

EUREKA COUNTY BOARD OF COMMISSIONERS

March 20, 2023

STATE OF NEVADA)
 :ss
COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on March 20, 2023. Present were Chairman Rich McKay, Vice Chair Michael Sharkozy, Commissioner Marty Plaskett; District Attorney Ted Beutel, Clerk Recorder Kathy Bowling, and Deputy Clerk Recorder 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

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

PUBLIC COMMENT

Chairman McKay opened the floor for public comments.

Jerry White, Range Manager for Perdiz Shooting Range, thanked Eureka County and the Road Department, along with any others involved in the special efforts to repair and restore the access road, which was damaged by severe flooding.

Sheriff Jesse Watts thanked Public Works, Jeb Rowley, and the entire incident management team for the exceptional response during Eureka County’s State of Emergency. He asked why the Eureka County Board of Health wasn’t involved in discussions about joining the Central Nevada Health District. He commented on the agenda item regarding the Deputy District Attorney and felt any change to the salary range should be handled during the budget process.

The Commissioners each voiced their thanks for the response to the flooding, recognizing the entire emergency management team, which included County departments and employees, and individuals from other agencies, jurisdictions, and the State of Nevada.

APPROVAL OF MINUTES

February 21, 2023: Commissioner Sharkozy motioned to approve minutes of the February 21, 2023, meeting; Commissioner Plaskett 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 total amount of \$769,236.45, which included accounts payable, payroll and benefits, and pass-through tax allocations collected by the County on behalf of various State agencies. Commissioner Plaskett seconded the motion. Motion carried 3-0.

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

COMMISSIONERS

CEDS Annual Update: Northeastern Nevada Regional Development Authority (NNRDA) provided the draft update of Eureka County’s Comprehensive Economic Development Strategy (CEDS). Upon review of the CEDS, the Board felt the document was a good guideline and represented the County well.

Commissioner Plaskett motioned to approve the 2022 Annual Update to the Comprehensive Economic Development Strategy for Eureka County, 2020 through 2025, as

prepared by UNR University Center for Economic Development on behalf of the Northeastern Nevada Regional Development Authority. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Deputy District Attorney: Human Resources Director Heidi Whimple supported increasing the salary range for the position of Deputy District Attorney. She explained that in order to attract an individual with the necessary level of education and training, the County needs to offer a competitive salary.

District Attorney Ted Beutel explained that there are no plans to hire someone at the highest level in the salary range, but if an individual comes forward with advanced qualifications and years of experience, the County should have the flexibility to offer equitable compensation.

Commissioner Sharkozy motioned to increase the salary range for the vacant Deputy District Attorney position, from \$85,000.00 to \$95,000.00, to a more competitive range of \$85,000.00 to \$120,000.00. Commissioner Plaskett seconded the motion. Motion carried 3-0.

Legislative Issues: Jake Tibbitts and Assessor Michael Mears briefly discussed pertinent legislation with the Board. Among the legislation tracked by Mr. Mears is SB96, which would impose a threshold on property tax abatement. Legislation for the elected officials' salary bill has not yet been drafted, but there is a placeholder for the BDR (bill draft request).

Mr. Tibbitts provided an updated bill tracking spreadsheet. There are a lot of proposed water bills, including SB113 concerning groundwater management plans. He is working hard to ensure that this legislation doesn't acquire amendments that would negatively impact Diamond Valley.

Commissioner Plaskett motioned to approve the County's position on proposed legislation as presented verbally and on the bill tracking spreadsheet; Commissioner Sharkozy seconded the motion; motion carried 3-0.

CENTRAL NEVADA HEALTH DISTRICT

Presentation: Shannon Ernst, Churchill County Social Services Director, and Caleb Cage, CNHD Interim Administrator, joined the meeting by telephone, to update the Board on the Central Nevada Health District (CNHD).

CNHD and its Board were approved by the Nevada Board of Health on December 2, 2022. It is the third health district in the State and the only one serving rural counties. Membership includes Churchill County, Eureka County, Mineral County, Pershing County, and the City of Fallon. Dr. Antonina Capurro was appointed Administrator on March 7th.

CNHD is working to fully implement services starting July 1, 2023. It will take on the services currently provided by the State through the Division of Public & Behavioral Health. The health district will work to stabilize funding. Partnership agreements will be executed, with \$100,000.00 buy-in for each municipality, along with \$5.00 per capita and 20% contingency.

The health district will have a presence in each of the counties with a community health worker and an administrative position. Other services will be provided on a rotating schedule.

SENIOR CENTERS

Update Report: Senior Center Program Director Millie Oram, and appointed Director Linda Gordon (who will begin in that capacity on April 28th), were in attendance to report on activities at the Senior Centers. In February, Eureka served 696 meals and Crescent Valley served 702 meals. A total of \$9,605.65 was deposited for the month. The ladies were pleased to report that the flooding had not impacted meal deliveries, and they were able to continue services to the homebound.

Nutrition Grant: Commissioner Sharkozy motioned to ratify Notification of Grant Subaward from Nevada Aging & Disability Services Division for Nutrition Grant #07-000-57-NX-23 in the amount of \$3,759.00, with no match required. Commissioner Plaskett seconded the motion. Motion carried 3-0.

Part-Time Kitchen Aide: Ms. Oram explained that a part-time position was reduced to a casual position approximately five years earlier when the employee requested fewer work hours for personal reasons. The employee has since retired and Ms. Oram would like to reinstate the part-time benefited position.

Commissioner Sharkozy motioned to approve the request to change a Casual Kitchen Aide position (at the Eureka Senior Center) to a part-time benefited position, effective July 1, 2023. Commissioner Plaskett seconded the motion. Motion carried 3-0.

AMBULANCE & EMS

Report on Activities: EMS Director Kenny Sanders provided a written report in his absence. There were a total of 21 runs for the month of February; 10 from the Eureka station and 11 from the Crescent Valley station.

Volunteer Stipend: Mr. Sanders met with the Comptroller to discuss increasing the stipend paid to volunteers, which is currently \$75.00. Ms. Todd confirmed that sufficient funds are budgeted to support the new rates.

Commissioner Sharkozy motioned to increase the stipend paid to volunteers responding to an ambulance call, effective July 1, 2023, as follows: (a) \$100.00 per event for Basic EMTs; (b) \$125.00 per event for Advanced EMTs; and (c) \$75.00 per event for volunteer drivers. Commissioner Plaskett seconded the motion. Motion carried 3-0.

JUSTICE COURT

Collection of Civil Fees: Justice of the Peace Dorothy Rowley explained that NRS 176.064 outlines the process for collecting delinquent fines, administrative assessments, fees, and restitution for criminal offenses. A change in legislation, NRS 484A.7047 (effective January 1, 2023), allows courts to engage a collection agency for recovery of delinquent civil penalties, administrative assessments, and fees for civil infractions. She contacted Valley Collection Service, LLC, and would like to enter into a contract for collection of delinquent fees.

Commissioner Sharkozy motioned to approve a contract with Valley Collection Service, LLC, for collection of delinquent civil and criminal fines and fees ordered by Justice Court; Commissioner Plaskett seconded the motion; motion carried 3-0.

JUVENILE PROBATION

Credit Limit Increase: Juvenile Probation Officer Steve Zimmerman requested a one-time credit limit increase on his County-issued credit card to cover purchases related to the dance program and upcoming dance recital.

Commissioner Sharkozy motioned to approve a one-time credit limit increase, in the amount of \$1,500.00, on the credit card issued to Steve Zimmerman; Commissioner Plaskett seconded the motion; motion carried 3-0.

OLCESE WASTE SERVICES

Update on Waste Services: Tilio Olcese was in attendance to give an update on residential and commercial waste collection in Eureka County for the quarter. In January there were three new 96-gallon residential services and one new 2-yard commercial service; in February there were five new 96-gallon residential services; and in March there were two new 96-gallon residential services. The Eureka County driver position has been filled.

NEVADA DIVISION OF WATER RESOURCES

Special Assessments for FY23-24: Each year the Nevada Division of Water Resources provides budgets for special assessments to be collected from water rights holders in Eureka County. These are billed on real property tax statements and in turn paid to the Division. County

Commissions are asked to approve the budgets each year, but it is a State tax that the local government has no authority over.

Jake Tibbitts commented that the record should reflect that during the last Legislative Session, the State swept all balances in the groundwater basin accounts to help balance the State's budget, which had been impacted by Covid. There was a promise to restore balances, but that has not occurred. A bill, SB112, has been introduced in the current Legislative Session, which would require more transparency and accountability related to these assessments. Additionally, Mr. Tibbitts felt that some of the amounts being collected are excessive in comparison to what is actually being done in the correlating basin. The Division is also collecting assessments on unadjudicated vested rights, which is not in keeping with Nevada Water Law.

Having no recourse to deny the assessments, Commissioner Sharkozy motioned to approve the Division of Water Resources budgets for Fiscal Year 2024 special assessments to be collected by Eureka County on behalf of the Division for supervision of the following waters in Eureka County: Maggie Creek Groundwater Basin, Boulder Flat Groundwater Basin, Humboldt River Distribution, Whirlwind Valley Groundwater Basin, Lower Reese River Valley Groundwater Basin, Crescent Valley Groundwater Basin, Pine Valley Groundwater Basin, Diamond Valley Groundwater Basin, and Kobeh Valley Groundwater Basin. Commissioner Plaskett seconded the motion. Motion carried 3-0.

ROAD DEPARTMENT

Report on Activities: Public Works Director Jeb Rowley reported on Road Department activities, explaining that Raymond Hodson was currently evaluating roads to assess the damage caused from flooding. Pine Valley and southern Eureka County were impacted the most by flooding, but roads County-wide have suffered from severe winter weather.

Chairman McKay inquired about costs related to the State of Emergency and whether the County will be eligible for disaster relief. Mr. Rowley said that, between what has already been spent and estimates to repair or replace damaged infrastructure, the tabulation is well over \$6 million, which will qualify the County for relief funding.

LOCAL EMERGENCY PLANNING COMMITTEE

SERC OPTE Grant: LEPC Chair Jeb Rowley said that the Committee agreed to purchase extrication equipment with its annual grant funding. LEPC requested approval from the Board and will meet on March 21st to sign the grant application before the March 24th deadline.

Commissioner Sharkozy motioned to approve the Fiscal Year 2024 State Emergency Response Commission/Operational, Planning, Training, & Equipment (SERC OPTE) Grant application seeking \$30,000.00 for purchase of extrication equipment and operational costs. Commissioner Plaskett seconded the motion. Motion carried 3-0.

PUBLIC WORKS & EMERGENCY MANAGEMENT

Status of Flood Emergency: Mr. Rowley said the County had some localized flooding from snow melt, but when torrential rains began on Friday (March 10th) and continued through the weekend, a true State of Emergency existed. Temporary repairs were made to provide emergency access to local mines and ranches (some with stranded livestock). The County called on the NDF honor camp crews to begin filling sandbags, and put in a request with the Division of Emergency Management for a State liaison. As flooding continued, the request was elevated to a full incident management team and incident commander. Many others were called on, or offered assistance, including County leaders and management personnel, County Engineer Jonathan Lesperance and another hydrologist, the School District, the Red Cross, local contractors, and the list goes on. With that in mind, Mr. Rowley asked Commissioner Sharkozy to thank those that offered assistance from the north, such as Truckin' Water, and Nevada Gold Mines Cortez.

Commissioner McKay wanted to recognize Ben Sieben with Big Sky Exploration, who was one of the first outside people to offer help. On day one, he got his trackhoe, grabbed JD Damele and put him to work. Commissioner McKay also recognized i80 Gold and Ledcor, who were right there along with the locals offering help and support.

Incident commander Loren Carroll (with Nevada State Police) was in attendance. He stated that recovering from this emergency will be a long-term process, but every decision will be made in consultation with the local team. Mr. Carroll commented on the local interactions, stating, “...*the engagement of this community is unbelievable. It is so much more than I’ve seen in 23 years of emergency response. The people literally coming out of the woodwork to help you guys, to come to the meetings. Jeb’s ability to handle things is unbelievable, and it’s truly humbling for me and for my team to be a part of this. So, I thank you for the opportunity.*”

Ratify Declaration: Mr. Rowley requested ratification of the Declaration of a State of Emergency which, out of necessity, was facilitated outside of a Board meeting. Commissioner Plaskett motioned to ratify the Eureka County Declaration of a State of Emergency ordered on March 12, 2023. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Public Works Projects & Activities: Mr. Rowley reported that having the State team on board allowed Public Works to address other important issues, such as the well rehabilitation in Eureka, and building and infrastructure issues that existed prior to the flooding.

NATURAL RESOURCES

Report on Activities: Natural Resources Manager Jake Tibbitts reported on recent activities. He and Consulting Hydrologist Dale Bugenig attended the Nevada Gold Mine’s annual water meetings for Cortez and Carlin Trend. The dewatering at Cortez is definitely causing impacts to Horse Creek and springs in the area. Mitigation wells in an adjacent valley will discharge into the creek to keep it flowing. But there are discrepancies in flow as far away as Hot Creek, which flows off the Pinyon Range through Slagowski ranch property. The Division of Water Resources takes creek measurements and is wondering why there is such discrepancy between Nevada Gold Mine’s measurements and those recorded by the Division and the County (Mr. Bugenig).

Dewatering for the Carlin Trend has involved long-term discharge of water into the TS reservoir. But a large crack in the reservoir dam has resulted in artificial wetlands below the dam and a 48-foot rise in groundwater levels. Satellite imagery studies by the Desert Research Institute prove that phreatophytes (deep-rooted plants) in the vicinity have increased water consumption by nearly 10,000 acre feet annually.

Upcoming Meetings: The Division of Water Resources has scheduled the Humboldt River Region Water Management Informational Update on March 28th (Carson City and virtual). The BLM will host a pre-scoping virtual public workshop on NV Energy’s proposed Greenlink North Project on March 29th. I80 Gold is hosting a Town Hall meeting at the Opera House on the afternoon of March 29th. The Central Nevada Regional Water Authority is meeting in Fallon on March 31st. Beginning in April, the BLM will resume its monthly (third Thursday) cooperating agency meetings.

Letter to Congressional Delegation on WOTUS: Correspondence received at the Board’s last meeting included letters from Elko County inviting others to write their congressional delegations regarding the recent rule defining “Waters of the United States” (WOTUS), or jurisdictional waters of the federal government. The rule is defined by the Environmental Protection Agency and the Army Corps of Engineers, and has seen some ‘pinball’ action during the last three presidential administrations. Most parties interested in the rule are awaiting final ruling in a case before the Supreme Court of Idaho, *Sackett v. Environmental Protection Agency*, thinking that this case may provide more clarity on the rule than other actions to date.

After a brief discussion, the Board felt the Natural Resources Advisory Commission would have favored sending a letter if a quorum had been established at its last meeting. Commissioner

Sharkozy motioned to send a letter to the congressional delegation concerning the recent rule defining “Waters of the United States” and authorized the Chairman to sign the letter outside of the meeting. Commissioner Plaskett seconded the motion. Motion carried 3-0.

Endorse Mr. Tibbitts for SEC Seat: Former Chairman JJ Goicoechea served on the Sagebrush Ecosystem Council as the local government representative. Since leaving local government to take a State position, the Council has asked Mr. Tibbitts to consider taking the seat. The SEC wants to fill the seat with someone who has knowledge of the decade-long process surrounding sage grouse management plans, including the State Plan (Nevada Greater Sagegrouse Conservation Plan) and the different federal sage grouse plans, amendments, and related litigation.

Commissioner Sharkozy motioned to endorse Natural Resources Manager Jake Tibbitts to fill the vacant seat representing local government on the Nevada Sagebrush Ecosystem Council; Commissioner Plaskett seconded the motion; motion carried 3-0.

CORRESPONDENCE

Correspondence: Correspondence was received from: District Attorney Ted Beutel; Recreation Board; Eureka County High School; Nevada Gold Mines (3); Nevada Div. of Environmental Protection (2); Nevada Div. of Water Resources; Nevada Grazing Board; Nevada Water Resources Assoc.; Dept. of the Interior, BLM; America First Works (multiple); National Assoc. of Counties (multiple); and Governing E-newsletter.

PUBLIC COMMENT

Chairman McKay called for public comments; there were none.

ADJOURNMENT

Commissioner Sharkozy motioned to adjourn the meeting; Commissioner Plaskett seconded the motion; the meeting was adjourned at 12:09 p.m.

Approved by vote of the Board this 20th day of April, 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 March 20, 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