

EUREKA COUNTY BOARD OF COMMISSIONERS

May 18, 2023

STATE OF NEVADA)
:SS
COUNTY OF EUREKA)

CALL TO ORDER

- 1. Approval of the agenda notice with addition of any emergency item and/or deletion of any item. Unless otherwise stated, items may be taken out of the order presented on the agenda, at the discretion of the Chair. (For Possible Action)
2. Pledge of allegiance.

The Board of Eureka County Commissioners met pursuant to law on May 18, 2023. Present were Chairman Rich McKay, Vice Chair Michael Sharkozy, Commissioner Marty Plaskett, District Attorney Ted Beutel, Clerk Recorder Kathy Bowling, and Deputy Clerk II Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance. The interactive video conferencing system was connected between Crescent Valley and Eureka for the entire meeting.

Approval of Agenda: Minutes were tabled until the next meeting. Commissioner Sharkozy motioned to approve the agenda with that change; Commissioner Plaskett seconded the motion; motion carried 3-0.

PUBLIC COMMENT

- 1. Public comment and discussion. Notice: No action may be taken on a matter raised under this item until the matter has been specifically included on an agenda as an item upon which action will be taken. Public comment may be limited to three (3) minutes per person. Public comment may be allowed on "Action" items, in addition to the two times specified on the agenda. (Discussion)

Chairman McKay opened the floor for public comments.

Undersheriff Tyler Thomas wanted the Board to know that Eureka County recently benefited from the services of the Child Advocacy Center (CAC) in Elko. CAC staff conducted six interviews for an ongoing investigation. The Undersheriff also learned that the Nevada Institute of Forensic Nursing is ready to launch mobile services to rural Nevada (utilizing a camera-equipped RV) for victims of violent and sexual crimes.

- 2. Consider items requiring action to be placed on the agenda for the next regular meeting. Notice: The public is welcome to request agenda items for future meetings during the Public Comment period, or may consult with one or more of the Board of Commissioners to request agenda items for future meetings. (Discussion)

The Undersheriff asked that the next agenda include a request to approve advanced step hires for two patrol deputy positions.

COUNTY COMPTROLLER

- 1. Payment of expenditures. Notice: Expenditures received after action has been taken under this Comptroller section may be presented and acted upon throughout the day. (For Possible Action)

Expenditures were presented by Comptroller Kim Todd. Commissioner Sharkozy motioned to approve expenditures in the amount of \$493,379.61 for accounts payable, \$244,600.62 for payroll and benefit related expenses (including employee paid deductions), and pass-through payments of \$6,824.54 to the Nevada State Controller and \$227.00 to the Washoe County Crime Lab, for a grand total of \$745,031.77. Commissioner Plaskett seconded the motion. Motion carried 3-0.

2. Review Fund Balance Report. (Discussion)

The Board reviewed the report on current fund balances.

3. Review and discuss additional information concerning employee issued credit cards and consider response, including action and/or further direction, related to purchasing cards and acceptable practices moving forward. (For Possible Action)

In April, per the Board's request, Ms. Todd sent a letter to all department heads (with a list of cardholders) asking if any credit cards could be eliminated. Two departments responded and a total of three cards were cancelled – one from Public Works and two from the District Attorney's office.

Ms. Todd relayed another area of concern. Whether intentional or by mistake, County cards are often used for personal purchases and expenses, which is strictly prohibited. After a brief discussion, the Board agreed that employees should be held accountable for credit card use.

Commissioner Plaskett motioned that any employee with personal charges on their County-issued credit card will be required to attend the next available Commission meeting to explain how the non-business transaction occurred. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

The Board asked the Comptroller to send a letter to all employees concerning the use of County credit cards and notifying them of this new requirement.

COMMISSIONERS

1. Discuss, approve, or deny: (a) payment of \$11,418.00 to Nevada Association of Counties, as a pass-through payment to support development and operation of the newly created National Center for Public Lands Counties (The Center), housed within the National Association of Counties and Western Interstate Region; and (b) determine if this will be paid from the Natural Resources Multiple Use Fund (127-263-53010-000) or with grant monies from Local Assistance & Tribal Consistency Fund (042-140-53010-000). (For Possible Action)

Jake Tibbitts explained that one purpose for creating the National Center for Public Lands Counties was to supplement counties that might not have a robust natural resources or public lands program. Eureka County isn't in need of these services and, therefore, could forego the contribution. But investing in The Center shows support for other rural counties that will benefit.

Commissioner Sharkozy motioned to approve a one-time payment of \$11,418.00 to Nevada Association of Counties to support the newly created National Center for Public Lands Counties, to be paid with monies budgeted in the Natural Resources Multiple Use Fund (127-263-53010-000). Commissioner Plaskett seconded the motion. Motion carried 3-0.

2. Review quote from Hoofbeat LLC and consider approving purchase of panels as part of ongoing improvements to the Eureka County Fairgrounds, for an amount not to exceed \$4,127.00 to be paid with monies budgeted for capital outlay (010-001-55010-000) in the Commissioners' budget. (For Possible Action)

In regards to arena improvements at the Eureka Fairgrounds, Jeb Rowley said the intent was to utilize existing panels in the lead-up alleys to the chutes in both the small and large arenas. But once the other panels and equipment were in place, it was apparent that the old panels were not going to work, and Public Works obtained a quote for new alley panels.

Commissioner Plaskett motioned to approve the quote from Hoofbeat LLC for upgraded lead-up panels in the amount of \$4,127.00 to be paid with monies budgeted for capital outlay in the Commissioners' budget. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

3. Discuss, approve, or deny a request from Dana Freund to waive the facility fees for use of the Opera House on June 3rd for a fundraising event. (For Possible Action)

Dana Freund asked that the facility fee for the Opera House be waived for a fundraising event on June 3rd. The fundraiser is to aid Shawn Bansal, owner of the EZ Stop in Eureka. A fire the previous month destroyed the EZ Stop building. Despite the disruption in business, Mr. Bansal has continued to pay his staff. Ms. Freund said the fundraiser is an opportunity to give back to a generous member of the community.

Commissioner Plaskett motioned to approve the request to waive the facility rental fee for use of the Opera House on June 3rd to host a fundraising event; Commissioner Sharkozy seconded the motion; motion carried 3-0.

4. Discuss, approve, or modify the position of the County on legislation being considered by the Nevada Legislature. *A list of the proposed legislation, and the position of Eureka County on it, is available by contacting the County Clerk.* (For Possible Action)

Michael Mears reported that most of the bills he has been tracking failed to move forward. He continues advocating for an elected officials' salary bill but, with the end of the Session fast approaching, the prospects are dim.

Jake Tibbitts invited questions or comments on the bill-tracking spreadsheet, which he updates and distributes to the Board before each meeting. With deadlines looming, and disparity remaining in the State's budget, Mr. Tibbitts anticipates that the Legislature will need to have at least one special session. Overall, he felt the County had been successful by advocating for bill amendments that addressed many of the concerns.

Kim Todd commented that AB 140, declaring Juneteenth a State holiday, continues to make progress. If passed, it will be effective this June.

Commissioner Plaskett motioned to affirm the County's position on current proposed legislation, as depicted on the bill-tracking spreadsheet, and per recommendations by Mr. Mears and Mr. Tibbitts. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

IT DEPARTMENT

1. Discuss, approve, or deny renewing Interlocal Contract Between Public Agencies, a contract between the State of Nevada acting by and through its Secretary of State and Eureka County, for fee-based services provided to local government and elections entities by Center for Internet Security, Inc., effective upon approval through June 30, 2030. (For Possible Action)

Jessica Santoyo explained that the contract with the Secretary of State is due for renewal. This contract provides third-party cyber security monitoring and protection for elections. The only change from previous agreements is the contract term. Instead of renewing annually, the State has changed it to a seven-year contract through June 30, 2030. Any costs resulting from this contract will be reimbursed by the Secretary of State.

Commissioner Plaskett motioned to approve renewal of the Interlocal Contract Between Public Agencies, a contract between the State of Nevada, Secretary of State, and Eureka County, for services provided by the Center for Internet Security, Inc., effective through June 30, 2030. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

HUMAN RESOURCES

1. Report on Human Resource projects and activities. (Discussion)

Roundtable Meetings: Human Resources Director Heidi Whimple reported on Human Resource projects and activities. The roundtable meetings with department heads are going well and she plans to schedule them for the second Wednesday of each month.

Compensation & Classification Study: Ms. Whimple continues compiling data for Paypoint HR related to the Compensation & Classification Study. Representatives will visit with department heads and employees during the last week of June.

2. Review documentation and consider approval of requests related to Hiring Freeze Waiver Justifications, Promotion Requests, and Position Descriptions. (For Possible Action)

Promotion Request: Casual employees hired as Attendants at the Swimming Pool are eligible for promotion to Lifeguard after completing the three-month probationary period and upon achieving Lifeguard and CPR/First Aid certifications. Swimming Pool Supervisor Brenna Rogne has submitted a promotion request for one individual who has met these requirements.

Commissioner Sharkozy motioned to approve the promotion request for advancement of a casual Attendant to the position of Lifeguard; Commissioner Plaskett seconded the motion; motion carried 3-0.

TREASURER

1. Review Treasurer's Report for April 2023. (Discussion)

The Treasurer's Report for April was submitted by Treasurer Pernecia Johnson, showing an ending General Fund balance of \$47,752,594.81.

SHERIFF

1. Discuss, approve, or deny authorizing Eureka County Sheriff's Office to contract with Road & Highway Builders to provide traffic control services for the period of May 1, 2023, through December 31, 2023, and authorize Lieutenant Edwin Kilgore to sign the contract outside of the meeting. (For Possible Action)

Undersheriff Thomas explained that Road & Highway Builders often contracts with Nevada Highway Patrol for extra patrol vehicles to slow traffic in construction zones. A similar contract was proposed with the Sheriff's Office. Road & Highway Builders will reimburse Eureka County for time incurred (overtime) by the deputies. Lieutenant Edwin Kilgore utilized the NHP contract to craft a contract for Eureka County.

Comptroller Todd reviewed the contract and noted several issues. A statute referenced in the contract applies to NHP and requires that funds be paid to the State Treasurer. The Sheriff's budget cannot be augmented with these funds since they are not from a State or federal grant. Lastly, she asked if the overtime rate listed in the contract is based solely on the hourly rate or if it intends to include benefits, such as PERS (Public Employees Retirement System).

The Comptroller offered to work with Lieutenant Kilgore to amend the contract, and he agreed. The contract was tabled until the next meeting.

2. Discuss, approve, or deny out-of-state travel for Sergeant Marcial Evertsen to participate in training (Armorer's Course) in Farmington, Utah, August 22, 2023. (For Possible Action)

Commissioner Sharkozy motioned to approve out-of-state travel for Sergeant Marcial Evertsen to participate in training in Farmington, Utah, on August 22, 2023; Commissioner Plaskett second the motion; motion carried 3-0.

3. Discuss, approve, or deny a one-time credit limit increase, from \$1,000.00 to \$2,000.00, on the County credit card issued to Marcial Evertsen to cover travel and lodging costs related to training in Farmington, Utah, on August 22, 2023. (For Possible Action)

Commissioner Sharkozy motioned to approve a one-time credit limit increase, from \$1,000.00 to \$2,000.00, on the County credit card issues to Marcial Evertsen for travel and lodging costs related to the August 22nd training; Commissioner Plaskett seconded the motion; motion carried 3-0.

Kim Todd asked that all future requests specify which month the credit increase is needed. Lieutenant Kilgore said he would contact her outside the meeting regarding any current requests.

CRESCENT VALLEY TOWN ADVISORY BOARD

1. Discuss, approve, or deny request for a donation of \$3,650.00 from the North End Activity Fund to purchase food and other supplies for Crescent Valley Fun Days, scheduled for June 24th, with check issued to Jeremy Rice. (For Possible Action)

A request was received from the Crescent Valley Town Advisory Board to utilize \$3,650.00 from the North End Activity Fund to pay for food, prizes, permits, and other services and supplies to support the annual Fun Days scheduled for June 24th in Crescent Valley.

Commissioner Sharkozy motioned to donate \$3,650.00 from the North End Activity Fund for the 2023 Crescent Valley Fun Days, with the check issued to Jeremy Rice, Chair of the Crescent Valley Town Advisory Board; Commissioner Plaskett seconded the motion; motion carried 3-0.

PUBLIC WORKS & EMERGENCY MANAGEMENT

1. Status report on current flood emergency in Eureka County. (Discussion)
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Public Works Director Jeb Rowley said flood status is being actively monitored. Snow melt is still causing washouts on higher elevation roads but, due to the monitoring, crews have been able to address issues quickly. Culverts are being installed in areas where additional diversion may be needed. With controls and monitoring in place, flooding issues are well-managed.

Nevada Division of Emergency Management did aerial surveillance earlier in the week in counties with declared disasters. A report has not yet been issued.

2. Report on Public Works projects and activities. (Discussion)

Annual Fire Meeting: The annual fire meeting with Nevada Division of Forestry (NDF) and BLM (Elko and Battle Mountain Districts) was held earlier in the week to review operating plans, communication frequencies, and available equipment. NDF shared information on a Volunteer Fire Assistance Grant and each of the County's rural departments can apply for up to \$20,000.00.

Update on Mindshare Consoles: At the last meeting, the Board approved console control units to replace end-of-life units at certain repeater sites. Mr. Rowley wanted the Board to know there will be about a 90-day delay on delivery of the units. This will cause some inconvenience, but will not interfere with the annual radio reprogramming.

Fire Equipment Maintenance: Fire trucks at all Volunteer Fire Departments, including remote station trucks (on ranches), are being serviced in preparation for the fire season.

Solar Project in Boulder Valley: On May 22nd, Mr. Rowley will meet with representatives of Nevada Gold Mines on site at the solar plant under construction in Boulder Valley. They have about 100 people on site and it's a good time to get an update on the project.

3. Review Grainger Quote No. 2054318097 and consider authorizing purchase of DECKED® steel truck box for an amount not to exceed \$1,340.12 utilizing monies budgeted for capital outlay (020-106-55010-000) in the Road Department Fund. (For Possible Action)

Mr. Rowley submitted the Grainger quote for after-market equipment to outfit a pickup. He explained that trucks acquired through a State purchasing contract are often already configured with add-on equipment, such as this steel truck box. Post-Covid supply chain issues have impacted the State Purchasing Division creating tighter deadlines and product delays. This, in turn, has caused local governments to meet their vehicle and equipment needs independently by researching what inventory is available.

Commissioner Sharkozy motioned to approve Grainger Quote No. 2054318097 for purchase of a DECKED® steel truck box for an amount not to exceed \$1,340.12 utilizing monies budgeted

for capital outlay in the Road Department Fund. Commissioner Plaskett seconded the motion. Motion carried 3-0.

NATURAL RESOURCES

1. Report on current and emerging natural resource issues affecting Eureka County. (Discussion)

Natural Resources Manager Jake Tibbitts reported on recent activities, including the weekly status meetings on multiple mine and exploration projects as they work through the environmental and permitting process with the BLM.

Sage Grouse Habitat Mapping: Other meetings included the Sagebrush Ecosystem Council on May 12th, and a cooperating agency meeting with the BLM on May 16th regarding Greater Sage-Grouse plan amendments. Dr. Pete Coates, with US Geological Survey, presented sage grouse habitat maps at both meetings.

Mr. Tibbitts said the BLM and the State of Nevada essentially use the same habitat maps, but there is a considerable difference in how they are applied. The State follows the mitigation hierarchy of *avoid, minimize, and mitigate* utilizing the Nevada Conservation Credit System. With the BLM, avoidance becomes prohibition. Dr. Coates' maps have not been officially adopted, but there are grave concerns over that possibility as this moves forward.

Stagecoach Wind Project: The BLM hosted its kickoff meeting on May 17th for the Stagecoach Wind Project in Newark Valley, which is in its preliminary stage. The project is a 51,000-acre wind farm to be located entirely on BLM managed lands. The proponent plans to install meteorological towers this summer as anemometers to measure wind speed.

Robertson Mine Visit: The visit to the Robertson Mine is scheduled for May 23rd. This is a Nevada Gold Mines project just over the County line into Lander County and near the Cortez operation.

Tonkin Reservoir: Jim Evans, Chair of the County Advisory Board (CAB) to Manage Wildlife, is leading an initiative for the CAB to work with Nevada Gold Mines to restore the historic boat launch at the Tonkin Reservoir. A few years back, the mine drained the reservoir to reconstruct the dam and, in the process, covered up the boat launch. In addition to restoring the boat launch, Mr. Evans would like to add signage and clean up barbed wire and debris from old fencing.

2. Discuss and consider supporting the Elko County Common Sense Lands Act, including adopting a resolution and/or a letter. (For Possible Action)

The Board received correspondence from Rex Steninger, Chairman of the Elko County Board of Commissioners, along with a draft lands bill (federal level, not yet sponsored), and a request to adopt a resolution supporting Elko County's Common Sense Lands Act. The Natural Resources Advisory Commission (NRAC) reviewed the information at its last meeting and recommended that Eureka County adopt the resolution.

Commissioner Plaskett motioned to adopt a Resolution in Support of the Elko County Common Sense Lands Act; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Eureka County, Nevada

May 19, 2023

**RESOLUTION OF THE EUREKA COUNTY BOARD OF COMMISSIONERS
IN SUPPORT OF THE ELKO COUNTY COMMON SENSE LANDS ACT**

WHEREAS, the 12 Western States, upon admission to the Union, were denied equal footing to the original states because the federal government retained possession of their public lands. Thomas Jefferson wrote in 1784 that when the new states were admitted to the Union it would be “on an equal footing with the said original states” and that doctrine was followed with 38 states east of Colorado; and

WHEREAS, the 12 Western States were denied the equal sovereignty required for a Republic, as established in the United States, to work. The Equal Sovereignty Principle was cited by the US Supreme Court as recently as 2013 in *Shelby County v. Holder* and recognizes that for a republic to function properly, each member of the republic must be of equal sovereign power. When a state is denied its land, it is inferior politically and economically to both the federal government and the earlier states that were given their land; and

WHEREAS, the 12 Western States were denied the compact entered into when they became states. The Compact Theory maintains that a contract was entered into between the new states and the general government in which the states gave up all claim to the lands within their borders and the federal government agreed to promptly and completely dispose of the land by sale or grant; and

WHEREAS, in 2015 a Davillier Law Group analysis determined that the Equal Footing Doctrine, Equal Sovereignty Principle and the Compact Theory were ammunition enough to “pursue litigation in an effort to gain ownership of the public lands;” and

WHEREAS, the federal government now controls nearly 90% of Nevada’s lands, more than any other state; and

WHEREAS, the paucity of private land in Nevada severely constrains the size and diversity of its economy, since federal lands are removed from tax rolls; and

WHEREAS, the Nevada Land Management Task Force, consisting of one county commissioner from each county, determined unanimously in 2015 that significant net revenue could be realized if the public lands were managed by local government; and

WHEREAS , the Southern Nevada Public Lands Management Act allowed sales of public lands in Clark County, generating more than \$3 billion in revenue, while no such mechanism exists in the 16 other Nevada counties;

NOW, THEREFORE, BE IT RESOLVED that Eureka County supports the Elko County Common Sense Lands Act (ECCSLA) that enables individual counties to identify lands they need and requires the Secretary of the Interior to transfer title to the counties without consideration; and

BE IT FURTHER RESOLVED that Eureka County recognizes that the ECCSLA only makes eligible for transfer lands administered by the Bureau of Land Management and counties are authorized to sell only those lands identified as suitable for sale through consultation with wildlife boards and owners of any valid existing rights or uses.

ADOPTED this 18th day of May, 2023.

EUREKA COUNTY, NEVADA

BOARD OF COMMISSIONERS

/s/ Rich McKay

Rich McKay, Chairman

/s/ Michael Sharkozy

Michael Sharkozy, Vice Chair

/s/ Marty Plaskett

Marty Plaskett, Member

ATTEST: /s/ Kathy Bowling

Katherine J. Bowling

Eureka County Clerk Recorder

3. Discuss and consider joining efforts with other western counties to resolve RS 2477 rights-of-way claims through the Historic Routes Preservation Act, including adoption of a resolution and/or letter. (For Possible Action)

Mr. Tibbitts described a similar request from Varlin Higbee, Chairman of the Lincoln County Board of Commissioners and member of the Silver State Historic Rights-of-way Group. They are asking other rural counties to join the effort to resolve RS 2477 rights-of-way claims, to memorialize that effort with a letter or resolution, and to contribute \$7,500.00 for the services of Robert Weidner, Chartwell Enterprises Inc.

Mr. Tibbitts gave an overview of the County's efforts through the years advocating for resolution of the RS 2477 rights-of-way issue. NRAC reviewed the packet from Commissioner Higbee and supported the Congressional path to resolve the rights-of-way issue, including adoption of the resolution. NRAC did not feel enough information was provided to support contracting with Chartwell Enterprises at this time.

Commissioner Sharkozy motioned to adopt the Resolution in Support of the Historic Routes Preservation Act in relation to RS 2477 rights-of-way; Commissioner Plaskett seconded the motion; motion carried 3-0.

Eureka County, Nevada

May 19, 2023

**RESOLUTION OF THE EUREKA COUNTY BOARD OF COMMISSIONERS
IN SUPPORT OF THE HISTORIC ROUTES PRESERVATION ACT
(ALLOWING COUNTIES TO QUIET TITLE TO RS 2477 RIGHTS-OF-WAY)**

WHEREAS, the federal Bipartisan Infrastructure and Jobs Act ("Infrastructure Act") recognizes that, due to decades of disinvestment, rural roads re in poor condition which has had a negative effect on rural economies and has led to increased injury rates on rural roads; and

WHEREAS, the Infrastructure Act has made funds available to county and local governments for the repair, maintenance, and safety of rural roads, bridges, and last mile connectivity; and

WHEREAS, these funds are available to counties for infrastructure and connectivity only if the counties hold title to the roads and bridges; and

WHEREAS, title to thousands of county roads in underserved rural communities is held up because of costly and prolonged litigation with the federal government under RS 2477, or is otherwise questioned or disputed; and

WHEREAS, most of these county roads are badly in need of repair and maintenance to ensure the safety of the travelling public; and

WHEREAS, most of these roads would qualify for funding under the Infrastructure Act; and

WHEREAS, the objectives of the Infrastructure Act cannot be achieved so long as county title to RS 2477 roads is questioned or tied up in federal litigation; and

WHEREAS, the proposed Historic Routes Preservation Act attached hereto would create and maintain an efficient administrative process for the adjudication of county RS 2477 rights-of-way claims; and

WHEREAS, the proposed Historic Routes Preservation Act requires that this administrative adjudication process largely incorporates the evidentiary test established by the federal courts for RS 2477 determinations.

NOW THEREFORE BE IT RESOLVED that Eureka County, by and through its elected representatives, supports the introduction and passage of the Historic Routes Preservation Act by the United States Congress.

ADOPTED this 18th day of May, 2023.

EUREKA COUNTY, NEVADA
BOARD OF COMMISSIONERS

/s/ Rich McKay

Rich McKay, Chairman

/s/ Michael Sharkozy

Michael Sharkozy, Vice Chair

/s/ Marty Plaskett

Marty Plaskett, Member

ATTEST: /s/ Kathy Bowling

Katherine J. Bowling

Eureka County Clerk Recorder

4. Discuss, approve, or deny supporting a Diamond Valley Agrivoltaics (Agri-Solar) Study, including a funding contribution to complete the study. *Note: \$20,000.00 of outside funding has been committed to the study and the Eureka Conservation District will consider contributing to the study at a future, scheduled meeting.* (For Possible Action)

Mr. Tibbitts first brought information to the Board in January regarding the Agrivoltaics (Agri-Solar) Study for Diamond Valley. The Nature Conservancy will conduct the study and, although it's identified as an agrivoltaics study, it is also a water retirement study. Outcome of the study is not intended to mandate or dictate what private landowners should do with their property. Its purpose is to provide information, consider feasibility, and potentially provide a pathway for owners to transition lands from irrigation to a secondary use.

Agrivoltaics, or agri-solar, contemplates a solar farm design that allows continued agricultural use – such as grazing or row cropping. The study will examine economic tradeoffs in retiring water rights and transitioning land to agrivoltaics, analyze the extent of water retirement needed to stabilize groundwater drawdown in the basin, and identify the statutory framework for retiring

water rights. The results are intended to equip the landowner, the County Commissioners, and even the State Engineer with information and data to help all parties make educated and informed decisions related to the future of Diamond Valley.

The Nature Conservancy has raised \$20,000.00 for the study, and the Eureka Conservation District has agreed to donate another \$4,000.00. NRAC voted to support the study (although one member dissented). Mr. Tibbitts felt the study could easily cost \$50,000.00 and, with NRAC's endorsement, recommended that the Board consider a substantial contribution, possibly a matching amount.

Commissioner Plaskett motioned to contribute \$24,000.00 to the Nature Conservancy for the Diamond Valley Agrivoltaics (Agri-Solar) Study, to be paid with monies budgeted in the Natural Resources Multiple Use Fund (127-263-53010-000) and for contract services (010-017-53010-058) in the NRAC budget. Chairman McKay seconded the motion. Motion carried 2-1, with Commissioner Sharkozy opposing.

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| <p>5. Discuss and consider accepting as is and approving, or requesting changes to, cooperating agency memorandum of understanding with BLM on the Utility-Scale Solar Energy Programmatic Environmental Impact Statement (EIS) process. (For Possible Action)</p> |
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Mr. Tibbitts provided the cooperating agency Memorandum of Understanding (MOU) for BLM's Utility-Scale Solar Energy Programmatic Environmental Impact Statement. The BLM has already held their first cooperating agency meeting, which Eureka County missed due to the BLM's failure to involve the County early in the process. Mr. Tibbitts added that the MOU conforms with other MOUs the County has had on similar projects, and he recommended approval.

Commissioner Plaskett motioned to approve the cooperating agency Memorandum of Understanding with the BLM on the Utility-Scale Solar Energy Programmatic Environmental Impact Statement process. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

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| <p>6. Discuss and consider response to BLM proposed Conservation & Landscape Health Regulations to "prioritize the health and resilience of ecosystems across BLM managed lands," including but not limited to requesting an extension of the comment deadline. (For Possible Action)</p> |
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The comment period is open (through June 20th) for the BLM's proposed public lands rule – Conservation & Landscape Health Regulations. Mr. Tibbitts attended a virtual meeting on May 15th, where it was quite apparent that the BLM controlled the course of the meeting and the content and focus of the discussions. More meetings are scheduled; the next one is an in-person meeting in Reno on June 1st, followed by another virtual meeting on June 5th.

The proposed rule was discussed at the Sagebrush Ecosystem Council meeting on May 12th. A State BLM representative was in attendance and, in response to the many questions about what the rule really means, he replied that the State BLM received notice the same time as other stakeholders and they are asking the same questions.

Mr. Tibbitts will continue working on the County's response, and it will be presented at the June 20th meeting for approval. For now, he asked the Board to approve sending a letter requesting an extension of the comment deadline.

Commissioner Plaskett motioned to send a letter to the BLM requesting an extension of the June 20th deadline for the proposed Conservation & Landscape Health Regulations and authorized

the Chairman to sign the letter outside of the meeting. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

7. Discuss, approve, or deny out-of-state travel for Natural Resources Manager to attend the Western Rural Development Center (WRDC) Board of Directors' Meeting in Denver, Colorado, May 24th & 25th, 2023. *Note: Mr. Tibbitts serves on the WRDC Board representing western Council for Agricultural Research, Extension, & Teaching (CARET) and full expenses for travel, lodging, meals, and per diem will be paid for by the University of Nevada, Reno College of Agriculture, Biotechnology, & Natural Resources. (For Possible Action)*

Commissioner Sharkozy motioned to approve out-of-state travel for Jake Tibbitts to attend the Western Rural Development Center Board of Directors' meeting in Denver, Colorado, May 24-25, 2023. Commissioner Plaskett seconded the motion. Motion carried 3-0.

CORRESPONDENCE

1. Review correspondence and place requests for action items on the next agenda. (Discussion)

Correspondence was received from: Nancy Sellard; Public Works; Natural Resources; Natural Resources Advisory Commission; Eureka Conservation District; Health Insurance Advisory Committee; Television District (2); Nevada Div. of Water Resources; Nevada Dept. of Transportation; US Senator Jacky Rosen; National Assoc. of Counties; and America First Works.

The Board reviewed agenda items for the next meeting.

2. Commissioner reports on pertinent correspondence or other matters. (Discussion)

There were no reports from the Board.

PUBLIC COMMENT

1. Public comment and discussion. *Notice: No action may be taken on a matter raised under this item until the matter has been specifically included on an agenda as an item upon which action will be taken. Public comment may be limited to three (3) minutes per person. Public comment may be allowed on "Action" items, in addition to the two times specified on the agenda. (Discussion)*

Chairman McKay opened the floor for public comments; there were none.

2. Consider items requiring action to be placed on the agenda for the next regular meeting. *Notice: The public is welcome to request agenda items for future meetings during the Public Comment period, or may consult with one or more of the Board of Commissioners to request agenda items for future meetings. (Discussion)*

No additional agenda items were identified.

ADJOURNMENT

1. Adjournment of meeting. (For Possible Action)

Commissioner Sharkozy motioned to adjourn the meeting; Commissioner Plaskett seconded the motion; the meeting was adjourned at 11:35 a.m.

Approved by vote of the Board this 5th day of September, 2023.

/s/ Rich McKay
Rich McKay, Chairman

I, Jackie Berg, Deputy Clerk II, attest that these are a true, correct, and duly approved minutes of the May 18, 2023, meeting of the Board of Eureka County Commissioners.

/s/ Jackie Berg
Jackie Berg, Deputy Clerk II

I, Katherine J. Bowling, 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 Deputy Clerk.

/s/ Kathy Bowling
Katherine J. Bowling, Clerk