

EUREKA COUNTY BOARD OF COMMISSIONERS

November 7, 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)

The Board of Eureka County Commissioners met pursuant to law on November 7, 2023. Present were Chairman Rich McKay, Vice Chair Michael Sharkozy, Commissioner Marty Plaskett, 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: The job descriptions under Human Resources to be tabled except for the Deputy Clerk Recorder I, II, & III positions. Commissioner Sharkozy motioned to approve the agenda with changes; 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 called for public comments; Crescent Valley had none. Eureka audience member Jesse Watts asked for a moment of silence for Eureka resident Sage Williams who lost his life over the past weekend. Audience member Tyler Thomas requested a legal opinion be provided for County Policy number 8.2.3 subsection 6. Mr. Thomas requested this policy be compared to other rates and policies in other counties.

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)

Chairman McKay noted that the District Attorney had mentioned a format change to the Commissioner meetings, and he requested this subject to be placed on an upcoming meeting. Chair McKay also noted that the tabled job descriptions under Human Resources should be on the next agenda.

APPROVAL OF MINUTES

1. Approval of minutes for the following meeting: August 15, 2023, regular meeting. (For Possible Action)

Two mistakes were identified and asked to be clarified: Commissioner Plaskett noted that under *Comptroller* he made the motion but did not second it and the minutes should reflect as such; Chairman McKay noted the *motioned carried should be 3-0 and not 2-0* as was reported in the minutes and it should be corrected to reflect 3-0. Commissioner Plaskett motioned to approve August 15, 2023, minutes with noted changes. It was seconded by Commissioner Sharkozy. Motion carried 3-0.

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)

Deanna Colby appeared on behalf of Comptroller Kim Todd. Expenditures were reviewed by the Board.

Some inquiries were made and discussion regarding physicals for County employees and volunteers at the William Bee Ririe (WBR) – Eureka Clinic. As WBR is not heart and lung certified, they cannot perform the physicals required for certain employees. For this reason, the County has had to contract with ARC Health and Wellness. Public Works Director noted that his department is continuing to investigate the differing requirements for physicals for volunteers' verses paid employees specifically regarding stress tests. Mr. Rowley noted that he is trying to work with WBR to put an acceptable program together.

Commissioner Sharkozy motioned to approve expenditures in the amount of \$8,173,136.34 with the following passthroughs: \$785.63 for the Nevada Department of Taxation for Room Tax; \$992,236.83 to the Nevada State Controller for school taxes; Nevada State Controller \$18,163.55; Nevada Division of Minerals \$29,990.00; Washoe County Crime Lab \$340.00; total passthroughs: \$1,041,516.01. It was noted that a large portion of this month's expenditures was allocated to Sierra Nevada Construction for the road project. Commissioner Plaskett seconded the motion. Motion carried 3-0.

2. Review Fund Balance Report. (Discussion)

The Board reviewed current fund balances.

COMMISSIONERS

1. Discuss, approve, or deny authorizing the Board of County Commissioners to enter into an agreement with a civil attorney to assist with contract negotiations, to be paid with funds in the Commissioners' budget for Fiscal Year 2024. **(For Possible Action)**

Chairman McKay noted that he has spoken with Eureka County District Attorney Ted Beutel regarding this Item. Due to Mr. Beutel's extensive workload and upcoming trial schedule, they both felt it prudent to hire additional legal help to work on contracts and ordinances. Chairman McKay noted that there is room in the budget for this hire. Chairman McKay also noted that a potential hire should be a law firm that has a wide-breadth of ability, should this person be needed for water-related issues and/or County policy issues, etc. Commissioner Plaskett moved to approve going forward with contracting for outside legal help. It was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

2. Discuss, approve, or deny recognizing Undersheriff Tyler Thomas as Assistant Director of Emergency Management to serve in the absence of Director Jeb Rowley as outlined in Eureka County Code, Title 11, Chapter 40 (Emergency Management), Section .040. *Note: Sheriff Watts submitted a written resignation from this duty, which was officially accepted by the Board on October 17, 2023. (For Possible Action).*

Tyler Thomas approached the Board with comments. Mr. Thomas requested tabling this item for now as he felt he wasn't fully knowledgeable of the requirements of the position. It was brought up that the County Code states that the Undersheriff is to be the Assistant Director of Emergency Management. Public Works Director Jeb Rowley noted that the County Code states that the Director of Emergency Management is the Sheriff and with the resignation of Sheriff Watts from this position, they are attempting now to work through details. Mr. Rowley noted the importance of training and that that should be considered when making appointments for positions. It was agreed that this Item be tabled.

3. Discuss, approve, or deny an amendment to the Board's October 17, 2023, Resolution regarding intended use of opioid litigation funds, by adding a footnote to identify the specific account numbers that will be used for said funds. **(For Possible Action)**

Some discussion ensued regarding what account numbers would be utilized for these funds. A footnote was added by the Board to provide clarification and further information related to accounts that will be utilized for opioid litigation funds: *upon receipt, the opioid funds will be deposited into a holding account (010-000-29308-000) and transferred to a revenue account (010-000-33023000) as they are spent. Invoices will be paid from the expense account (010-001-53010-009).* Commissioner Sharkozy motioned to accept, and Commissioner Plaskett seconded the motion. All in favor, motion carried 3-0.

SENIOR CENTERS

1. Update report on activities at the Eureka Senior Center and Fannie Komp Senior Center. (Discussion)

Senior Center Program Director Linda Gordon reported on activities at the Senior Centers. Eureka served 295 seniors with another 310 served in-home meals for a total of 701. The

Fannie Komp Senior Center served 335 seniors, plus another 442 at-risk and home-bound people for a total of 815. Totals reported also include staff and non-seniors.

Chariman McKay recessed the meeting at 10:00 a.m. and called for the Public Hearing.

PUBLIC HEARING – EUREKA CANYON SUBDIVISION

Notice was given that a public hearing would be held on November 7, 2023, beginning at 10:00 a.m. (local time) in the Eureka Commission Chambers in the County Courthouse at 10 South Main Street in Eureka, Nevada. The reason for said hearing is to invite public comments and take action to adopt an amended Resolution and updated Development Agreement related to single-family lots in the Eureka Canyon Subdivision. Copies of the proposed Development Agreement and Resolution may be requested by emailing countycommission@eurekacountynv.gov or by calling (775) 237-7211.

1. Open public hearing and invite comments on Resolution and Development Agreement as amended and proposed. (Discussion)

Chairman McKay opened the public hearing at 10:00 a.m.

Chairman McKay noted that the goal of the amendments is to make it easier for purchasers to buy and build on the lots in the subdivision. Also, Public Works Director Rowley noted that the original intent of the subdivision was to provide more housing with the hope that all lots would have a residence on them. He noted that considerable infrastructure was designed and incorporated for this reason.

Mr. Rowley provided maps of the subdivision and commented on some of the main additions or changes to the 2012 Resolution for the Eureka Canyon Subdivision.

Purchasers would now be able to buy up to five lots that may be adjacent to each other.

Also of note, purchasers would have three years to complete construction of a residence with an option of a one-year extension with Commission approval. Another addition to the Resolution includes the allowance of a temporary living structure during the construction phase.

Breach of Contract was reaffirmed within the language of the amended resolution, noted Mr. Rowley.

Audience member Larry McMaster asked about the possibility of building a larger home that would cover two lots and if it would be acceptable per the terms of the Resolution? Chairman McKay noted it would not be possible for the existing lots, but larger lots could be created to the south of the existing 70 lots, on Mt. Hope Street, in the future. Mr. Rowley noted that the County has already provided utility access to the smaller lots and that the County's intention

is to see residential buildout on these lots continue as originally planned. Mr. Rowley acknowledged that he is aware that there is interest in adding a garage and/or larger homes. He noted that currently, with the setbacks in mind, the lots allow for a home between 1,200, which is minimum, and 1,400 square feet.

Some questions arose concerning what is *construction progress* and what would determine the allowance of a one-year extension? Mr. Rowley noted that Eureka County does not have a building department and that Public Works would look at the progress made and then determine progress from there. Some in the audience thought it was unclear what would happen after a four-year period if progress was not made? Other discussions included starting construction prior to all purchasing documents being finalized. Other questions arose regarding inheritance and a timeline for completion of projects when a lot is inherited? Penalties to be paid in such an instance and if those could be reduced or not?

The Board recessed at 10:55 a.m.

Chairman McKay brought the hearing back to order at 11:00 a.m.

Chairman called for more comments. Hearing none, the Hearing was closed at 11:01 a.m.

2. Consider adopting Resolution and Development Agreement as amended and proposed. (For Possible Action)

Commissioner Plaskett felt that there were several issues that still needed to be discussed and resolved. Commissioner Plaskett motioned to adopt the Resolution while continuing to make revisions as needed. Commissioner Sharkozy seconded the motion. All in favor, motion carried 3-0.

Eureka, Nevada

November 7, 2023

AMENDED RESOLUTION OF THE EUREKA COUNTY COMMISSIONERS UPDATING
ITS NOVEMBER 2012 RESOLUTION AND DESCRIBING THE BOARD'S CONTINUING
EFFORTS TO PROVIDE ADDITIONAL HOUSING NEAR EUREKA AND APPROVING
DEVELOPMENT AGREEMENTS FOR THE SALE AND TIMELY DEVELOPMENT OF
SINGLE-FAMILY LOTS AT THE EUREKA CANYON SUBDIVISION

WHEREAS beginning as early as 1988 the Board of Eureka County Commissioners (Board) recognized the need to place housing near the town of Eureka to reduce the burden on taxpayers from building and operating additional public utility systems; and

WHEREAS this need is pressing because the public continues to demand there be no rules on the use of their land, and there are no land use regulations preventing a landowner from placing a development on property far away from existing services which will eventually burden taxpayers to cover the costs of additional public utility systems, roads and other services; and

WHEREAS most of the land area near already established public utility systems is controlled by the Bureau of Land Management (BLM) and is currently unavailable for growth; and

WHEREAS, to alleviate part of this problem of "land locked" utility systems, Eureka County purchased 164 acres of land from the BLM in 1997, and all of these acres are within the town of Eureka; and

WHEREAS this land is economically suited for additional housing because it can be served by the established emergency services and existing public water and sewer systems; and

WHEREAS for many years the Board has made efforts to provide additional housing near the town of Eureka on this property, called the Eureka Canyon Subdivision, based on the following brief history:

In 2008 Eureka County leased 164 acres to Eureka Moly, LLC for the placement of temporary construction worker housing for that mine.

In 2010 Eureka Moly's work at the 164-acre site halted, and the lease was terminated to allow Eureka County the opportunity to find other ways to provide additional housing in a timely manner.

In 2010 Eureka County and the Nevada Rural Housing Authority began to work together to improve the site for rental units and owner-occupied housing, and Vogt Santer Insights, a real estate research firm, issued a market feasibility analysis confirming the immediate need for housing at or near Eureka.

In 2011 and 2012 Eureka County provided funding to the Nevada Rural Housing Authority to be used for the placement of rental housing on a small part of the 164-acre site.

In November of 2011 and again in 2012, at Nevada Rural Housing Authority's request, Eureka County granted the Nevada Rural Housing Authority more time to make the rental units available for renters to occupy.

In June of 2012 the Board of County Commissioners agreed to focus all efforts on completion of lots for residential housing, since the development of the other areas in the subdivision will not be of importance unless houses are built and people are living at the Subdivision.

WHEREAS, despite the diligent efforts by members of more than one Board of County Commissioners (efforts that began as early as 25 years ago in 1997 when the former BLM property was purchased by Eureka County), there are still only a handful of owner-occupied housing units ready to live in at the Eureka Canyon Subdivision; and

WHEREAS Eureka County remains committed to satisfying the immediate need for residential housing in an area that can be economically served by existing services; and

WHEREAS Eureka County remains resolved to satisfying this need for housing without building any houses itself and without going into the real estate business; and

WHEREAS, Eureka County will no longer partner with one company or one developer to the exclusion of all other persons or companies to accomplish this task of satisfying the immediate and pressing need for housing, but will instead offer residential lots for sale on the condition that persons or companies or developers who secure a lot agree in a contract to immediately begin to build or place and promptly finish for immediate occupancy a residence on the lot; and

WHEREAS this contract will be known as a development agreement in accordance with Eureka County Code Title 2, Chapter 80, and N.R.S. 278.020-278.0207; and

WHEREAS lots will be made available to any one person or company or developer for completion of residences on the lots equal to the number of lots (but not more than five lots at a time) the person or company or developer guarantees in writing will be completed on or before the end of the building season, declared to be three years from signing of the Development Agreement with the opportunity for an additional one-year extension for a total of four years; and

WHEREAS the person or company or developer who wishes to secure a lot or lots must show proof satisfactory to Eureka County they are ready, willing, and able in all respects to immediately begin and complete construction of a residence on each lot requested; and

WHEREAS these requirements (of immediate action to build on the lot, and showing proof of ability) are all designed to prohibit a person or developer or company from purchasing lots for speculation, and are also designed to fix the lack of housing as quickly and economically as possible; and

WHEREAS Eureka County recognizes the authority for expenditure of local government funds to extend existing utilities, pave the streets, and do what is necessary to make the lots ready for house building or placement is granted by N.R.S. 244.1505(1) (expenditure of public money); and

WHEREAS Eureka County recognizes residential housing has been needed for a long time for support, establishment, and expansion of commercial enterprise, and N.R.S. 244.2815 states that satisfying this need is part of economic development; and

WHEREAS residential housing lots may be sold for the purpose of economic development, and do not have to be offered first to the public in an auction, or without any conditions placed on the sale, and may even be sold for less than their fair market value, according to N.R.S. 244.2815; and

WHEREAS Eureka County recognizes the residential housing lots are exempt from the usual requirements of appraisal before sale, because the development agreement every purchaser sign with Eureka County is also considered a joint development agreement, since Eureka County will be jointly developing the lots with the purchasers by constructing improvements in the Subdivision to serve the lots without charging impact fees for those improvements, placing development requirements on

the purchasers, authorizing the water and sewer system hookups at a set rate, and because of the authority granted by N.R.S. 244.2795 (appraisal exceptions); and

WHEREAS all purchasers of lots must disclose their financial interests according to N.R.S. 237.023 (domestic or foreign limited-liability companies are required to submit disclosure if buying land from local government) to avoid attempts to secure more lots than will be developed within four years from signing of the Development Agreement, and to avoid conflicts of interest; and

NOW THEREFORE IT IS HEREBY RESOLVED:

It is in the best interest of the public to sell the lots, without first offering them to the public with no restrictions in an auction sale, because an auction of lots to the public will not guarantee that houses will be built or that the housing shortage will be fixed; and

It is in the best interest of the public to sell the lots for less than the fair market value, because the fair market value of the improvements already made to serve the lots (including underground electrical and phone service, street lights, extension of the existing water and sewer service, paving, concrete curb and sidewalks) would discourage many from purchasing a lot and building a residence, and this would prevent the housing shortage from being fixed quickly, and will cause the housing shortage to be fixed by development far away from existing services, causing the public to pay much more in the long run than the revenue that could be made available by selling the lots at fair market value; and

These are the steps to selling residential lots at the Eureka County Subdivision:

FIRST, at the public meeting November 21, 2023, Eureka County will identify the residential lots for sale to be developed, and may or may not require lots that can be developed by one person, company, or developer to be staggered and not contiguous; and

SECOND, a list of the lots for sale with their description will be available; and

THIRD, an application for purchase of a lot will require information about the purchaser's plan for development, identification of the person or company or developer who will perform the development work, the information required by N.R.S. 237.023, and identification of the funding source to pay for the work; and

FOURTH, upon receipt the application will be reviewed in a timely manner and either approved or rejected based on the person's or company's or developer's ability in all respects to immediately begin construction of a residence on the lot or lots and

there are no conflicts of interest or attempts to secure more lots than the number of lots that will be developed on or before four years from the date of signing the Development Agreement; and

FIFTH, if the application is approved, the purchaser must sign the development agreement in the presence of a representative of Eureka County, the terms of which are not negotiable, and the representative shall note the date and time the agreement is signed; if the application is rejected the person or company or developer will be told why the application was rejected and the person or company or developer can reapply; and

SIXTH, once the development agreement is signed, escrow will be opened at a Title Company selected by Eureka County, the costs of which will be paid for by Eureka County, and if more than one person or company or developer has requested purchase of the same lot, priority in purchase will be determined by the date and time the signed development agreement is received and the first in time shall have the first opportunity to purchase; and

SEVENTH, the Chair of the Eureka County Commission is authorized by this Resolution to sign the development agreement and other papers necessary to affect the sale of the lots identified in the FIRST step; and

EIGHTH, once escrow closes the development agreement will be recorded with the deed for transfer of the property; and

NINTH, the only authorized contact for the list of the lots for sale, the application, the development agreement, and Eureka County's contact for the Title Company shall be:

NAME:	Jeb Rowley, Eureka County Public Works Director
NAME:	Leah Smith, Eureka County Public Works Administrative Assistant II
PHONE:	775-237-5372
ADDRESS:	701 South Main Street, Eureka, Nevada 89316
HOURS:	Monday thru Friday 7:30 a.m. to noon and 1:00 p.m. to 4:30 p.m. Pacific Standard Time

TENTH, all applications and development agreements must be presented in person by an authorized representative of the person, company, or developer, and signed by a person with authority in the immediate presence of Eureka County's authorized contact and a notary public at the following address: 701 South Main Street, Office of Public Works, Eureka, Nevada 89316. All mailed, faxed or emailed applications and development agreements will be rejected.

ELEVENTH, lots will be available for sale beginning 7:30 A.M. the 27th day of November 2023.

TWELFTH, attached to this Resolution shall be a copy of excerpts from an unofficial map depicting the

lots available for sale by this Resolution, showing the lot numbers, their square feet, and a typical lot easement.

FINALLY, once an applicant has substantially completed improvements on the lots in the initial purchase, that applicant can then make application for up to an additional five lots until all lots are sold or no longer available.

RESOLVED this 7th day of November 2023. APPROVED:

Board of County Commissioners

/s/ Rich McKay

Rich McKay, Chairman

/s/ Michael Sharkozy

Michael Sharkozy, Vice Chair

/s/ Marty Plaskett

Marty Plaskett, Member

Attest:

/s/ Katherine J. Bowling

Clerk of the Board

cc: Comptroller, Treasurer

IT DEPARTMENT

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

Director Misty Rowley appeared before the Board with an update. She has been researching various options to integrate online payments within Eureka County. She has attended various meetings and has completed necessary tasks for the Zscaler deployment. In addition, she met with Cyber Networks regarding Push to Talk, along with various other IT duties.

2. Discuss, approve, or deny a quote from Commnet of Nevada for a 150 Mbps broadband internet connection at the Crescent Valley Town Center for a three-year term at a monthly cost of \$750.00 and a one-time installation fee of \$1,500.00, and authorize the IT Director to sign the contract outside of the meeting. (For Possible Action)

This is for fiber connection at the Crescent Valley Town Hall. The monthly recurring fee should have read \$830 instead of \$750 on the agenda. However, because the actual amount is greater than that on the agenda, it was agreed to table this item.

3. Discuss, approve, or deny authorizing the IT Director to serve as the primary technical point of contact and authorized representative of Eureka County as part of a service request for CISA (Cybersecurity & Infrastructure Security Agency, Department of Homeland Security) to conduct ongoing cybersecurity vulnerability scanning, including approval for the IT Director to sign the Cyber Hygiene Agreement (Authorization to conduct Continuous Scans of Public-Facing Networks & Systems) outside of the meeting. *Note These services are available at no cost to Eureka County as a unit of local government. Due to exemptions again disclosure of information that could compromise security, only redacted documents will be available for public review. (For Possible Action)*

Ms. Rowley stated that this is authorization to allow testing of external facing applications to determine that there are no vulnerabilities. She noted that this is different from cyber safety measures that currently exist. Commissioner Plaskett motioned to approve; it was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

4. Discuss, approve, or deny authorizing the IT Director to sign a Third-Party Authorization/Letter of Agency with E-Rate Central and its agents to act in matters relating to the Rural Health Care Program. This includes filing for eligibility and requesting bids for fiber to the Crescent Valley Clinic on the County's behalf. Funding for the circuit, if approved, would be through the FCC Rural Health Care Program and provides a 65% discount of both the one-time cost and recurring monthly circuit fee for the purposes of increased broadband internet. Filing assistance will be provided through the OSIT office contractors (E-Rate Central). Bidding the project does not obligate the County or the Crescent Valley Clinic but will identify actual costs. **(For Possible Action)**

Chairman McKay explained that this would provide the needed fiber to the Crescent Valley clinic for digital x-rays along with providing a secure connection for any entity leasing or utilizing the clinic. This connection would be directly tied to Comnet. Commissioner Sharkozy motioned to approve, and Commissioner Plaskett seconded; motion carried 3-0.

CLERK RECORDER

1. Discuss, approve, or deny a request to reschedule the February 2024 (February 6th & February 20th) regular meetings of the Board to accommodate statutory deadlines related to the Presidential Preference Primary Election scheduled on February 6, 2024. **(For Possible Action)**

Clerk Recorder Kathy Bowling appeared before the Board. Ms. Bowling explained that the Commission Room is the most secure room in the Courthouse and that this security level is needed for the election. She explained the timeframe including set up and counting ballots. The February Board meetings were suggested as follows: February 1st a regular meeting; February 16th a meeting to canvass results and Budget items, as needed; and February 20th the second regular meeting of the month. Commissioner Plaskett moved to accept the rescheduling for the February Board meetings as noted. It was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

HUMAN RESOURCES

1. Discuss, approve, or deny new or updated job descriptions for the following positions: (a) Justice Court Manager, (b) Sergeant, (c) Telecommunicator I, II, & III, (d) Community Service Officer I, II, & III, (e) Communications Supervisor, (f) Telecommunicator Intern (Volunteer), and (g) Deputy Clerk Recorder, I, II, & III. **(For Possible Action)**

Human Resources Director Heidi Whimple appeared before the Board. As previously mentioned, all positions were tabled except for (g) Deputy Clerk Recorder job descriptions. Commissioner Plaskett moved to accept the revised job descriptions as presented. It was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

2. Review Promotion Request and consider authorizing Public Works to promote within the department to the position of Crescent Valley Technician II. **(For Possible Action)**

Commissioner Sharkozy motioned to approve the promotion. It was seconded by Commissioner Plaskett. All in favor, motion carried 3-0.

3. Discuss, approve, or deny purchasing employee appreciation swag, in the amount of \$3,328.04, to be paid with monies budgeted for personnel support (010-006-53010-313) in the Human Resources budget. **(For Possible Action)**

Ms. Whimple reported that she wants to purchase a highway jumper cable tool set with the Eureka County logo as an employee appreciation gift. Commissioner Plaskett motioned to approve the purchase. It was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

NEVADA OUTDOOR SCHOOL

1. Introduction and presentation of Nevada Outdoor School and community, youth, and training programs available to Eureka County. **(Discussion)**

Karl Klein, Associate Director of Nevada Outdoor School appeared before the Board to share the Nevada Outdoor School's mission as well as opportunities available to our community. Nevada Outdoor School (NOS) is a 501C3 organization dedicated to connecting people of all ages to the outdoors, he noted. The primary focus of NOS are the six northern rural Nevada counties. Mr. Klein elaborated on the program, its events and workshops offered through NOS, and stated he hopes to include Eureka County in the future.

SHERIFF

1. 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 LE Salary Range 25/Step 20 (\$36.21 an hour, and \$79,082.64 annually). **(For Possible Action)**

Sheriff Jesse Watts appeared before the Board with a request for an advanced hire. Sheriff Watts noted the individual in mind has an advanced skill set and is a lateral hire from another County. This potential employee has experience in rifle and handgun handling and has been a

coroner along with military service. It was noted that this position would fill in for a position in Crescent Valley that may soon be vacated. It was mentioned that this employee would live outside the County and would utilize a County-owned vehicle to travel to and from work. Public Works Director Jeb Rowley noted that, if not consistent with County policy regarding travel, it could create an issue for other Departments. Chairman McKay noted that County policy states you cannot take a County vehicle outside the County however the Sheriff's Office policy states you can travel 25 miles outside the County line. Some discussion ensued regarding the vehicle policy and discrepancies between the Sheriff's Office and the County's policy. Chairman McKay motioned to approve the authorization. The motion died due to lack of a second.

2. Discuss, approve, or deny an advanced step hire for a potential employee for the position of Deputy I at LE Salary Range 20/Step 3 (\$28.32 an hour, and \$61,850.00 annually. **(For Possible Action)**

Sheriff Watts explained that he is asking for an advanced hire due to the candidate's ten years in law enforcement, his managerial and contractual experience, in addition to other qualifications. This applicant would serve Crescent Valley as a Deputy. Discussion ensued regarding where this potential employee would live and would he be traveling outside the County line and be utilizing a County vehicle if he lives outside the border. At this point, Sheriff Watts indicated he did not know where he would live as he currently lives out of State, but acknowledged the situation would be the same as Item #1 (if choosing to live outside Eureka County). Commissioner Sharkozy motioned to approve both positions, including Item #1, as long as the vehicle-use policy was reviewed. It was seconded by Commissioner Plaskett. Motion carried, 3-0.

3. Discuss, approve, or deny a request from Lieutenant Ed Kilgore to waive the provision in Personnel Policy 6.3.1.2 (Catastrophic Leave Program) that requires employees to retain a minimum of 120 hours for their own use, and allow him to donate up to 80 hours of accrued sick leave. **(For Possible Action)**

Lt. Kilgore spoke from Crescent Valley asking for a one-time exemption so that he could donate 80 hours of leave to the CLP. Discussion ensued regarding the County's Catastrophic Leave Program. The consensus was that the policy needs to be reviewed. This Item died due to lack of a motion.

ROAD DEPARTMENT

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

Raymond Hodson, assistant Public Works Director, updated the Board on recent activities. The road crew have completed work in the JD and Tonkin areas and have bladed the road in the Ferguson/Santa Fe areas. They have spent time at the landfill working to make it more accessible. Mr. Hodson reported on the progress at the Three Bars Road project. North end projects include work on the Rose Ranch Road and Willow Creek Pass in addition to areas around Beowawe, noting that Ormat is busy drilling a well at the power plant there. Also, they will be interviewing for a road department position.

PUBLIC WORKS

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

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

Eureka Medical Clinic: Mr. Rowley reported that the heating system needs to be abandoned and replaced with a similar heating system to that at the Courthouse. Quotes are being prepared which will be addressed in next year's budget.

Eureka County Sheriff's Office: They will begin looking for a generator replacement at this building.

LEPSI: The Local Emergency Planning Committee calendar year documents are due January 31st. They are working on collecting information to update several documents that need formal review including equipment lists, hazmat plan review, and facilities' contact information.

Other: Looking forward to a Push-to-Talk demonstration. Eureka #43, which is the truck donated by the Bureau of Land Management, is to be transported to Reno for mechanical diagnosis and repair. Pine Valley rescue equipment responded to a significant event on SR 278. They are wrapping up Phase I and looking towards Phase II. Phase II is initially centered around west of Highway 50 and south of Ruby Hill, but other areas are being looked at. These cost estimations should be available for the varying areas by December and will be taken into consideration during budgeting. A sanitary review of the three water systems was completed by the State and the Central Nevada Health District. The report showed no deficiencies but did provide a list of updates for implementation and practices to follow.

2. Discuss, approve, or deny a 3/4-inch residential water meter and service application for APN 002-024-04 located in the Town of Crescent Valley. **(For Possible Action)**

Mr. Rowley noted that payment has been received and the application has been reviewed. He recommended approval of the application. Commissioner Plaskett motioned to approve the service application. It was seconded by Commissioner Sharkozy. All in favor, 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 and meetings.

Water Rights Retirement: The Central Nevada Regional Water Authority and the Humboldt River Basin Water Authority have approved the methodology for water rights retirement. Applications have been submitted to the State of Nevada for ARPA (American Rescue Plan Act) money which will be used to purchase and retire water rights in over-appropriated and over-pumped basins in Nevada. ARPA funds have provided the Humboldt River Basin Water Authority \$8 million, and the Central Nevada Regional Water Authority was granted \$7 million. The value per acre foot of water has been set according to the methods used, at \$900 per acre foot with Diamond Valley's value at \$800 per acre foot with an additional \$50 per acre foot incentive payment that is offered for helping implement a mitigation plan. Mr. Tibbitts noted that this plan will be purchasing water rights as opposed to real property. Mr. Tibbitts stressed the need for a mitigation plan and noted that it is required by the State. He noted various costs

associated with water retirement that include planting a cover crop, abandonment well expenses, etc. That \$50 added value will help cover such items. Mr. Tibbitts noted that if all \$7 million was provided only to Diamond Valley it could retire approximately 7,500-acre feet of water. He noted there is 134,000-acre feet of water on the books in Diamond Valley. There are other basins within the Central Nevada Water Basin region, he said. Mr. Tibbitts estimated that 7,500-acre feet of water equates to about 1,800 acres being pulled out of production and about 4,000-acre feet reduction in pumping. It was noted that the Central Nevada Regional Water Authority will act as a type of broker and that a large part of the \$7 million will go to administration costs including attorney fees, title fees, water rights surveying, etc.

Mr. Tibbitts also discussed Assembly Bill (AB) 211 which amended NRS 278. This is in reference to requiring a tentative subdivision map that comes before the Planning Commission. This Bill would require that that subdivision map also be submitted to the Nevada Department of Wildlife (NDOW). This Bill would provide NDOW with authorization to adopt any regulations necessary to effectively implement this law. Eureka County's advisory board has opposed NDOW's regulations draft. The advisory board is concerned that the regulations requiring developers to work with NDOW may conflict with might create a loop around the Planning Commission's role.

Rural Water Tour: Mr. Tibbitts, along with Chairman McKay, attended an informal water tour with some representatives from the Division of Water Resources (DWR) in Eureka. The DWR is gathering information to update Nevada's State Water Plan and they want to include input from various counties and entities.

Sagebrush Ecosystem Council: New metrics for greater sage grouse mitigation were pitched.

Roberts Mountain Gather: 858 horses were gathered. The target was 1,106 horses, but the horses are scattered, or the number may have dropped due to winter kill. An inventory will be conducted in January, but, as of now, the gathering is complete.

Upcoming Meetings: Nevada Association of Conservation District; the State Conservation Commission; the Fallon Range Training Complex.

Other: The Goldrush Environmental Impact Study (EIS) was published in the Federal Register. Goldrush is the next flagship project for Nevada Gold Mines (NGM). NGM is looking at a 25-year active mining life for Goldrush. The Record of Decision for the Gibellini Project has been signed. The company associated with this project has committed to working with Eureka County on various items such as road access and maintenance. Other projects Eureka County is involved in include the Kinross Bald Mountain Juniper Project, in White Pine County; the Robertson Project, which is adjacent to Cortez in Lander County/Eureka County; and South Railroad, located near the Pinyon Range in Pine Valley. Some of these projects are not in Eureka County but are adjacent to, and therefore may have an impact on County resources including air quality, road access and water issues. Mr. Tibbitts noted, however, that he will track these and/or make comments on various EIS, as necessary. Mr. Tibbitts noted that Ormat Nevada Inc. is pursuing their plan of development for the geothermal plant in Crescent Valley. He noted Eureka County is a cooperating agency on that project as well as the Stagecoach Wind Project in Newark Valley. He also mentioned various other projects that include grazing areas where cutthroat trout are located, sage grouse habitats, and proposed solar projects. Mr. Tibbitts noted he has reviewed and commented on various EEA (Environmental Education Area) and EA (Environmental Assessments) as well as EIS (Environmental Impact Statements) for these projects and/or issues.

CORRESPONDENCE

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

Correspondence was received from: Eureka County District Attorney with suggestions for handling meetings; Human Resources regarding training and help for employees; LEPC meeting agenda; TV District agenda; Crescent Valley Town Advisory Board agenda; Nevada Association of Counties email; Northern Nevada Regional Development Authority agenda; Great Basin Children's Advocacy Center invitation; CABNR newsletter; Nevada Gold Mine documents as required as part of their Renewable Energy Tax Abatement (RETA) for the solar project; Department of Business and Industry meeting notice; Nevada Chapter of the National Alliance on Mental Illness conference notice; a Division of Environmental Protection spill report; Nevada Water Resources Association 2024 symposium information; Nevada Health Link coverage day; UNR Extended Study with information on human resources classes; Nevada Gold Energy, LLC RETA compliance; Ely and Battle Mountain Bureau of Land Management news releases; US Navy reminder; US Fish and Wildlife letter denying extension for the comments on the Endangered Species Act; regulation changes for gun safety; US Senator Jackie Rosen's monthly newsletter; US Department of Health and Human Services; American First Works and the National Association of Counties notices.

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

None reported or discussed.

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)

Items for the agenda include Commission meeting procedures as suggested by the District Attorney.

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 1:09 p.m.

Prepared and respectfully submitted by Garney Damele, Deputy Clerk.

Approved by vote of the Board this 16th day of April 2024.

/s/ Rich McKay
Rich McKay, Chairman

ATTEST:

/s/ Kathy Bowling
Katherine J. Bowling, Clerk