 780 to the County, NDOT will compensate the County \$202,800.00; Option 2 states that in exchange for transferring SR 780 to the County, NDOT will compensate the County \$158,000.00, plus pulverize a portion of SR 780 from the cattle guard to Ruby Hill Mine. Mr. Damele felt the County should take over SR 780 because of the substantial amount of underground utilities and improvements to that area; and suggested that any compensation money be set aside strictly for maintenance of Ruby Hill Avenue. Additionally, he recommended that NDOT be asked to fix and replace marker posts and signs and clean out the culverts prior to the transfer; and that NDOT be required to stripe the road annually for the next ten years. Kathy Weaver, Assistant District Engineer for NDOT, agreed that the requests were reasonable and would be considered. Mr. Damele and Mr. Hodson informed the Board that snow removal on Ruby Hill Avenue would be a top priority for the County crew. Commissioner Page made a motion to accept Option 1 from NDOT to transfer Ruby Hill Avenue to Eureka County with the Public Works Director's recommendations; Chairman Ithurralde seconded the motion; motion carried 2-1, with Commissioner Fiorenzi voting against the motion.

Mr. Damele asked that NDOT address the issue of the condition of the pavement on Highway 278 between the JD Ranch Road and the Alpha Road prior to winter, and Ms. Weaver agreed to look into the matter.

COUNTY ENGINEER

2009 Street Maintenance Project: Tom Young, Lumos & Associates, reported that the 2009 Street Maintenance Project was nearing completion. The culvert on Robins Street has

been backfilled, allowing the street to be open at night. Paving on Robins will be completed at the end of the week, weather permitting, with guard rails installed the following week. Substantial completion of the project is expected by October 16th.

Water Tank & Booster Station Project: The Water Tank and Booster Station Project continues to progress well. The booster station roof is complete and work continues on the interior. The interior of the small water tank is being sandblasted and painting will begin the following week, at which time interiors of all water tanks should be complete.

Change Order for Water Tank and Booster Station Project: Mr. Young explained that the change order for the Water Tank and Booster Station Project is for installation of smaller diameter transducers for Diamond Valley Well #1 and Well #2. The transducers measure the water level in the wells and because the conduit is smaller in diameter, the transducers need to be smaller as well. Commissioner Fiorenzi motioned to approve the change order to the Water Tank and Booster Station Project for the modified transducers in the well house, not to exceed \$2,600.00, and to authorize the Chairman to sign the change order outside of the meeting; Commissioner Page seconded the motion; motion carried 3-0.

Town of Eureka Fire Station Project: Mr. Young reported that several punch list items need to be verified for completeness related to the Eureka Fire Station, and some labor issue claims in connection with subcontractors and prevailing wages are being addressed as well.

Change Order for Eureka Fire Station Project: Mr. Young explained that a starting module for the backup generator, originally included for the Eureka Fire Station Project, is not needed so the County will be credited for that amount. Commissioner Fiorenzi motioned to approve the change order to remove a redundant starting module, for a credit to Eureka County of \$7,938.72; Commissioner Page seconded the motion; motion carried 3-0.

JD Ranch Bridge Project: Mr. Young reported that the final piece of construction for the JD Ranch Bridge Project is the guardrail, which should be installed the following week.

Eureka County Airport Runway Design: Lumos & Associates hopes to complete the geotechnical aspect of the Eureka Airport Reconstruction Project (runway 18/36 design) before winter. This will require drilling into the pavement on the runway, which has been scheduled for October 8th. Drilling will be done at night to avoid tying up the runway, and the drill rig can be moved in case of an emergency. County emergency services have been notified.

MOUNT WHEELER POWER

General Updates: Kevin Robison, Member Services Manager for Mount Wheeler Power, reported on recent operations. Maintenance and significant upgrades were performed throughout the summer, including repair of lines in Newark Valley that were downed after a spring snow storm. The changeover to radio-read meters is complete, and allows a service area of 16,000 square miles to be read in four 10-hour days; the same area used to take 36 days. Mount Wheeler Power has issued capital credits for service years 1990 and 1991. Carbon tax legislation is being tracked and response cards will be available; Mr. Robison thanked the Board for the letter submitted to Congress in opposition of the carbon tax bill. Mount Wheeler received the request regarding installation of a pole at the downtown park in Eureka and their level of participation will be discussed at the company's next board meeting.

RECESS FOR LUNCH

The Board recessed for lunch from 12:02 p.m. to 1:04 p.m.

SOCIETY FOR RANGE MANAGEMENT – NEVADA SECTION

Request for Event Sponsor: Ken Conley, President of the Nevada Section of the Society for Range Management, came before the Board to request sponsorship from the County on behalf of the Nevada Section of the Society of Range Management for the 2009 Conference on Wild and Feral Horse and Burro Management and Policy, scheduled for

November 3-5, 2009, in Reno/Sparks, Nevada. Public rangelands are suffering due to the overabundance of wild horses and this conference may be the means for action at an agency level. Commissioner Fiorenzi motioned to provide a platinum level event sponsorship for the conference, in the amount of \$1,000.00; Commissioner Page seconded the motion; motion carried 3-0. With this level of sponsorship, Eureka County will be recognized at the banquet table, on the daily programs, and throughout the proceedings.

FIRE DEPARTMENT QUARTERLY REPORTS

Eureka Fire Department: The Board reviewed the written report from Dan Brown, Eureka Fire Department Chief, without questions or comment.

Crescent Valley Fire Department: Phil Schmitz, Crescent Valley Fire Department Chief, reported on quarterly activities of his respective department, noting that the building may need some attention in the future, and he will approach Mr. Damele with the details. Training is ongoing related to equipment use, driving, structure fires, and confined quarters fires. Three to four members plan on attending a hazardous materials conference in Reno, and wildland fire courses will be provided by the Bureau of Land Management.

EUREKA COUNTY SHERIFF

Interlocal Contract with Department of Public Safety: Sheriff Ken Jones reported that an Interlocal Contract between the Nevada Department of Public Safety and the Eureka County Sheriff's Office is signed annually. This sets terms of use for criminal histories and the National Criminal Information Center (NCIC). Commissioner Page motioned to approve signing the Interlocal Contract Between Public Agencies; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Concrete Pad at Perdiz Shooting Range: Sheriff Jones explained that a concrete pad, to be poured at the Perdiz Shooting Range, was included in the current budget. The pad will allow the deputies to qualify for various required shooting distances without having to lie in the dirt or mud. A bid for constructing the concrete pad was received from Building Solutions.. Commissioner Fiorenzi motioned to approve a change order to the Building Solutions, Inc., contract for improvements at the Perdiz Shooting Range for the Sheriff's Department, not to exceed \$9,464.00; Commissioner Page seconded the motion; motion carried 3-0.

Jerry White, of Perdiz Shooting Range, asked if Public Works could look into widening the entry road into the shooting range, which would accommodate parking and access during events. The Board asked him to see what he could work out with Public Works, and if needed, include it on a future agenda.

Quarterly Report on Detention Facility: Sheriff Jones reported on the detention facility for the previous quarter. There were 24 new bookings in the jail and a total of 29 inmates overall. The remodel and expansion project is moving along. The dispatch area has been temporarily relocated until the remodel is complete, and staff has been very helpful throughout the entire process.

QUARTERLY DRUG REPORTS

Drug Related Arrests and Interventions: Sheriff Jones reported that there were four drug related arrests for the quarter and each arrest included one or more charges in the following categories: driving under the influence (DUI) of drugs, possession of a firearm, DUI drugs and alcohol, possession of marijuana, possession of marijuana with intent to sell, and possession of drug paraphernalia. There were also 11 citations issued for drugs. Sheriff Jones added that \$21,500.00 has been paid to the drug task force and the task force is trying to initiate a plan for more involvement in Eureka County.

Drug Related Convictions and Acquittals: District Attorney, Ted Beutel, reported on drug related convictions and acquittals. Mr. Beutel explained that cases don't always come before the DA if a drug citation is paid in full or a defendant pleads guilty to the citation. Prosecutions pursued during the quarter included: DUI alcohol, assault with a deadly weapon involving methamphetamine, possession of greater than one ounce of marijuana, and DUI drugs for marijuana and drug paraphernalia. There were 13 drug related convictions with six cases still pending.

EUREKA COUNTY CLERK & TREASURER

Quarterly Clerk's Report: Clerk & Treasurer, Jackie Berg, submitted the quarterly Clerk's Report, which summarized the Clerk and District Court fees for the quarter. Per a previous inquiry from the Board, Ms. Berg provided a copy of a letter from the Nevada State Legislature with information regarding status of the option for State utilization of LGIP (Local Government Investment Pool) funds, which are managed by the State Treasurer. The State is leaving the option open until August 2011, but information has been relayed verbally that there is no present plan to access the funds. Ms. Berg recommended that any Board members with concerns speak to Mark Weinberger in the State Treasurer's office

Real Property Transfer Tax Compliance Audit: Ms. Berg provided results from an external audit conducted by the Nevada Department of Taxation on the Treasurer's and Recorder's offices related to collection and distribution of Real Property Transfer Tax. This audit was conducted state-wide to ensure consistency in collection and distribution of this tax. The Eureka County Treasurer's office was deemed to be completely compliant, but several recommendations were provided to the Recorder's office. Mr. Rebaleati detailed the real property transfer tax process, and informed the Board that they will receive copies of his response to the audit recommendations, upon completion.

Projected Net Proceeds Payments: Ms. Berg provided a net proceeds breakdown showing net proceeds received to date, and specifying which mining companies are opting to make an annual payment, and which mining companies are opting to make quarterly payments of the projected net proceeds (for production year 2009). The County has only received the first and second quarterly projected payments; all payments should be received before the true-up date with the Department of Taxation, which will occur in April 2010.

SENIOR CENTERS

Update Report: Millie Oram, Eureka Senior Center Site Director, reported that she and Adell Panning, Fannie Komp Senior Center Site Director, attended the recent Nevada Association of Counties (NACO) conference in Lake Tahoe. The Eureka Senior Center served 1,042 meals and Crescent Valley served 747 meals for September; total deposits for the month were \$8,310.24. The Division of Aging inspected both sites and an audit of paperwork operations will be conducted in the near future.

PUBLIC MEETING – CONSIDER PROJECTS FOR CDBG PROGRAM FUNDING

Notice was given that Eureka County would hold a public meeting on October 6, 2009, at 2:00 p.m. in the Eureka County Commissioners' Chambers at the Eureka County Courthouse in Eureka, Nevada. The reason for said meeting was to invite public comments on community development, housing needs of low to moderate income persons, and possible funding through CDBG (Community Development Block Grant) Program. All grants must meet one or more national objectives, which are: (1) benefit low and moderate income families; (2) elimination of slum or blight areas; and (3) address an urgent need.

Chairman Ithurralde called for public comments. Lisa Wolf, Crescent Valley resident, noted that low income and senior housing would be beneficial in Crescent Valley. Mr. Damele

reported that he was contacted by Dr. Glenn Waite, Eureka Medical Clinic, who expressed that digital transmission of x-rays would be a worthwhile upgrade to the current x-ray capabilities at the clinic. The upgrade would cost approximately \$50,000.00 to \$75,000.00, would serve the entire County and portions of surrounding counties, and should qualify under the CDBG. Commissioner Fiorenzi motioned to proceed with the CDBG application; Commissioner Page seconded the motion. Prior to the vote, Chairman Ithurralde made a final call for public comments; being none, the motion carried 3-0.

JUSTICE COURT QUARTERLY REPORTS

Quarterly reports were submitted by the Eureka Justice Court and Beowawe Justice Court regarding monies collected during the previous quarter. These statistics are also reported to the Nevada Administrative Office of the Courts (AOC).

REHAB SERVICES OF NEVADA QUARTERLY REPORT

Quarterly Report: Greg Barker, Director of Rehab Services of Nevada, forwarded a written quarterly report regarding rehabilitation services provided in Eureka, which are currently subsidized by the County. The Board commented that they have received positive feedback regarding the rehabilitation services and according to the report, there seem to be a lot of patients utilizing the service in Eureka.

EUREKA COUNTY HUMAN RESOURCES

Revisions of Personnel Policies: Jerry Larson, Human Resources Analyst, reported that a change in pre-employment drug testing is being proposed and is included in a resolution for the Board to consider. The new proposed drug test is a saliva test, is legal and less expensive, would be sent to Quest Diagnostics for analyzing, and could be conducted on-site by Mr. Larson. This method suffices for an on-the-job accident drug/alcohol test outside of the Department of Transportation requirements. Commissioner Fiorenzi motioned to proceed with the new drug testing method, including proposal of a resolution to amend the personnel policies, and distribution of the resolution to employees for comment; Commissioner Page seconded the motion; motion carried 2-0, with Chairman Ithurralde abstaining from the vote.

Public Hearing Date and Time: A public hearing to consider the resolution revising the County drug testing policy was set for 2:00 p.m. on November 6th. More extensive changes to the personnel policies will be brought forward for the Board's approval after more extensive review by Mr. Larson.

Mr. Larson introduced a draft reporting sheet for consideration; the report is to be completed monthly by County department heads for submittal to the Commissioners. Input regarding this reporting method will also be requested from the department heads. Focus meetings are tentatively scheduled for October 14th (employees) and October 15th (managers) to discuss any items of concern. Meetings will be scheduled monthly, and a Commissioner is requested to attend. Mr. Larson will be visiting Crescent Valley to introduce himself to County employees in northern Eureka County.

EUREKA COUNTY TELEVISION DISTRICT

Report on Activities: Attending on behalf of the Eureka County Television District were President, Dave Pastorino; members Charlie Harper, Martin 'Sonny' Milano, Richard Carlgren; and Department Assistant, DiAnn Martin. Dave Pastorino explained to the Board that the Eureka County Television District has been in contact with other TV Districts in the area and is considering organizing in a manner where it has a checking account under its control, separate auditors, and a separate attorney, but still receives the funds from Eureka

County. Mr. Pastorino noted that the TV District does not want to completely sever from the County, but separate itself somewhat financially. Commissioner Fiorenzi asked if the TV District had adopted County financial procedures, followed Open Meeting Law (OML), if all members were registered voters, and if all members received the same monthly compensation, all of which are requirements under the law. Mr. Pastorino answered that the TV District uses the County financial procedures, follows OML, only one member is currently not a registered voter, and not all members receive the same compensation. Discussion ensued regarding organization and establishment of the Television District in Eureka County, which was done according to Nevada Revised Statutes. Commissioner Fiorenzi noted that, to his knowledge, the County had always worked cooperatively with the TV District, and provided financial support above the designated tax allocation; this caused him to ask why the TV District would want to separate from the County.

A lengthy discussion was held regarding various Television District issues and responsibilities, especially the seriously declining quality in television service and lack of communication with the public. Mr. Pastorino reiterated that the issues with the digital conversion lie primarily with the broadcasting stations and the Eureka County TV District is trying to rectify these problems; in the meantime they are in the process of returning to analog, pending resolution of the digital problems. The Board informed the TV District that complaints regarding television service are on the rise again.

Title 10 of the Eureka County Code: The Board agreed that if the TV District truly wishes to separate from the County that the TV District would be abolished. The TV District was directed to address its position, regarding separating from the County and engagement of a private attorney, at their next meeting, and to report their decision (in the form of minutes of their meeting) at the November 6th Commissioner meeting.

The Commissioners allowed for public comment. Several long-time residents were in attendance, including Art Miles and Vera Baumann, who commented on the quality of television reception, which has declined drastically since the installation of supposedly more advanced and improved equipment.

COMMISSIONERS

Update Reports: Commissioner Page attended the Crescent Valley Town Advisory Board meeting, the Eureka Fire Station Grand Opening, and the Eureka Moly Open House held in Crescent Valley. Commissioner Fiorenzi attended the Eureka Fire Station Grand Opening. Chairman Ithurralde attended the Eureka Fire Station Grand Opening and thanked the Grand Lodge for the cornerstone ceremony; the Chairman also met with the Human Resource Analyst and members of the Wage and Salary Committee, and met with Dr. Waite regarding a decision from the Nevada State Board of Medical Examiners restricting medical assistants from administering prescription drugs, including flu shots.

Contract with Nevada Division of Forestry (NDF): Tyrell Hanson, NDF, provided the Interlocal Contract Between Public Agencies, a contract between the State of Nevada, Nevada Division of Forestry, and Eureka County. Sam Hicks, Battalion Chief, and Mr. Hanson will visit each fire department within the County to develop annual operating plans specific to each department, and these will be presented to the Board upon completion. The Board reviewed the final contract in detail. One typographical error was identified and will be corrected. Commissioner Fiorenzi motioned to approve the Interlocal Contract Between Public Agencies (NDF and Eureka County); Commissioner Page seconded the motion; motion carried 3-0. The State Board of Examiners will consider the contract at their October 12th meeting.

Public Administrator Duties: Mr. Rebaleati explained that he was willing to volunteer to act as the County's Public Administrator in addition to the Public Guardian duties, with

assistance from his Deputy Public Guardian. Currently, the County does not have a Public Administrator who handles estates for individuals without appropriate means or a family member to assume these duties. The position is an elected office, but in the absence of such a position, the Board can appoint someone, which would need to be outlined by ordinance. Chairman Ithurralde motioned to propose that the Public Guardian Ordinance be modified to include Public Administrator duties; Commissioner Page seconded the motion; motion carried 2-0. Commissioner Fiorenzi excused himself from the proceedings during this discussion and action (as he noted at beginning of the day's meeting) because of his family relation to the Deputy Public Guardian.

TS Power Plant Depreciation: *(NOTE: This agenda item was discussed earlier in the day).*

County Assessor, Michael Mears, explained that he is not involved in calculating net proceeds which is handled by the Department of Taxation; however, the net proceeds calculations are reported to the Assessor as well as the Auditor and Treasurer. Mr. Mears reported that Newmont Mining Corporation is attempting to use depreciation of the TS Power Plant against the calculations of the mine's net proceeds for the 2009 tax year. Electrical expenses are an allowable expense against net proceeds, but the question at hand is whether the TS Power Plant is part of the mining process. The TS Power Plant falls under an independent company, Newmont Nevada Energy, created by Newmont Mining. The TS Power Plant was built to offset the mine's power cost and improve profitability. Mr. Mears explained that the TS Power Plant sells power outright to Sierra Pacific Power and then Newmont purchases power back for use at the mine. Mr. Mears added that depreciation of the power plant should not be an allowable expense against net proceeds because it does not have anything to do with the mine operation itself.

The issue of allowing the expense will be brought before Dino DiCianno, Executive Director of Taxation, on October 20th. Mr. Mears relayed that Terry Rubald, Chief of Division of Assessment Standards, has indicated that the deduction is not allowable. The matter may be brought before the State Board of Equalization for a ruling in early 2010. Mr. Beutel described the history of working out the assessment of the power plant with the mine and the offset issue. The depreciation of the power plant could have negative long term financial effects on the County if not handled properly. The County has been invited to lobby against the offset of the power plant and hiring legal counsel was contemplated. Commissioner Fiorenzi motioned to oppose the depreciation of the TS Power Plant to offset net proceeds tax liability and that the District Attorney's be given authority to hire legal counsel to oppose this action; Commissioner Page seconded the motion; motion carried 3-0.

New Restroom at Lower Ball Park: Chairman Ithurralde explained that the Eureka County Recreation Board wished to forward the matter of constructing a restroom at the lower ball park to the Board for consideration. The project would be funded from the Recreation Board's budget if feasible. Discussion was had on extending the sewer line to the proposed new restrooms and whether the Recreation Board had the funds to pay for the extension. Mr. Damele was directed to evaluate the costs of constructing a restroom for the lower ball park and extending the sewer line.

Eureka Canyon Subdivision: The Board discussed the Eureka Canyon Subdivision's future in respect to the Record of Decision (ROD) for the Mount Hope Mine. Mr. Beutel noted that the lease with Eureka Moly for the subdivision site does not expire until 2013 and the ROD should be issued before the expiration of the lease. The Board agreed that there are many issues affecting the outcome of the subdivision, and Commissioner Page suggested revisiting the lease agreement after the first of the year when more information may be available. Chairman Ithurralde motioned to leave the lease agreement with Eureka Moly as is and to review the lease after the first of the year; Commissioner Page seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Ithurrealde called for public comments. Ryan Prichett, representing an engineering company from Colorado, said his company is expanding and he wanted to inform the County that their services are available. Lisa Wolf requested the expenditure figures from earlier in the meeting, and Ms. Berg asked that she send the request via email. Chairman Ithurrealde requested that Assemblyman Pete Goicoechea be asked to attend one of the November meetings.

ADJOURNMENT

At 3:46 p.m., Commissioner Fiorenzi motioned to adjourn the meeting; Commissioner Page seconded the motion; motion carried 3-0.

Approved this 20th day of October, 2009.

J.P. Ithurrealde
J.P. Ithurrealde, Chairman

Attest: /s/ Jackie Berg
Jackie Berg, Clerk