

EUREKA COUNTY BOARD OF COMMISSIONERS

February 1, 2024

STATE OF NEVADA)
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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 February 1, 2024. Present were Chairman Rich McKay, Vice Chair Michael Sharkozy, Commissioner Marty Plaskett, District Attorney Ted Beutel, and Clerk Recorder Kathy Bowling. 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: Two items on the agenda were tabled: the Approval of Minutes and Item #1 under the Commissioners. Commissioner Sharkozy motioned to approve the agenda with the requested changes. Commissioner Plaskett seconded. Motion carried 3-0.

Sheriff Jesse Watts asked for Item #2 and Item #3 under Commissioners to be tabled. District Attorney felt that both items were appropriate to talk about and were acceptable as is on the agenda. The Board agreed to take the advice of legal counsel and left those agenda items on.

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)

Prior to taking any comments, Chairman McKay recognized Eureka native Louis Tognoni who passed away the previous week. He then opened the floor for public comments and hearing none he moved to next item on agenda.

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)

None considered

APPROVAL OF MINUTES

1. Approval of minutes for the September 19, 2023, meeting. **(For Possible Action)**

This item was tabled.

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 Plaskett motioned to approve expenditures in the amount of \$939,457.79 with no pass-throughs. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

2. Review Fund Balance Report. (Discussion)

The Board reviewed a report on current fund balances.

PAYPOINT HR, LLC

1. Presentation via Zoom of the Eureka County Compensation & Classification Study prepared by Paypoint HR. **(Discussion)**

Rick Campbell of Paypoint HR, LLC gave a presentation via WebEx of the results of the wage study. Mr. Campbell explained that the study resulted from surveys of similar communities and similar jobs. The purpose of the study was to determine what 'fair pay' would be for varying jobs within the County. Mr. Campbell said three 'yardsticks' were utilized in this study: 1) external market, 2) organization structure and 3) knowledge, skills, and abilities of every job title. According to Mr. Campbell, employees were asked about the complexity of their job, their experience, their education, certifications, etc. The supervisor, or management, was provided an opportunity to review each questionnaire. Mr. Campbell noted that larger counties such as Washoe and Clark were excluded from the study.

Upon analyzing the data, Mr. Campbell maintained that Eureka County is at the 40th percentile of the 'market'. Discussion ensued regarding job titles that were found to be below 'market'. A salary scale with 23 grades based on a 'market' of 40.0% was presented to the Board.

Audience member Sheriff Watts asked about the number of steps in a pay scale and COLAs. It would vary, according to Mr. Campbell, and he suggested taking a look at historical figures and budgets would be a way to determine what is best. Mr. Campbell noted that percentage increases were considered normal vs. a dollar amount.

Mr. Campbell stressed that the County does not have to take 40th percentile if the budget doesn't allow, and that the County should be mindful of how employees are impacted and should consider the taxpayers when determining a pay scale to adopt.

IT Director Misty Rowley asked if the recommendations made were a result of the employee's job description or the sheet each employee filled out, or both. Mr. Campbell noted emphasis was given to the questionnaire each employee completed.

Crescent Valley audience member Tracey Mellard asked about whether or not the study included data on volunteerism due to the fact that Eureka County has a large number of

volunteers. Stipends were not considered in the survey, noted Mr. Campbell. Other questions were asked and discussed. Mr. Campbell noted the purpose of the study was to recommend a pay scale that would be considered fair.

2. Discuss, approve, or deny acknowledging receipt of the Eureka County Compensation & Classification Study as presented by Paypoint HR. (For Possible Action)

Chairman McKay noted that he reviewed the study and will make it available to everyone. Audience member Clara Bundy asked about a timeframe and when this would be implemented. Chair McKay noted it will be part of the upcoming budget discussions. Commissioner Plaskett moved to approve the compensation and classification study. It was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

Chair called for a five-minute recess at 10:43 a.m.

Meeting was called back to order at 10:54 a.m. by the Chair.

COMMISSIONERS

1. Continued discussion and possible action to establish rules/guidelines for County Commission meetings, including direction on where the guidelines will be posted to notify and inform the public. (For Possible Action)

This item was tabled.

2. Pursuant to NRS 4.040, set minimum compensation for Eureka County Justice of the Peace for the term of office following the 2024 election. (For Possible Action)

Dorothy Rowley appeared before the Board to discuss compensation of the Justice of the Peace. Ms. Rowley noted AB 518 and additional funding available for this position through the State. She also discussed weekends and days she is out of town but still on-call. Discussion ensued regarding the timing of this agenda item. Per NRS this item should have been on the agenda by the end of the calendar year. Ms. Rowley acknowledged this fact and noted that she is in agreement with her current salary. She did note, however, that she may appear before the Board at a later meeting to discuss an increase in compensation.

Chair McKay motioned to keep her compensation the same. All in favor. Motion carried 3-0.

3. Discuss, approve, or deny enacting rules allowed under NRS 245.070 which states, *“No county officer in any county in this State, except the board of county commissioners, shall contract for the payment or expenditure of any county moneys for any purpose whatever, or shall purchase any stores or materials, goods, wares or merchandise, or contract for any county for any labor or service whatever, except the board of county commissioners, or a majority of it, shall order such officer to do the same.”* There is an impasse with the Sheriff rejecting efforts to proceed with an internal time card investigation despite multiple requests to comply. Based upon advice from outside legal counsel, the board may choose to reject, eliminate, or otherwise delay payment of non-critical expenditures and/or escalate the situation to the Nevada State Attorney General’s Office for resolution. (For Possible Action)

A brief explanation was provided by Chair McKay and Commissioner Plaskett regarding this situation. Audience member Sheriff Watts explained the Peace Officer Bill of Rights and how it pertains to this situation. Sheriff Watts stressed that his objection lies with the fact that an investigation notice was conducted by a civilian and not a peace officer. Sheriff Watts added that because the beginning of this investigation was improperly conducted, it therefore negates whatever follows. District Attorney Ted Buetel explained the issue further noting that the issue centers around a pay code used on a timecard which resulted in an increase in pay. Sheriff Watts agreed the issue centers around time cards and pay codes, but reiterated that he believes the investigation violated his rights and the rights of his employees based on how the investigation was handled and the process that started the investigation. Chair McKay stated he believes that escalation to the Attorney General's office is appropriate at this time. Questions were raised regarding what is the dollar amount being investigated and other details. Chair McKay noted that there were differing opinions circulating and that is why he suggested going forward with the Attorney General. Commissioner Plaskett motioned to engage the State Attorney's Office in this matter to determine what the legal aspect of the issue is. It was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

4. Review letter and consider response to MD7, authorized agent for Crown Castle (a communications infrastructure company), regarding a proposal to extend the Communications Site Lease Agreement with Eureka County for an additional 30 years through September 20, 2059. *Note: On September 21, 2009, Eureka County agreed to lease real property near Crescent Valley to Alltel Communications for placement of a cell tower for an initial term of 10 years with one automatic renewal term of 10 years. (For Possible Action)*

District Attorney Ted Beutel provided background information to the Board. Mr. Beutel noted that 30 years, as proposed here, is a long time and suggested the Board could wait, see what happens, and decide just prior to the expiration of the existing lease. Public Works Director Jeb Rowley also weighed in on the length of the lease noting that 10 years would be reasonable stating that the County may want to address some items in the future regarding technology and needs at a later time. Commissioner Sharkozy motioned to decline the offer of a 30-year lease extension and to let this current contract expire. It was seconded by Commissioner Plaskett. All in favor, motion carried 3-0.

IT DEPARTMENT

1. Update report on IT projects and activities. (Discussion)

IT Director Misty Rowley reported on recent activities which included computer installation, trouble shooting, setting up and testing a WebEx integration system for the wage study, and various other duties.

2. Discuss, approve, or deny authorizing purchase of networking equipment for a not to exceed amount of \$38,393.41 utilizing funds budgeted for capital outlay (010-018-55010-000) in the Technology Support budget. **(For Possible Action)**

Ms. Rowley noted that the actual amount is \$38,118.93 and it is to replace end-of-life networking equipment. This is to provide a secure County internet connection at the Eureka County Medical Clinic. A motion to approve the purchase of networking equipment was made by Commissioner Plaskett and seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

3. Discuss, approve, or deny accepting Quote #24354963 from SHI for a three-year Zscaler ZIA subscription (cybersecurity enhancement product), for an amount not to exceed \$30,410.01, and authorize the IT Director to sign subscription documents outside of the meeting. **(For Possible Action)**

This subscription will replace the current system utilized as firewall protection. This system will tie in with the other Zscaler products recently purchased by the County. Commissioner Sharkozy motioned to approve. It was seconded by Commissioner Plaskett. Motion carried 3-0.

4. Discuss, approve, or deny accepting Quote #24386011 from SHI for a one-year contract for Office 365 G3 licenses and Microsoft Intune licenses (Microsoft 365 Office software and Microsoft Mobile Device Manager software), for an amount not to exceed \$33,782.60, and authorize the IT Director to sign contract outside of the meeting. **(For Possible Action)**

This license would allow all employees to receive the latest updates, security features, etc. without having to reinstall this software update on each computer every couple of years. And for security reasons, this is recommended by Pool Pact. This is for 135 licenses, one for every email account the County has. Commissioner Plaskett motioned to approve. Seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

HUMAN RESOURCES

1. Review Hiring Freeze Waiver Justification forms and consider providing authorization to hire two (2) Community Service Officers I, II, or III for the Sheriff's Department. **(For Possible Action)**

Human Resources Director Heidi Whimple asked that this item be tabled at this time as the required documents were not received by her. Per request, it was tabled.

2. Review and consider approving a list of employees eligible to serve on a Review Panel as referenced in Eureka County Personnel Policy 11.1.3 "Due Process," Subsection 5 "Appeal." **(For Possible Action)**

Ms. Whimple presented an updated list of employees willing to serve on a Review Panel. Commissioner Plaskett motioned to approve the list. It was seconded by Commissioner Sharkozy. Motion carried 3-0.

TREASURER

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

The Commissioners reviewed the Treasurer's report for December 2023 with an ending General Fund balance of \$36,945,241.56..

JUVENILE PROBATION

1. Discuss, approve, or deny out-of-state travel February 29th through March 1st for Steve Zimmerman and Irma Davila to travel to Brian Head, Utah, for the annual ski trip. **(For Possible Action)**

Steve Zimmerman appeared before the Board requesting out of state travel for the high school ski trip. Mr. Zimmerman noted he had 29 students scheduled for the trip. Commissioner Sharkozy motioned to approve. It was seconded by Commissioner Plaskett. All in favor, motion carried 3-0.

2. Discuss, approve, or deny a temporary credit limit increase on the County purchasing card issued to Steve Zimmerman, in the amount of \$3,500.00 (\$4,500.00 total), for the month of February for ski trip expenses (rentals, tickets, lunch vouchers). **(For Possible Action)**

Mr. Zimmerman appeared before the Board requesting approval for a credit card increase to cover ski trip expenses. Commissioner Plaskett motioned to approve with a second by Commissioner Sharkozy. All in favor, motion carried 3-0.

3. Discuss, approve, or deny a temporary credit limit increase on the County purchasing card issued to Irma Davila, in the amount of \$1,000.00 (\$1,500.00 total), for the months of February and March for purchase of Dance Program supplies. **(For Possible Action)**

Mr. Zimmerman noted that the increase is needed to cover dance costume purchases for their dance program. Commissioner Sharkozy motioned to approve the increase and it was seconded by Commissioner Plaskett. All in favor, motion carried 3-0.

SHERIFF

1. Quarterly report on security of the jail and treatment and condition of inmates (if applicable) at the Detention Facility for the period of October, November, December 2023. **(Discussion)**

Sheriff Jesse Watts reported that his office had 3,625 calls for service and 14 booking re-caps. There are currently no inmates in custody. Chairman McKay asked about receiving a bill from Lander County for inmate housing. Sheriff Watts indicated that Lander County stated they would not be sending a bill for housing. Lt. Miles Umina noted that the Eureka County Sheriff's Office assists Lander County quite often, usually in the form of back-up assistance and that each County tries to help each other out when possible.

2. Discuss, approve, or deny authorizing an advanced step hire, pursuant to Personnel Policy 5.7.3, for a potential employee for the position of Sergeant at Range 125/Step 21 on the law enforcement salary scale (\$36.00 hourly; \$79,934.40 annually). **(For Possible Action)**

Sheriff Watts informed the Board that this candidate for employment comes with 20 years' experience at Nye County Sheriff's Office and has prior Military service. Lt. Umina noted that with this hire, they will be nearly fully staffed. This employee will be stationed in southern Eureka County. Chairman McKay asked about budgeted funds for an advanced hire. Comptroller Todd noted that unless the Sheriff Office gives up positions, advanced hires are not funded in that department. It was determined that funding could be found from salary savings due to vacant

positions. However, it was noted that additional advanced step hirings would not be funded for the rest of the fiscal year. Lt. Miles defended the need for an experienced employee.

Commissioner Sharkozy motioned to authorize an advanced hire at Range 125/Step 21; Chairman McKay seconded the motion; motion carried 3-0.

ROAD DEPARTMENT

1. Update report on Road Department projects and activities. (Discussion)

Assistant Public Works Director Raymond Hodson reported on activities. He noted that work on the Three Bars project is continuing, and there were eight days of snow removal in January. The ESCO barriers from last spring's flood were stacked and banded and are available to be used again and the new sweeper has been operating in the Eureka townsite.

PUBLIC WORKS

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

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

Annex Rooftop: The install is complete; but a propane regulator went down at the Annex during this installation. Parts are enroute and the building is currently without heat until repairs are made.

Opera House & Courthouse: The door monitoring systems at the elevators are scheduled for the upcoming week. The Opera House is closed for both the elevator install and for wood-floor restoration.

Airport: It was reported that good progress with the crosswind runway has been made.

Central Nevada Health District: Director Rowley discussed an apparent 'gap' identified at the Crescent Valley Clinic that centered around provision of vaccinations. A plan is in place with William Bee Ririe to accommodate this need. Public Works has been notified that the administration and issuance of septic permits has been transferred to the Central Nevada Health District.

Other: Multiple departments participated in a fire extrication exercise utilizing tools that were purchased through a LEPC grant. An update was given regarding the Kobeh Valley PER (preliminary engineering report) and the watermaster plan. Specific detail was paid to utility rate studies as mentioned in the County's audit. The county engineer will be in Eureka for the February 16th meeting to discuss Phase II planning.

2. Discuss, approve, or deny: (a) a 3/4-inch residential water meter and service application for APN 007-380-53 located in Devil's Gate General Improvement District #1; and (b) a 3/4-inch residential water meter and service application for APN 007-398-12 located in Devil's Gate General Improvement District #2. (For Possible Action)

The application for APN 007-398-12 was withdrawn at the February 1, 2024 DGGID meeting. Commissioner Plaskett motioned to approve the application for APN 007-380-53. It was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

3. Discuss, approve, or deny quote from Syber Networks to install and configure a Fiber Firewall at the Eureka Medical Clinic for an amount not to exceed \$5,360.58, utilizing monies budgeted for capital outlay (010-018-55010-000) in the Technology Support Fund. (For Possible Action)

Mr. Rowley explained that the installation of this fiberwall is to ensure security for all entities working out of the clinic building. The County is working towards securing internet connectivity security for the various entities within all County buildings. Commissioner Plaskett motioned to approve the quote for the Fiber Firewall at the Eureka Medical Clinic. It was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

4. Discuss, approve, or deny proposal from Lumos & Associates to perform construction and inspection testing that includes bidding assistance for the Snow Removal Equipment Building and Lighted Windsocks at the Eureka County Airport for an amount not to exceed \$163,400.00 utilizing funds budgeted for capital outlay (010-016-55010-000) in the Airport Fund. **(For Possible Action)**

This is for the upcoming FY24 grant cycle. Mr. Rowley noted that two grants will be utilized: one for the lighted windsocks and one for the SRE building. One grant is managed under AIL and the other under AIP and Mr. Rowley is determining the appropriate value percentages to be applied to each grant. Mr. Rowley noted that the total project cost is approximately \$850,000 but by utilizing grant funding the actual cost to the County is just over \$50,000 with the majority of cost covered by Federal funds. Mr. Rowley plans to have a bid prepared for this project by May 1. Commissioner Plaskett motioned to approve the proposal with the caveat that the percentage breakout as needed is described. Commissioner Sharkozy seconded the motion. Motion carried, 3-0.

Chair called for recess at 12:54 p.m.

RECESS FOR LUNCH

Chair reconvened the meeting at 1:33 p.m.

NATURAL RESOURCES

1. Discuss, approve, or deny publication and posting of notification describing the proposed use of remaining Title III funds received through the Secure Rural Schools & Community Self Determination Act. **(For Possible Action)**

Hallee DeChambeau appeared before the Board in place of Natural Resources Manager, Jake Tibbitts. Ms. DeChambeau briefly described the requirement to publish how Title III funds are used. Commissioner Plaskett motioned to approve with a second from Commissioner Sharkozy. All in favor, motion carried 3-0.

2. Discuss and consider response to Nevada Division of Environmental Protection (NDEP) on Notice of Intent, Draft Reclamation Permit and Bond Determination for the Golden Lake Exploration Project, BLM No. NVN-100375. **(For Possible Action)**

Ms. DeChambeau distributed a letter to the Board which brings attention to the fact that County roads that may be impacted by Golden Lake Exploration Project. The letter recognizes the

County's authority over these roads. The letter is requesting involvement in road issues or that may come up. Commissioner Plaskett motioned to approve with a second from Commissioner Sharkozy. All in favor, motion carried 3-0.

3. Discuss and consider response to NDEP on draft Water Pollution Control Permits NEV2018107 and NEV2018109 for Nevada Gold Mine's Rapid Infiltration Basins (RIB) in Pine Valley and Grass Valley. **(For Possible Action)**

Ms. DeChambeau provided a brief overview of a letter to NDEP as well as a memo from Dale Bugenig. In conclusion, the proposed RIBs (rapid infiltration basins) do not constitute a threat to Eureka County's water resources. The letter supports the re-issuance of these permits with the expectation that the County be kept abreast of any deviations from the predictions contained in the supporting documents. A motion to approve the letter was made by Commissioner Sharkozy with a second by Commissioner Plaskett. All in favor and motion carried 3-0.

4. Discuss, approve, or deny out-of-state travel for Natural Resources Manager to attend the Council for Agricultural Research, Extension, & Teaching (CARET) annual advocacy meeting in Washington, DC, February 26th-29th. *Note: Mr. Tibbitts is an appointed NV CARET delegate by the Dean of University of Nevada, Reno College of Agriculture, Biotechnology, & Natural Resources (CABNR). Full expenses for travel, lodging, meals, and per diem will be paid for by CABNR.* **(For Possible Action)**

A motion to approve was made by Commissioner Plaskett and seconded by Commissioner Sharkozy. All in favor, motion carries 3-0.

5. Discuss and consider filling vacant seat representing farming on the Natural Resources Advisory Commission. **(For Possible Action)**

Ms. DeChambeau informed the Board that Diamond Valley farmers Andy Geottle and Russell Conley each expressed interest in filling the vacant position. NRAC voted to recommend Russell Conley to the seat as Mr. Goettle's letter was late. Commissioner Plaskett motioned to approve Russell Conley for the vacant NRAC seat. It was seconded by Commissioner Sharkozy. All in favor, motion carries 3-0.

NORTH END ACTIVITY FUND

1. Discuss, approve, or deny request from Marcial Evertsen for a donation of \$1,000.00 from the North End Activity Fund (010-071-53010-018) to purchase supplies for the Annual Easter Egg Hunt in Crescent Valley on March 30, 2024; if approved, issue check to Marcial Evertsen. **(For Possible Action)**

Marcial Evertsen submitted donation request paperwork and a budget for the upcoming Easter Egg Hunt scheduled on March 30th in Crescent Valley. Commissioner Sharkozy motioned to approve the request for a \$1,000.00 donation from the North End Activity Fund, issued to Marcial Evertsen, to purchase supplies for the upcoming event. Commissioner Plaskett seconded, and the motion carried 3-0.