

**EUREKA COUNTY BOARD OF COMMISSIONERS**

**November 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 November 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 opened the floor to public comments; there were none. The Chairman stated that Wally Cuchine, Cultural, Tourism & Economic Development Director, had requested direction regarding ordering the holiday hams. After a short discussion, the Board members concurred that the hams could be ordered from the lowest bidder, without any further approval by the Board.

**APPROVAL OF MINUTES**

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

**FINANCE**

Payment of Expenditures: Expenditures were presented for approval by Deputy Recorder, Tina Hubbard. Commissioner Fiorenzi noted that any action or vote by him would exclude the payment to the Deputy Public Guardian, since they are related. The Board requested verification that the \$18,000.00 grant to the Conservation District had been budgeted: Ms. Hubbard believed it was, but agreed to look into it. Commissioner Fiorenzi motioned to approve payroll (\$317,089.52), special payroll (\$33,237.06), and expenditures (\$1,378,690.91) for a total of \$1,729,017.49; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Fiorenzi motioned to approve Yucca Mountain expenditures in the amount of \$1,251.17; Commissioner Page seconded the motion; motion carried 3-0.

Auditor's Report: The Board reviewed the Auditor's Report. Commissioner Fiorenzi observed that the total ending balance was somewhat reduced due to final contractor payments, with many of the construction projects coming to an end. There were no further comments.

**CORRESPONDENCE**

Correspondence was received from: District Attorney, Ted Beutel (3); Undersheriff Bill Tilton; Clerk & Treasurer, Jackie Berg (4); Eureka County Public Works (2); Natural Resources, Jake Tibbitts; Community Development Coordinator, Jim Evans; Eureka County Planning Commission; Eureka County Television District; Crescent Valley Town Advisory Board (3); Kafoury Armstrong; Gust Electric, Inc.; JBR Environmental Consultants; Building Solutions, Inc.; Day Engineering; BLM Elko Echo newsletter; NACO (3); Nevada Division for Aging Services; Nevada Dept. of

Transportation; Nevada Dept. of Agriculture; Nevada Dept. of Motor Vehicles; Nevada Dept. of Taxation (3); Nevada Pool/Pact (2); Nevada Rural Housing Authority; Northern Nevada Assoc. of Government Accountants; Nevada Local Government Summit; Nevada Digital Government Summit; Nevada Urban Research; Personnel Mgmt Perspectives newsletter; Nevada Works Economy in Brief newsletter; Bronco Creek Exploration; Laser Inc., National Assoc. of Counties (2); USDA Forest Service; US Army Corps of Engineers; US Congressman Dean Heller (2); US Senator Harry Reid; US Fish & Wildlife Service; and US Dept. of the Interior-BLM (4).

Commissioner Fiorenzi commented on correspondence received from Eureka Moly requesting a meeting; the Board agreed that Commissioner Fiorenzi and the District Attorney should meet with Eureka Moly representatives. Commissioner Fiorenzi also referenced the appeals filed in the case protesting the State Engineer's ruling regarding the Mount Hope Project water applications, and the Board decided to reserve comments until an attorney-client meeting could be scheduled.

Correspondence from the Public Works Director, Ron Damele, requested further direction regarding a request from several citizens for additional street lighting on South Main Street in Eureka. Chairman Ithurralde stated this item would be discussed during the pre-budget meeting scheduled for November 19<sup>th</sup>, and further asked that the Clerk notify the citizens who had submitted the original request.

## **ROAD DEPARTMENT**

Update Report: Raymond Hodson, Road Superintendent, reported on Road Department activities over the past month. Maintenance and road work was done on the following roads: Three Bars Road; Atlas Road; Tonkin Springs Road; Willows Road; Monitor Valley Road, including a touch up on the road to the School Superintendent's property; several Diamond Valley roads; JD Road; Dry Hills Road; Palisades Road; Barth Road; Spa Road (including installation of a culvert); and the streets in Crescent Valley. The road crew built pads at the fairgrounds in order to relocate the conex storage units from Bath Lumber; several sheds were relocated to the ball field and Perdiz Shooting Range; and plows and sanders were prepared for winter. Commissioner Fiorenzi asked if weed treatment was still being done on the road rights-of-way. Mr. Damele confirmed that weed treatment with approved chemicals was still ongoing.

## **PUBLIC WORKS**

Proposal for Automatic Door Openers at Eureka Medical Clinic: Public Works Director, Ron Damele, stated he had been contacted by members of the public and a Commissioner to investigate installing automatic door openers at the clinic. Mr. Damele obtained a quote from Gust Electric and informed the Board that the cost would be covered under the building maintenance budget. Chairman Ithurralde motioned to accept the bid from Gust Electric for installation of automatic door openers at the front entrance of the Eureka Medical Clinic, in the amount of \$8,780.00; Commissioner Page seconded the motion; motion carried 2-1, with Commissioner Fiorenzi voting against the motion.

Environmental Assessment on Ten Municipal Spring Sites: The Bureau of Land Management is requiring environmental assessments on ten municipal spring sites and associated lines. At the October 20<sup>th</sup> meeting, Mr. Damele provided the Board with a proposal from JBR Environmental Consultants and the Board authorized moving forward with the field work in order to beat the winter weather. Commissioner Fiorenzi motioned to formally accept the proposal from JBR Environmental Consultants for environmental assessment work related to ten springs, not to exceed \$34,900.00; Commissioner Page seconded the motion; motion carried 3-0.

Proposal for Concrete Work for a Pistol Qualifying Range: During the budget meetings, the Sheriff requested funds to construct a firearm qualifying range at Perdiz Sport Shooting. Originally a change order to the expansion project at the Sheriff's Office was

considered to complete this work, but ultimately proposals were solicited from the contractors currently working in town. Two quotes were received as follows: MKD Construction, Inc., in the amount of \$29,500.00, and Building Solutions, LLC, in the amount of \$15,469.00. The first \$10,000.00 of this project will be funded from the Sheriff's budget, per amount approved; and the remaining costs will be funded from the building and grounds budget. Commissioner Page motioned to accept the proposal from Building Solutions in the amount of \$15,469.00 for construction of a qualifying range; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Justice Facility Remodel & Expansion Project: A project walk through and construction meeting were conducted on November 3<sup>rd</sup>. Work is being done concurrently on the dispatch and booking area. There was a problem the previous week when the quick snow melt caused some flooding since the primary drain was closed off for construction and the secondary drains weren't working properly. The bathrooms in the main part of the building had some significant flood damage, so Belfor was called in; they responded quickly, water was vacuumed up, and the rooms are being dried out. Mold testing and other measures will be taken to ensure the building is safe. This will be handled through the County's insurance carrier who will work directly with the contractor.

Courthouse Roof Project: A final walk through was done on November 3<sup>rd</sup>; the project is substantially complete and the notice of completion has been issued.

Local Public Agency Agreement with NDOT: An application was submitted by Tom Young on behalf of Eureka County for an ARRA (American Recovery and Reinvestment Act) road maintenance project, and a portion of the request was granted. Eureka County will receive around \$365,000.00 to do crack fill and slurry seal on 11<sup>th</sup> Street in Diamond Valley. Mr. Damele reported that things are moving fairly rapidly; a meeting was held on November 5<sup>th</sup> and the County needs to obtain right-of-way certification and sign the project agreement. Commissioner Fiorenzi motioned to approve signing the agreement for the AARA fund project; Commissioner Page seconded the motion; motion carried 3-0.

Approve Updated Mechanic Job Descriptions: A mechanic was recently hired and primarily assigned to maintaining the fire equipment. Human Resources Analyst, Jerry Larson, assisted with updating the Mechanic II job description and the Senior Mechanic job description to account for added duties related to the County taking on approximately 25 fire units. After some discussion and clarification on seniority of the positions, Commissioner Fiorenzi motioned to approve the updated Mechanic II job description and correlating wage (range 121) and updated Senior Mechanic job description and correlating wage (range 130); Commissioner Page seconded the motion; motion carried 3-0.

Approval of Out-of-State Travel: Request for qualifications were advertised for suppliers of radio read water meter systems and proposals for two different types of systems were received from Ferguson and Western Nevada Supply. Both systems seem fine on paper, but Mr. Damele requested approval for himself and Dean Day, of Day Engineering, to travel and review the systems in person. Commissioner Page motioned to approve out-of-state travel to Discovery Bay, California, for Mr. Damele and Mr. Day to review radio read water meter systems; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Authorization to Fill Vacancy at Swimming Pool: Mr. Damele explained that an employee was on extended leave from the swimming pool and not expected to return in the near future. He requested authorization to fill this vacancy, but wanted the Board to know that due to the type of leave taken, the employee is eligible to return. Human Resources Analyst, Jerry Larson, confirmed that if the employee chooses to return, the same or comparable position must be made available. Cindy Adams, Parks, Recreation & Facilities Director, relayed that her department currently has eight employees, six of which are students; duties include parks and recreation in addition to the swimming pool, and since this vacancy is an assistant manager it leaves a huge hole in her program. In order to avoid creating another

full-time position in the County, Commissioner Fiorenzi motioned to hire a temporary full-time benefited employee for six months at the swimming pool, with the understanding that if the regular employee returns the temporary position will be dissolved, making his motion contingent on verification that this complies with the law. Commissioner Page seconded the motion. Motion carried 3-0.

Update Report on Eureka Canyon Subdivision: Tim Arnold, General Manager of Eureka Moly, provided a progress report on the leased property. The hydro-seeding was just completed that morning, with every disturbed area being drilled and broadcast and harrow seeded. USA Dig has been contacted so that 'no dig' areas can be marked prior to starting the fence work. A three-strand fence will be constructed along US Highway 50. The Board thanked Mr. Arnold for the update.

## **COUNTY ENGINEER**

Eureka Town Fire Station Project: Tom Young, Lumos & Associates, reported that the final walk through of the Eureka Fire Station is scheduled for November 12<sup>th</sup> to review remaining punch list and warranty items. Retention for the project should be paid to the contractor, Reyman Brothers, on November 20<sup>th</sup>, but is currently pending notification of payment to a subcontractor. A final change order will be presented at the next meeting to reduce the overall contract by the amount remaining in the force account, which is currently \$74,000.00.

JD Bridge Project: Mr. Young reported that the guard rail was installed earlier in the week. All that remains on the JD Bridge Project is minor fence work and clean up, and final walk through will be conducted on November 12<sup>th</sup>.

Ruby Hill Sidewalk Project: A final walk through was conducted with Nevada Department of Transportation (NDOT) to review punch list items. Upon completion of paperwork and receipt of reimbursement from NDOT, this project will be finished.

2009 Water System Improvement Project: The new tank on Tank Hill in Eureka has been filled and water sample test results are expected within a week. If results are satisfactory, as expected, the tank will go on line the following week. The booster tank has been filled, will undergo the same water sample tests, and is expected to be connected to the system in approximately three weeks. The contractor is on schedule for the estimated completion date of January 2, 2010.

Change Orders to Water System Improvement Project: Three change orders were submitted for the Water System Improvement Project. The addendum to this project specified a mechanical joint meter body, but it needed to be a flange meter body. A change order will correct the meter specified, with Lumos & Associates covering the cost. Commissioner Page motioned to approve Change Order 13-FA to the Water System Improvement Project at no cost to the County; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

The second change order will provide stands for the four soft starters that were installed (400 lbs. each), and will be paid from the force account. Commissioner Fiorenzi motioned to approve Change Order 18-FA in the amount of \$1,012.27 for stands for the four soft starters installed for this project; Commissioner Page seconded the motion; motion carried 3-0.

The third change order will upgrade water meter transmitters on Diamond Valley Well #1 and Well #2 to make them compatible with the SCADA (Supervisory Control and Data Acquisition) system, and will be paid from the force account. Commissioner Page motioned to approve Change Order 19-FA in the amount of \$7,052.95 to provide upgraded meter heads at Diamond Valley Well #1 and Well #2; Commissioner Fiorenzi seconded the motion; motion carried 3-0.

Main Street Water & Sewer Project: Mr. Young reported that plans for the Main Street Water and Sewer Project were essentially 90% complete and have been submitted to all

utility companies. Following internal review, plans will be submitted to Nevada Department of Transportation and Nevada Division of Environmental Protection within the next 30 days. Bid specifications and cost estimates are currently being compiled, with anticipation of going out to bid in early 2010.

### **RECESS FOR DEVIL'S GATE GID MEETING**

The Board recessed for the Devil's Gate GID meeting from 10:55 to 11:04 a.m.

### **YUCCA MOUNTAIN**

Update Report - Funding: Abby Johnson, Nuclear Waste Advisor, provided an update on recent Yucca Mountain activities, first touching on the funding situation for the AULGs (affected units of local government). \$9 million has been allocated for 2010 (signed into law) and the next step is for the 10 AULGs to reach a consensus on the distribution. A meeting for this purpose was held in Las Vegas a couple of weeks earlier with a tentative consensus reached, and Eureka County can expect approximately \$300,000.00, which is typical of their annual allocation. It is still unclear what the numbers will be for 2011, but the meeting entertained concerns that the AULGs should request shut down monies if and when the Yucca Mountain program begins to wind down.

Licensing: Ms. Johnson continues to work closely with licensing attorney, Diane Curran, on the licensing process. The construction authorization boards have issued an order regarding the sequence in which they will hear contentions. Due to funding constraints, the Nuclear Regulatory Commission will be unable to issue a report on all of the contentions at once, so the parties have agreed that it is most logical to deal with post closure issues first, many of which deal with long-term safety concerns. If there are irresolvable closure issues, there may be no need to talk about pre-closure issues. Ms. Johnson reminded the Board that Eureka County's status in the licensing process is as an interested governmental participant, providing the ability to submit briefs on contentions filed by other parties and cross examine witnesses. The next step will be consolidation of similar contentions, so respondents will comment on all related contentions at once.

### **NEPA COMMITTEE**

Update Report: An update was provided by Abby Johnson, EIS Coordinator, and Jake Tibbitts, Natural Resources Manager. The NEPA Committee met on November 5<sup>th</sup> and heard a presentation from Dwight Smith, hydrology modeler for Eureka Moly, regarding the new hydrology model report (a portion of the overall Environmental Impact Statement process), which has been finished and released and includes many of the comments provided by experts retained by the County. A large part of the discussion with Mr. Smith related to significant impacts from pumping over time, including the long term yoyo effect for many years after pumping ceases, supporting the need for mitigation.

Commissioner Fiorenzi commented that the County had been requesting a mitigation plan for months and he was afraid the County was going to get burned on this. Mr. Tibbitts agreed, stating a mitigation plan cannot even be submitted to the BLM until a certain point in the EIS process. Ms. Johnson reported that the Mount Hope Project administrative draft EIS could be ready for review as early as mid-January, but that date is tentative and subject to change.

Chairman Ithurrealde asked if the new hydrology model would be reviewed in the case filed in District Court in opposition to the State Engineer's ruling regarding water applications filed by Kobeh Valley Ranch, LLC. District Attorney, Ted Beutel, clarified that the District Judge will review only the documents presented to the State Engineer during the administrative water hearing; changes to the new water model were not significant enough to file an appeal for a 'do over'.

Mount Hope Correspondence: Mr. Tibbitts reported that the hydrology model report was received in his office on November 2<sup>nd</sup>; the BLM acknowledged receipt a couple of days after that which triggered the 15 working day review period. Also received on November 2<sup>nd</sup> was the revised Mount Hope plan of operations and reclamation permit application. Ms. Johnson added that an air quality report from Eureka Moly, updating their baseline data on the original air quality numbers, should be forthcoming soon.

The NEPA Committee forwarded a recommendation to the Board that a follow-up letter be sent regarding Eureka County's comments on the visual resource simulations for the Mount Hope Project, asking that Eureka County's comments and proposals be adequately addressed and requesting a response. Chairman Ithurralde motioned to send a follow-up letter regarding Eureka County's comments on the visual resource simulation on the Mount Hope Project, signed by Commissioner Fiorenzi. Commissioner Page seconded the motion. Motion carried 3-0.

Upcoming Meetings: The next NEPA Committee meeting is scheduled November 19<sup>th</sup> at 7:00 p.m. Angelica Rose, BLM, who is serving as the planning and environmental coordinator for the Mount Hope Project EIS, has scheduled a meeting on November 18<sup>th</sup>, 10:00 a.m., at the Battle Mountain District Office for all parties to review the hydrology model report.

## **SENIOR CENTERS**

Update Report: Senior Center Site Director, Millie Oram, reported on activities for the past month. Adell Panning, Fannie Komp Site Director, was not in attendance and provided a written report. The Eureka center had a good turnout for their Halloween costume dinner. For October, Eureka served 1,090 meals and Crescent Valley served 654 meals. Total deposits for the month of October were \$8,081.73. Commissioner Fiorenzi inquired about status of requirements requested by Nevada Division for Aging. Ms. Oram stated that staff is working on completing mandatory classes, home delivered meals certification records will be moved to the Eureka site as requested, Department of Motor Vehicles records will be maintained, and driver schedules will be submitted.

## **EUREKA COUNTY ASSESSOR**

Contract with Mark Stafford Appraisal: County Assessor, Michael Mears, explained that the County had contracted with Mark Stafford for an appraisal of the TS Power Plant, which was received in June 2009. The power plant is a very complex property and since the time of review, the Assessor's office continues to receive notification of additional assets and personal property from Newmont Nevada Energy (Newmont Nevada Energy Investment, LLC, TS Power Plant). Most recently, Newmont has reported \$42 million worth of capitalized interest that should have been allocated across all of the improvements. Mr. Mears felt it would be beneficial to the County to utilize Mr. Stafford in reviewing all of the information being provided to ensure that the full value of the property is correctly listed on the tax rolls. Monies were carried forward in the budget for this type of expense, and Mr. Mears will verify with the Budget Officer that adequate funds are available. Commissioner Fiorenzi motioned to approve further contracting with Mark Stafford Appraisal pending confirmation that the expense is budgeted; Commissioner Page seconded the motion; motion carried 3-0. Mr. Mears provided a completed contract, signed by Mr. Stafford, for the Chairman's and District Attorney's signatures.

Update on Retention of Legal Counsel: At a previous meeting, the Board had instructed the District Attorney to obtain additional legal counsel related to Newmont's attempt to use depreciation of the TS Power Plant to offset their net proceeds tax liability. Mr. Mears informed the Board that Newmont has contacted County representatives requesting a

meeting on November 12<sup>th</sup>. The Board agreed that Chairman Ithurralde, Mr. Mears, and Mr. Beutel (if available) would meet with representatives from Newmont as requested.

## **USDA RURAL DEVELOPMENT**

Update on Programs Available: Sarah Adler, Nevada State Director of USDA Rural Development, provided an update regarding programs that may be of interest to Eureka County. Ms. Adler reported that she is the returning State Director after a nine year absence to work in the field of education. Ms. Adler informed the Board that USDA Rural Development had financed the senior citizen housing project in Eureka around 1993, as well as a substantial private business loan in the area. Ms. Adler detailed several of the programs available, including: low interest loans, promotion of home ownership, single family housing assistance, moderate income mortgage programs, multifamily housing, funding utility systems, providing business loans, community facility improvement, community development assistance, and donor advised funds. The agency is primarily a lender, although some grant funds are available.

*(The following portion of the discussion was continued after the noon recess).* Ms. Adler reviewed several new programs that revolve around renewable energy or energy efficiency. They address reduction in operating costs by making energy usage more efficient or by generating your own power. On her next visit to Eureka, she hopes to visit with the area agriculture producers regarding these programs. New mines in the area can also take advantage of these programs by investing themselves or partnering with a renewable energy company.

Ms. Adler commended the County for their involvement in the community; stated she was pleased to see the new fire station as she drove into Eureka; felt the surveys and revamping of the Master Plan was a positive step; and encouraged the County to continue with their economic development efforts.

## **RECESS FOR LUNCH**

The Board recessed for lunch from 12:06 to 1:04 p.m.

## **NATURAL RESOURCES**

Report on Activities: Natural Resources Manager, Jake Tibbitts attended the State Land Use Planning Advisory Council meeting in Virginia City on October 3<sup>rd</sup> where he lobbied to have their spring meeting in Eureka (March or April 2010). He attended the Nevada Attorney General's meeting in Eureka on October 22<sup>nd</sup>, and the NEPA Committee meeting on November 5<sup>th</sup>. The first week in November he was in Reno for the Society of Range Management Conference on Wild and Feral Horse and Burro Management and Policy. It was well attended by multiple interests and state and federal legislators. Some interesting facts that came up were: there are 37,000 horses (accounted for) on the range, in substantial excess of the 25,000 limit; there are 32,000 horses in holding facilities being fed with taxpayer dollars (70% of the BLM's budget is utilized for this feed). Eureka County was acknowledged several times throughout the conference for their sponsorship.

Mr. Tibbitts reported that he will review the minor changes that were made to the memorandum of understanding for the solar programmatic environmental impact statement (establishing Eureka County as a cooperating agency). The quarterly Barrick Ruby Hill water usage report to the State Engineer was received in his office and will be available if the Commissioners wish to review it. Mr. Tibbitts is still hoping for information regarding the next scheduled meeting of the community committee put together by Barrick Ruby Hill.

Upcoming Meetings: Mr. Tibbitts plans on participating in the Mount Hope conference call on November 17<sup>th</sup>; the hydrology model meeting at the BLM Battle Mountain Field Office on November 18<sup>th</sup>; the Natural Resources Advisory Council meeting on November 18<sup>th</sup>

(which will be attended by the BLM weed specialist and possibly the BLM wild horse and burro specialist); the NEPA Committee meeting on November 19<sup>th</sup>; and an RS2477 Workshop sponsored by Nevada Association of Counties on November 23<sup>rd</sup> (via video conference to Eureka).

County's Appeal of Forest Service Decision: An official response to the County's appeal of the *Austin and Tonopah Ranger Districts Combined Travel Management Project for Eureka, Lander, and Nye Counties* was received from the Forest Service. Mr. Tibbitts doesn't agree with some of the points made, but was not ready to recommend that the County rush to judicial review of this project plan, since there is ample time (six years) to pursue this avenue. The Forest Service does acknowledge they are willing to sit down and work with Eureka County on some of the RS2477 roads to substantiate them and officially recognize them as open roads. Commissioner Fiorenzi commented that work to validate these roads should be started immediately, as far as he was concerned. Mr. Tibbitts felt there is documentation on these roads, but maintenance issues, etc., will also have to be considered if these are deemed to be County roads. Mr. Tibbitts stated there is no response required to the Forest Service correspondence received, but suggested a letter acknowledging the County's intent to work on these issues was appropriate. The Board concurred.

## **HUMAN RESOURCES**

Update Report: Human Resources Analyst, Jerry Larson, relayed that much of his time is being spent on revision of the personnel policy manual, having completed chapters one through five, and forwarding to Ted Beutel and Mike Rebaleati for review. Once all revisions are complete, Mr. Larson plans to reorganize the manual in a fashion that makes more sense from an employee standpoint, and will create a user-friendly condensed version in addition to the complete manual. Mr. Larson is currently in the process of changing the evaluation format to make it easier for the managers and supervisors to utilize. Mr. Larson recently attended his first Pool/Pact Loss Prevention Committee meeting as a new member, occupying the seat formerly held by Mike Rebaleati.

Appointment to Safety Committee: Commissioner Fiorenzi motioned to appoint Jerry Larson to the Eureka County Safety Committee, representing human resources; Commissioner Page seconded the motion; motion carried 3-0.

## **PUBLIC HEARING – RESOLUTION AMENDING PERSONNEL POLICY**

Notice was given that the Board of Eureka County Commissioners would hold a public hearing on November 6<sup>th</sup> at 2:00 p.m. to consider and take action on a resolution amending Section 2.7.11 of the Personnel Policy, regarding employee and pre-employment drug and/or alcohol testing. The proposed resolution was distributed to employees for their comments.

Chairman Ithurralde opened the floor to public comments. Public Works Director, Ron Damele, stated that several employees had voiced concerns and questions including whether the swab test was as accurate as a urine test, if the results of the swab test were questionable would the employee have the option of requesting a urine test, and ultimately whose decision is it regarding which method will be used.

Mr. Larson explained that both tests would be analyzed by the same lab, nothing is analyzed in-house, and the option of the swab test was being considered because it is simpler, faster, and cheaper. The swab test would likely be considered in the majority of cases because of these factors, except when the urine test is required such as for DOT (Department of Transportation) testing required for operators with a commercial driver's license, and in the case of an OSHA (Occupational Safety and Health Administration) recordable accident.

Road Superintendent, Raymond Hodson, said he talked one-on-one with Mr. Larson regarding concerns his crew had brought to him and had been reassured that the swab test

identifies the same categories as the urine test. Mille Oram asked if the swab also identifies alcohol and Mr. Larson responded that it does. Jerry Jeppesen asked if random tests would be conducted on the job site, rather than sending the employee to the clinic and Mr. Larson responded that this would be the case when possible, adding that he will perform the majority of tests, but plans on training and qualifying one or two additional persons.

Additionally, Mr. Larson clarified to the employees and the Board that the random tests are not designated by the County, but by Quest, the laboratory that analyzes the tests. Employees in safety sensitive jobs and equipment operators are in pools that receive more frequent mandatory random testing. Some employees fit in both categories, causing them to be selected for testing a higher percentage of the time.

Being no further comments, Commissioner Fiorenzi motioned to approve the addition to the personnel policy allowing the swab method for drug and alcohol testing, noting that it will save the County time and money, and save the employee the inconvenience of going to the medical clinic; Commissioner Page seconded the motion; motion carried 3-0. Chairman Ithurralde thanked the employees for their input.

### **CRESCENT VALLEY TOWN ADVISORY BOARD (CVTAB)**

Request to Utilize Community Center in Crescent Valley: CVTAB Chairman, Chuck Henry, informed the Board that the CVTAB had considered and was recommending approval for Eve Riddle to utilize the Community Center in Crescent Valley at no charge for a health and fitness club. Eve Riddle, Crescent Valley resident, and Sandy Spoo, CVTAB Secretary, explained the planned activities for the club and how and when the building would be utilized. After some discussion, the Commissioners asked Ms. Riddle to proceed with the normal application process for using County facilities, and to return once that step was accomplished to request approval for the facility rental fees to be waived.

### **EUREKA MOLY, LLC**

Rental Agreements for Trailer Park: Carri Wright, Administrative Assistant for Eureka Moly, and Tim Arnold, General Manager, presented rental agreements and mobile home park rules and regulations for three trailer/space rentals being utilized by Eureka County employees at the Valhalla Villa trailer park. Eureka Moly does not wish to be in the 'landlord' business, so have not made the trailers available to the general public, but had been approached by the School District and later by County employees regarding renting these units. An agreement was made with the School District that the school would manage, maintain, and collect rents on the units and Eureka Moly is now hoping to have a similar agreement with the County.

Chairman Ithurralde explained that County employees are not renting the units because of any arrangements made by the County, but are renting directly from Eureka Moly through the School District, just as the school employees are doing. Jerry Larson confirmed that he is a tenant in one of the units and signed a month to month lease with the School District.

Mr. Arnold stated he was satisfied as long as there was one overarching group, so that he does not have to deal with the tenants individually, and added that he would like the County to contact the School District if the School District will be signing on behalf of County employees who are tenants. Chairman Ithurralde stated that although the County was not involved, he would talk to the School District.

### **EUREKA COUNTY TELEVISION DISTRICT**

Report on Television District: Dave Pastorino, President of the Television District, attended to give an update on recent Television District activities. He provided the Board with a draft set of minutes from the most recent meeting of the Television District. The minutes

had been requested by the Board as verification that the Television District was no longer considering separation from the County. Mr. Pastorino reported on several other items of business from their last meeting, including qualifications and eligibility to serve on the Television District (must be a 'qualified elector'), that they have begun advertising to fill a vacancy on their board, and planned fund transfers that are being coordinated by Budget Officer, Mike Rebaleati. Lastly, Mr. Pastorino offered to give regular updates and the Commissioners agreed that quarterly reports should be provided.

Mr. Pastorino introduced Alan Greager of Colorado, who is proprietor of a professional antenna tower translator service and Chairman of the National Translator Association. Mr. Greager toured all Eureka County television transmitter sites with Mr. Pastorino, and explained to the Commissioners in great detail what problems he had observed and the immediate plans for remedying these problems. Two channels had already been greatly improved with some technical adjustments. Mr. Greager and Mr. Pastorino relayed that Eureka County is eligible for reimbursement from the National Telecommunications and Information Administration (NTIA), of up to \$20,000.00 per translator site for converting to digital; but funds are limited, so the quicker Eureka County is able to accomplish conversion, the better chance of obtaining the funds. Also discussed was the option of placing a transmitter on Tank Hill in Eureka, and the Board instructed Mr. Pastorino to coordinate this with Public Works.

## **COMMISSIONERS**

Update Reports: Commissioner Page attended the most recent Crescent Valley Town Advisory Board meeting, and the Attorney General's meeting at the Opera House in Eureka. Commissioner Fiorenzi attended the Attorney General's meeting, and the NEPA Committee meeting on November 5<sup>th</sup>. Chairman Ithurralde also attending the Attorney General's meeting; the Resource Conservation Development Council meeting on October 26<sup>th</sup>; the Soil Conservation dinner where they honored Bill Marshall and Dale Conaway for their long-time service on the Diamond Valley Weed District Board, and honored Ellaree Mariluch for her service to the Diamond Valley Weed District.

Upcoming Pre-Budget Meeting: A pre-budget meeting is scheduled for November 19<sup>th</sup> at 3:00 p.m. The Board would like to review the County's capital improvement plan and projects and also anything else that the department heads would like to bring forward.

Mount Hope Project EIS and NEPA Process: Jake Tibbitts reported that the pit lake report and air quality report were just received in his office that day. Other items related to the Mount Hope Project were discussed earlier in the meeting.

## **PUBLIC COMMENT**

The Chairman opened the floor to public comment. There were none.

## **ADJOURNMENT**

Commissioner Fiorenzi motioned to adjourn the meeting at 3:14 p.m.; Commissioner Page seconded the motion; motion carried 3-0.

Approved this 20<sup>th</sup> day of November, 2009.

/s/ J.P. Ithurralde  
J.P. Ithurralde, Chairman

Attest: /s/ Jackie Berg  
Jackie Berg, Clerk