

EUREKA COUNTY BOARD OF COMMISSIONERS

November 6, 2020

STATE OF NEVADA)
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COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on November 6, 2020. Present were Chairman J.J. Goicoechea; Vice Chair Michael Sharkozy (via telephone); Commissioner Rich McKay; District Attorney Ted Beutel (via telephone); and Administrative Assistant Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance.

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

APPROVAL OF AGENDA

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

PUBLIC COMMENT

Chairman Goicoechea opened the floor for public comments.

Commissioner Sharkozy apologized for missing the last meeting and thanked everyone for their understanding.

Chairman Goicoechea, speaking as County Health Officer, reported a slight increase in COVID cases in the County, noting that neighboring counties are experiencing significant increases. In response, he met with Emergency Management Director Jeb Rowley to recommend that indoor social activities at County facilities be suspended until further notice. The upcoming blood draw and necessary meetings will continue, but must strictly adhere to COVID restrictions including social distancing. District Court needs to seat a jury for an upcoming case and the Judge has a plan to incorporate all COVID safeguards, including use of other facilities in addition to the courtroom to ensure social distancing.

A notice from the County Health Officer will be released later in the day informing County officials and department heads of this suspension, and the entire Board of Commissioners will be asked to ratify this action at the next meeting.

APPROVAL OF MINUTES

October 20, 2020: Commissioner Sharkozy motioned to approve minutes of the October 20, 2020, meeting; Commissioner McKay seconded the motion; motion carried 3-0.

COMPTROLLER

Payment of Expenditures: Expenditures were presented for approval by Comptroller Kim Todd. Commissioner Sharkozy motioned to approve expenditures in the amount of \$1,464,626.47 for accounts payable, \$764,834.43 for payroll and benefit related expenses (including employee paid deductions), \$997,728.23 for a pass-through tax allocation to the School District, \$6,942.07 for a pass-through to the State Controller, \$698.81 for a pass-through to Nevada Department of Taxation, \$157.00 for a pass-through to the Washoe County Crime Lab, and \$40.00 for a pass-through to the Manufactured Housing Division, for a grand total of \$3,235,027.01. Commissioner McKay seconded the motion. Motion carried 3-0.

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

YUCCA MOUNTAIN ACCOUNTS

Background: In previous years, Eureka County received a direct payment grant from the Department of Energy as an Affected Unit of Local Government for the proposed Yucca Mountain repository. Kim Todd explained that the auditors advised that since all federally-received funds have been exhausted, the remaining County-funded portion in the account must revert back to the General Fund, as it no longer qualifies as a special revenue fund.

Checking/Savings Account: Based on the auditors’ recommendation, Treasurer Pernecia Johnson requested Board authorization to close the Yucca Mountain savings and checking account with Nevada State Bank.

Commissioner Sharkozy motioned to authorize the County Treasurer to close the Yucca Mountain savings and checking account with Nevada State Bank; Commissioner McKay seconded the motion; motion carried 3-0.

Resolution Dissolving Yucca Mountain Fund: Ms. Todd stated that the Yucca Mountain Fund in the County’s accounts must also be closed by resolution, which will also serve as notification to the Department of Taxation.

Commissioner Sharkozy motioned to adopt the Resolution Dissolving Yucca Mountain Account; Commissioner McKay seconded the motion; motion carried 3-0.

Eureka, Nevada

November 6, 2020

RESOLUTION DISSOLVING YUCCA MOUNTAIN ACCOUNT

WHEREAS, the Board of Eureka County Commissioners needs to dissolve a fund known as Nuclear Waste – Yucca Mountain (Fund 077);

WHEREAS, the funding by the U.S. Department of Energy for Nuclear Waste has been exhausted in Fiscal Year 2021 by the Yucca Mountain Direct Payment;

WHEREAS, the County General Fund has been transferring funds to the Yucca Mountain Fund to support ongoing Yucca Mountain expenses;

WHEREAS, the Nuclear Waste – Yucca Mountain Fund can no longer be classified as a Special Revenue Fund in the general ledger;

WHEREAS, the Nuclear Waste – Yucca Mountain (Fund 077) account is no longer in use and all remaining funds have been transferred back to the General Fund;

NOW THEREFORE, IT IS HEREBY RESOLVED that the Board of Eureka County Commissioners are dissolving the fund known as Nuclear Waste – Yucca Mountain (Fund 077) and this fund will no longer be in use beginning with Fiscal Year 2021-2022.

ADOPTED this 6th day of November, 2020.

BOARD OF EUREKA COUNTY COMMISSIONERS
COUNTY OF EUREKA, STATE OF NEVADA

By /s/ J.J. Goicoechea, DVM
J.J. Goicoechea, Chairman

By /s/ Michael Sharkozy
Michael Sharkozy, Vice Chairman

By /s/ Rich McKay
Rich McKay, Member

Attest: /s/ Jackie Berg
Jackie Berg, Commissioner Admin. Asst. II

Transfer Funds for Yucca Mountain Expenses: With dissolution of this fund, Ms. Todd explained that Yucca Mountain expenses will now be paid from the Public Works budget, and funds will need to be transferred to cover those costs. The Department of Taxation advised this can be done with a budget augmentation (requiring newspaper publications and a public hearing) or contingency funds may be transferred if the balance is sufficient. Ms. Todd said the Contingency Fund has a balance of \$275,000.00. After consulting with the Public Works Director, she recommended that \$75,000.00 be transferred to cover Yucca Mountain expenses.

Commissioner Sharkozy motioned to authorize transfer of \$75,000.00 from the Contingency Fund in the General Fund to the Public Works Department to cover Yucca Mountain expenses for Fiscal Year 2021. Commissioner McKay seconded the motion. Motion carried 3-0.

SENIOR CENTERS

Update Report: Senior Centers Program Director, Millie Oram, reported on activities at the Eureka Senior Center and Fannie Komp Senior Center. In October, Eureka served 963 meals and Crescent Valley served 1,051 meals. All meals continue to be home-delivered. A total of \$8,512.08 was deposited for the month.

In response to an inquiry by Commissioner McKay, Ms. Oram said that Genesis Home Health is working out very well and some seniors, who weren't previously receiving services, have been added to the program. Genesis provides skilled nursing care to qualifying seniors and disabled persons under a contract with Eureka County, and the contract was recently increased to include hospice care and PCA (personal care assistant) services.

CRESCENT VALLEY TOWN ADVISORY BOARD

Parade of Lights: Eldon Brown requested \$500.00 to purchase prizes for the annual Parade of Lights event in Crescent Valley on December 12th. Chairman Goicoechea asked that social distancing be observed during the parade, which should not be difficult since it is an outdoors event.

Commissioner Sharkozy motioned to approve the request for \$500.00 from the North End Activities Fund to purchase prizes for the Crescent Valley Parade of Lights, with the check issued to Eldon Brown. Commissioner McKay seconded the motion. Motion carried 3-0.

Christmas Events: Nona Kellerman, CVTAB Chair, planned to request \$3,000.00 for the House Decorating Contest and Community Christmas event, but due to suspension of indoor social activities in County facilities, she said the Town Board needs to discuss how to conduct the event in compliance with the added restrictions, and may adjust the amount requested.

Chairman Goicoechea suggested tabling this item to allow CVTAB to have the discussion and come to the next meeting with a modified plan and possibly an altered monetary request.

ROAD DEPARTMENT

Report on Activities: Ray Hodson, Assistant Public Works Director, reported on Road Department activities. For the month of October, two water trucks were assigned to each blade. The lack of natural moisture is causing road surfaces to deteriorate faster, and crews returned to Diamond Valley to rework several roads including Gold Street, 7th Street, and County Road 101 was bladed from 17th Street to Railroad Pass. Blades are currently working on Sadler Brown Road, Antelope Valley Road, and JD Ranch Road. (Mr. Hodson reported that Cortez is suspending the drilling program in Horse Canyon and the JD Lodge will be closed for the winter, which will reduce traffic on those roads.) A dozer is working in the gravel pit near the Wild Balance properties and material is being screened for a gravel haul project on Mustang Road, which will go all the way around to 7th Street this winter.

In northern Eureka County, crews have been busy hauling gravel to Skeeter Way and 13th Street, and the northern County is in desperate need of moisture as well. Lastly, the vacant

Water Department position was successfully filled with a transfer from the Road Department. Applications are now being accepted to fill the vacancy created by the transfer.

NEVADA DEPARTMENT OF TRANSPORTATION

Introductions: NDOT representatives joined the meeting by telephone including Director Kristina Swallow, County Liaison Lee Bonner, and District III Engineer Boyd Ratliff.

Presentation: Director Swallow narrated a slide presentation that covered County priorities, the One Nevada Prioritization Process, projects completed in Eureka County, and Fiscal Year 2021 Work Program highlights.

Update on SR766: NDOT completed a road safety audit last fall on State Route 766 after the fatal accident involving a mine bus and a tractor-trailer rig in August 2019. As a result, missing traffic signs were replaced and additional signs were installed. A six-inch-wide white edge line was applied in April. The surface was refreshed with chip seal and all pavement markings were updated. NDOT plans to incorporate additional work on SR766 in a future 3R Program (reconstruction, rehabilitation, and resurfacing).

Mr. Ratliff added that speed studies continue on SR766 to provide data to Sheriff Watts for the speed feedback sign that he is going to place there.

One Nevada Prioritization Process: In late 2018 NDOT completed a two-year process working with communities and stakeholders across the State to develop the One Nevada Prioritization Process. Six key goals were identified: enhance safety, preserve infrastructure, optimize mobility, transform economies, foster sustainability, and connect communities. Each goal has a set of criteria and this process provides a roadmap for the NDOT team when shaping the Statewide Transportation Improvement Program (STIP), Annual Work Program (AWP), and identifying mid-range and long-range needs. This prioritization process ensures continued focus on rural county needs and not just needs of the more populated urban regions in the State.

Eureka County Accomplishments: Director Swallow gave an overview of projects recently completed in Eureka County: two-inch overlay on SR278 (7.5 miles in May 2019 and five miles in June 2020), double chip seal on SR766, truck climbing lane on I-80 near Emigrant Pass, structure replacement on SR278, and a flush seal on US Hwy. 50 (~10 miles). Total cost was \$33,250,586.00 (nearly 80% for the truck lane).

2021 Work Program Highlights: Projects approved by the Transportation Board for 2021 include: truck climbing lane/truck parking on I-80, overlay on SR278 (~5 miles), flush seal on US50 (~10 miles), chip seal on SR766, work on the railroad crossing on Getchel Mine Road, and chip purchase for SR278 and US50, at a total cost of \$12.2 million.

Eureka County Priorities: Each year NDOT asks the County to identify its top two priorities related to road and traffic concerns. Director Swallow said the current top priorities are (1) striping on SR278 and US50 for multiple no-passing zones, and (2) chain up area on US50 south of Eureka, where the chain up sign is not visible until *after* the chain up area. Ms. Swallow said NDOT is currently evaluating these two items to see if they will fit into a future project.

She invited the County to confirm or reassign the priorities. The Commissioners, Sheriff, Public Works, and Road Department staff discussed concerns. In addition to the two mentioned, there are serious concerns over the need to increase shoulder width on SR278 through Pine Valley. Sheriff Watts attributed two fatal car accidents on SR278 this year to narrow or non-existent shoulders. He also voiced concern that NDOT had a paint truck in the area this season and could have easily painted the no-passing zones in Diamond Valley. Ray Hodson also commented that striping is such "*an easy fix*" that it should be taken care of and the County should not have to address it again.

Preferring to keep all three of these concerns a top priority, Chairman Goicoechea asked if there was a chance for Eureka County to partner with NDOT on one or more of the projects stating, "*Our constituents well-being and safety is our number one concern.*" He asked for a commitment from NDOT to address the striping in Diamond Valley (no-passing zones on US50

from Devil's Gate to the junction of SR278, and from the junction to Sadler Brown Road). He also committed that, if NDOT will move the chain up sign, the County will make sure there is an area to chain up.

Director Swallow said staff is already looking into the striping, so she agreed that the County could take that out of the top two priorities and she will make sure it remains a priority and will let staff know it is an urgent concern. She also agreed to look into the possibility of partnering and will let the County know soon to allow time for budget considerations.

Motion to Set Priorities: Chairman Goicoechea motioned to make shoulder widening on SR278 through Pine Valley (from Garden Pass to Palisades) the #1 priority, to leave the chain up area south of Eureka as the #2 priority, and to make striping on US50 and SR278 in Diamond Valley the #3 priority based on NDOT's commitment. Commissioner McKay seconded the motion. Motion carried 3-0.

Motion to Accept Work Program: Commissioner Sharkozy motioned to accept the Fiscal Year 2021 Annual Work Program as presented, totaling \$12.2 million for Eureka County. Commissioner McKay seconded the motion. Motion carried 3-0.

PUBLIC WORKS

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

Completed Large Projects: Although the two major projects (street maintenance and sewer pond remediation) are complete, the final payments have not been issued. Due to COVID, State offices are operating at limited capacity and the County is awaiting a response from the State Labor Commission before it can advertise project completion. The final retention payments can only be made following publication of the completion notices.

Utility Systems: Nevada Division of Environmental Protection was in the County the previous week to complete a sanitary survey of all water systems and the sewer system. All utilities are in good working condition.

Winter Preparations: The Road Shop has serviced all snow plows and snow cats for the winter and are prepared if snow ever comes.

Jet A Fuel: Public Works continues working on an upgrade or modification to the Jet A fuel system at the Eureka Airport. Avfuel, the fuel supplier, makes the final determination on what is acceptable at a self-serve fueling station and determines who is qualified to receive fuel deliveries and conduct regular inspections. Mr. Rowley is working with a consultant from LA Perks Petroleum to help identify what modifications are needed in order to accept Jet A fuel with additives.

Signage & Speed Limits: Mr. Hodson and Jaymie Halpin continue working with Assessor Michael Mears to map and document signage as Public Works coordinates with the Sheriff on sign placement in the towns of Eureka and Crescent Valley. This will provide a clear record going forward. Signage needs will be addressed before recommending any speed limit changes, and signage for school zones and roads adjacent to schools are being given top priority.

Eureka Landfill: At the last meeting, Mr. Rowley reported on the substantial increase in cardboard and other materials as people are ordering goods and supplies to adhere with restrictions and avoid exposure to COVID. To help with recycling efforts, a replacement cardboard baler has been secured, and a generator has been located and should be secured shortly.

Radio Communication System: At the end of October, Mr. Rowley accompanied Stu Cronin of Galena Group and Bill Bass of Western States Enterprises on a County-wide tour in order to measure and document signal strength and evaluate equipment performance for technical and operational assessment of the County's two-way radio communication system.

During the tour, an issue was identified with antenna configuration at the Bald Mountain site. Changes have been made in positioning those antennas with noted improvement in reception.

Mr. Rowley just received an intermediate report from Mr. Cronin, noting that it contains a lot of information that needs to be digested. The report notes that NDOT is implementing a new State-wide P25 digital radio system and Mr. Cronin will explore whether this may present an opportunity beneficial to Eureka County. The final assessment report is expected in mid-December.

COVID Measures: Mr. Rowley relayed that all County buildings are observing precautionary measures including social distancing, wearing masks, using hand sanitizer, etc. Offices are sanitized daily and hand sanitizer stations have been placed at entrances in all main buildings in Eureka and Crescent Valley.

NATURAL RESOURCES

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

HRBWA Meeting: The Humboldt River Basin Water Authority is scheduled to meet on November 13th in Winnemucca. Mr. Tibbitts will inquire if there is a call-in option and will reach out to the County's representatives to coordinate who plans to attend.

Goldrush Mine Project: The BLM has just issued Supplemental Environmental Reports on the Goldrush Mine Project. These contain the baseline information that will be used in writing the EIS. There is a very rapid timeframe for Cooperating Agencies to review the reports and provide a response as the BLM prepares to kick-off the public NEPA process.

State Engineer Proposed Orders on Hydrographic Basins: The State Engineer has proposed multiple Orders designating basins across the State of Nevada. At the last meeting, Mr. Tibbitts reported that he attended and provided oral testimony at the hearing on Stevens Basin, and Chairman Goicoechea attended and provided oral testimony at the hearing on Newark Valley, both held October 13th. On October 26th, Mr. Tibbitts attended the hearing on Little Smoky Valley Basin. The County has provided written testimony on these three basins.

Mr. Tibbitts and Chairman Goicoechea participated in the Central Nevada Regional Water Authority meeting on October 29th, and found that Eureka County's position and concerns on the basin designations align closely with other counties' interests and concerns. CNRWA will provide written testimony prior to the deadline and Mr. Tibbitts and the Chairman will assist in that effort.

Chairman Goicoechea added that during the Newark Basin hearing, Division of Water Resources staff commented that they work with local Boards of Commissioners on the water assessments levied in each basin. In testifying, the Chairman clarified that the assessments are sent to the Commissioners, but the Commissioners have no authority to change or deny them. It was noted in the County's written comments that Eureka County does not support these basin designations serving as an avenue for levying these assessments without very detailed justification.

County Advisory Board to Manage Wildlife: Mr. Tibbitts explained that the last two CAB meetings were cancelled for lack of a quorum, despite ensuring beforehand that a quorum would be present. This is concerning because the CAB has statutory responsibilities to provide input to the State Wildlife Commission. He wanted the Board to be aware that he will be working to address this issue and may bring recommendations forward for the Board to make some new appointments.

Fish Creek Wild Horse Gather: The Chairman, Mr. Tibbitts, and Sheriff Watts recently met with the BLM about the upcoming Fish Creek Wild Horse Gather. It was scheduled to begin November 16th, but there may be a delay because the contractor has other BLM gather contracts.

The BLM currently estimates there are 240 horses in the Fish Creek Herd Management Area. The Appropriate Management Level range is 101 to 170 horses. The BLM plans to gather 195 horses, returning 30 fertility control treated mares and 30 studs to the range, for a net removal of 135 horses. If all goes as planned, this will bring the HMA to low-end AML.

Mr. Tibbitts concluded by stating there has been very good close coordination with the BLM on recent gathers, and he wanted to thank the BLM for that.

Conservation District Elections: Members on the Eureka Conservation District serve four-year terms, with elections held every two years to accommodate staggered terms. State law requires elections to be included on the County ballot or conducted in a mass meeting. The District historically elects its members during the Annual Landowner Appreciation Dinner, but the dinner has been cancelled due to the pandemic. An election meeting is scheduled on November 9th. Mr. Tibbitts wanted to ensure this is acceptable with the new facility restrictions, noting that a very low turnout is expected.

Chairman Goicoechea understood the meeting was necessary, stating it should be conducted with precautionary measures and be kept as brief as possible. As County Health Officer, he appreciated Mr. Tibbitts asking if there were any concerns.

Diamond Valley Adjudication Hearing: The hearing on the Diamond Valley Adjudication will be held in District Court in Eureka on November 10th. The initial hearing will address some legal issues, with the case proceeding over the next month or several months. Karen Peterson, Esq., with Allison MacKenzie Ltd. is representing Eureka County, and the County's exceptions were filed on November 4th in advance of the November 5th deadline.

BLM Grazing Regulation Update: A Cooperating Agency meeting was held on November 5th regarding the BLM's update to grazing regulations (43 CFR 4100). Mr. Tibbitts and the Chairman participated, but it was a challenging meeting with over 50 Cooperating Agency representatives on the phone. The meeting was basically to inform the agencies that the BLM was in the process of reviewing comments. Some Cooperating Agencies joined the process late and the BLM is allowing them some extra time to finalize comments, but told everyone to expect a quick turnaround with release of a public Draft EIS within the month.

CORRESPONDENCE

Correspondence was received from: Seventh Judicial District Court; Sheriff Jesse Watts; GMP Water Manager Bryce Vorwaller; Natural Resources Manager Jake Tibbitts; Eureka County Board to Manage Wildlife; Natural Resources Advisory Commission (2); Crescent Valley Town Advisory Board (3); Crystal Newton; Central Nevada Regional Water Authority; Humboldt River Basin Water Authority; Nevada Assoc. of Counties (3); Nevada Dept. of Business & Industry (2); Governor's Office of Economic Development; Nevada Div. of Water Resources; UNR School of Medicine; US Dept. of the Interior-BLM; National Assoc. of Counties (2); 2020 US Census (2); US Senator Jacky Rosen; White House Office of Intergovernmental Affairs (2); and E-Republic.

PUBLIC COMMENT

Chairman Goicoechea called for public comments.

Crescent Valley Flu Shot POD: Jeb Rowley announced there will be a flu POD (point of dispensing) clinic in Crescent Valley on November 16th from 10:00 a.m. to 2:00 p.m. Advertisements will be posted and forms are being sent to the Crescent Valley Clinic. Mr. Rowley thanked EMS Director Kenny Sanders and EMT-II Shealene French for their help in organizing the clinic.

Mr. Rowley added that there was good attendance at the flu shot POD in Eureka and about 40 people received vaccinations.

Battle Mountain Hospital: Commissioner McKay reported that he and Nona Kellerman, member of the Medical Clinics Advisory Committee, have been working with the Jason Bleak, CEO/Administrator of Battle Mountain General Hospital, and BMGH would like to present an

option for medical services at the Crescent Valley Clinic. An MCAC meeting will be scheduled soon to consider the option before it is presented to the Commissioners.

ADJOURNMENT

Commissioner McKay motioned to adjourn the meeting; Commissioner Sharkozy seconded the motion; the meeting was adjourned at 10:50 a.m.

Approved by vote of the Board this 16th day of November, 2020.

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

I, Jackie Berg, Commissioner Administrative Assistant, attest that these are a true, correct, and duly approved minutes of the November 6, 2020, meeting of the Board of Eureka County Commissioners.

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

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

/s/ Lisa Hoehne
Lisa Hoehne, Clerk Recorder