

BOARD OF EUREKA COUNTY COMMISSIONERS

February 20, 2024 MEETING MINUTES

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 direction of the Chair. (For Possible Action)*
2. Pledge of allegiance.

The Board of Eureka County Commissioners met pursuant to law on February 20, 2024. Present were Chairman Rich McKay, Vice Chair Michael Sharkozy, Commissioner Marty Plaskett, District Attorney Ted Beutel, Clerk Recorder Kathy Bowling, and Deputy Clerk Jackie Berg. The meeting was called to order at 9:32 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.

Commissioner Sharkozy moved to approve the agenda. It was seconded by Commissioner Plaskett. All in favor, 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. Seeing none in Crescent Valley, he opened the floor to Eureka. Seeing none, he proceeded to Item #2.

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)*

There were no items to be considered at this time.

APPROVAL OF MINUTES

1. Approval of minutes for (a) September 19, 2023 meeting; and (b) October 3, 2023 meeting. (For Possible Action)

Commissioner Plaskett motioned to approve both sets of minutes. It was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

COUNTY COMPTROLLER – Kim Todd, 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. A question arose regarding a \$500 fee from Gallagher Ford. Sheriff Watts noted it was for a Crescent Valley unit that was taken to Gallagher Ford for a check engine light. This unit ended up needing spark plugs and a full tune-up, he said.

Commissioner Plaskett motioned to approve expenses in the amount of \$1,235,526.58 for accounts payable, with pass-through payments of \$215,559.47 to the Nevada State Controller for school taxes, Nevada Department of Taxation room tax \$490.40, Nevada State Controller \$6,366.04, Nevada Division of Minerals \$2,290.00, Washoe County Crime Lab \$135.00 for a total passthroughs of \$224,840.91. It was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

- 2. Review Fund Balance Report. (Discussion)**

The Board reviewed the current Fund Balance Report.

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)**

Chairman McKay briefly explained the background for the establishment of meeting rules. Audience member Ashley Adams asked about the length allowed for public comment and who would be policing that timeframe? District Attorney Ted Beutel expanded on why the timeframe that limits public comment to three minutes per person is needed. Audience member Jesse Watts commented on other County Commission meetings and noted how they handle public comment. He noted that he felt that every person should be allowed a comment regardless if it is a redundant comment. This way, he said, each person's comment would be on record.

Clerk Bowling asked about having meeting packets (backup data) available to the public on the website prior to the Commission meeting. Assessor Michael Mears, acting as Webmaster, noted that the back-up documents are accessible and that to access this additional data one needs to utilize the calendar event on the site. Mr. Mears also spoke in support of the suggested three-minute rule being applied but, he noted, once the Board interacts with the presenter then that three-minute rule essentially goes away. Mr. Mears also suggested using *Ditto* as a way to negate reiterations of the same comment yet allowing each person to be on record.

The Board tabled this item until the next meeting to gather more information.

2. Consider request to continue waiving the facility rental fee to allow the Golden Oldies to use the Crescent Valley Community Center to host monthly movies during the winter months. *Note: Movies are provided at no charge to the community, but concessions are offered as a fundraiser for the Golden Oldies.* **(For Possible Action)**

Laura Shivers, President of Golden Oldies, appeared before the Board from Crescent Valley. She requested use of the Crescent Valley Community Center from March through August on the third Saturday of each month for the purpose of showing movies. Public Works Director Jeb Rowley asked about other entities requesting use of the facility and how would the County differentiate between which entity would pay for the use and those that get use waivers? Commissioner Plaskett motioned to approve waiving the user fee for this facility with the understanding that if there is a fee paid for use that it would have precedence over the movie event and that an alternate schedule for the Golden Oldies movie event would be provided with help from the County. It was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

3. Inquiry by the Board regarding personal expenses charged on County issued purchasing cards, including direction by the Board on corrective action or actions, if not already initiated. *Note: Such charges are prohibited by the Internal Control Policy outlined in Eureka County Code (Title 3). A memorandum from the Comptroller, dated May 23, 2023, reminded employee cardholders of these guidelines and notified employees that the Board took action to require that any non-business charges would need to be explained to the Board at the next regular meeting.* **(For Possible Action)**

Audience member Brenna Rogne approached the Board with an explanation of personal expenses charged on her county-issued credit card. She noted that she has reimbursed the County for the expense charged on the County-issued card. It was moved by Commissioner Plaskett to approve the personal expenses as reported to the Board by the Comptroller's Office. Commissioner Sharkozy seconded the motion. Motion carried, 3-0.

SENIOR CENTERS – Linda Gordon, Senior Center Program Director

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

Linda Gordon, Program Director updated the Board on recent activities. Ms. Gordon noted that Elementary Student Council members recently delivered handwritten Valentine cards along with a gift to local Seniors. Other news included Bingo held at the Senior Centers every Tuesday at 1:00 p.m. A program called *Golden Groceries* offers free food, on the Thursday that is posted on the calendar, for those 60 years and older. This program is sponsored by the State to ensure that older people have the food they need. Ms. Gordon reported that the Fannie Komp Senior Center has been remodeled with new paint and lighting.

Meals served for the month of January 2024: 684 for Crescent Valley and 769 in Eureka. Ms. Gordon noted the meal price is \$7.00 which is up by \$2.00 from the previous price for non-seniors. A total deposit for the month of January 2024 was made in the amount of \$9,121.92. And a Community Services Block Grant in the amount of \$7,500 was approved for food and emergency services. This grant is administered through the White Pine County Social Services.

AMBULANCE & EMS – Kenny Sanders, EMS Director

1. Update report on ambulance and emergency services. **(Discussion)**

EMS Director Kenny Sanders updated the Board on recent services. He reported that 26 calls for service were made in the month of January 2024. Eleven calls were from Eureka, seven from Crescent Valley, and the remainder from outside of the Townsites.

Mr. Sanders noted that Eureka currently has five advanced EMTs, four basic EMTs and three ambulance drivers. In Crescent Valley there are three advanced EMTs, two basic EMTs and three drivers. Mr. Sanders reviewed the necessary training requirements for varying levels of EMTs. He also updated the Board on a recent conversation he had with the Medical Director regarding the possibility of getting a variance in place that would provide authority for certain EMTs to administer certain pain medications. This provision would come down through the State of Nevada EMS Board.

2. Discuss, approve, or deny authorizing Eureka County Emergency Medical Services to enter into the Nevada Shared Radio System Use Interlocal Agreement by and between the State of Nevada, through its Department of Transportation, and authorize the agreement to be signed outside of the meeting. This agreement will be effective upon execution and through June 30, 2028, with automatic five-year renewal terms unless terminated with 30-days written notice. Contract costs are a percentage of operational costs divided among the average number of radios in use and are calculated by the State each fiscal year; cost for the initial year is \$480.00 per radio (this contract will cover the six radios currently in use by EMS, a number that may change from year to year, but is not anticipated to be more than 10 radios). **(For Possible Action)**

Mr. Sanders noted this is an attempt to be compliant with State of Nevada requirements to maintain their licensing. Mr. Sanders noted that they currently have five stationary radios in the ambulances and one portable radio. He plans to replace the five radios and also purchase up to four portables as the current radios are not compatible with the newer versions coming out.

District Attorney Ted Beutel noted that he has reviewed the contract and believes it looks good. Commissioner Plaskett motioned to approve entering into a Interlocal Agreement. It was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

HUMAN RESOURCES – Heidi Whimple, Human Resources Director

1. Review and consider approval of updated job description for Equipment Operator I, II, III, & Senior. **(For Possible Action)**

Ms Whimple appeared before the Board. She recommended that job descriptions be updated every two years. These descriptions were reviewed by Raymond Hodson, Road Department Dir., along with Jeb Rowley, PW Director, with minimal changes made. Commissioner Plaskett motioned to approve the job descriptions. It was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

SHERIFF – Jesse Watts, Sheriff

1. Discuss, approve, or deny ratifying a temporary increase to the County purchasing cards issued to Lena Engeseth and Trina Webster for the month of February in the amount of \$1,000.00 each (\$1,500.00 each total) for attendance at APCO International’s 911 Wellness Summit in Atlanta, Georgia. *Note: Out-of-state travel and credit card increases to reserve lodging were approved December 20th; this request is to pay for the rooms once on site. (For Possible Action)*

This Item was on the agenda in December 2023 however travel didn’t occur then, and now they need this increase to pay for the rooms. Commissioner Plaskett motioned to ratify the increase. It was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

COUNTY FACILITIES – Jeb Rowley, Public Works Director

1. Report on activities and projects at County managed facilities. **(Discussion)**

Public Works Director Jeb Rowley updated the Board on activities for the month of January 2024. The Landfill brought in 382 yards of residential solid waste and 98 yards of commercial waste. The Opera House had 12 visitors along with several ART classes for employees of McEwen and Ledcor. The museum has been closed but there is a sign to request a tour in which you can ask for one from an employee at the Opera House. He noted that there is an open position at the museum and they plan to advertise that soon. The swimming pool had 50 swimmers. The elevators at the Opera House and the Courthouse are back in service. And some flooring has been refinished at the Opera House and that building is back open after being closed for two weeks for the repair. Various other small jobs were reported on.

PUBLIC WORKS – Jeb Rowley, Public Works Director

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

Mr. Rowley reported that 75% of the plans for Phase A of the road and utility project have been received. A walkthrough is scheduled for February 28, 2024 with both Lumos & Assoc. and Sierra Nevada Construction (SNC) present. The Push-to-Talk demonstration is now scheduled for the 26 or 27th of February. The water crew is working on lead and copper inventories as required by the lead and copper rule. Mr. Rowley explained that there are five samplings at five locations in each of the school facilities in the County that need to be completed for the lead sampling program, which requires testing the water there. Other updates included training dates for the annual Red Card training requirements which are: March 13th for the County crew, March 19th for the Eureka Volunteer Fire Department, and March 26th for the Crescent Valley volunteers. Other fire departments without a training date scheduled include Pine Valley, Dunphy, and Diamond Valley. These departments are welcome to attend any of the scheduled training classes.

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

Mr. Jake Tibbitts appeared before the Board with an update on issues and activities:

Programmatic Solar: This is a large push for solar energy sites in the Western U.S. The Environmental Impact Study (EIS) is available and comments will be accepted through April 2024. Mr. Tibbitts noted he attended a virtual meeting regarding this. There was some discussion regarding proximity of solar fields to transmission lines.

Water Rights Retirement: Both the Central Nevada Water Authority and the Humboldt River Basin Water Authority met on February 9, 2024 and previewed the water retirement applications received and ranked those applications according to those that would take the most water off the books. Only applications from Diamond Valley were received with about 12,000-acre feet of water being applied for retirement. Mr. Tibbitts noted that there is funding for approximately 8,000 acre-feet of water. He noted that this equates to about 2,000 acres of land in Diamond Valley removed from irrigation. He said that there was also about 12,000-acre feet of water applied to retire from the Humboldt River Basin with most of the interest coming from Antelope Valley, which is south of Battle Mountain.

Supreme Court Ruling: On January 25, 2024 the Nevada Supreme Court published an opinion, based on the Lower White River flow system, that the State Water Engineer has authority to (under the law) combine multiple groundwater basins when there is a recognized connection between the basins. This would allow water basins to be managed as a 'super basin' and managed under a joint perennial yield. Related to this decision, the State Water Engineer would manage surface water and groundwater as one resource. Mr. Tibbitts noted that the area in Eureka County most affected by ruling would be the Humboldt River Basin as groundwater pumping occurs there from water that would otherwise reach the Humboldt River.

New York Stock Exchange: The proposed listing for natural asset companies has been withdrawn and Mr. Tibbitts felt this was a positive move.

Stagecoach Wind Project: The application for a 55,000-acre wind farm in Newark Valley was withdrawn.

Golden Lake Exploration: Eureka County commented on this Environmental Assessment (EA); the BLM has approved this project. Eureka County should be receiving a Memorandum of Understanding (MOU) for road maintenance as our current one expires this year.

Upcoming Meetings: The State Land Planning meeting on February 21; the Sagebrush Ecosystem Council; on February 27th the College of Ag and the Great Basin Research and Extension Center in Diamond Valley will be having a community meeting; NACO's Public Land and Natural Resource subcommittee meeting also the 27th; Nevada Gold Mines will have their community development committee meeting the 23rd; on the 26th and 27th is the fire adapted Nevada summit; on the 28th the Nevada Department of Ag is hosting a Mormon cricket management meeting in Eureka; the evening of the 28th is the I 80 Gold Town Hall; the Interim Natural Resources committee meeting on the 29th; the advisory board to manage wildlife on the 29th; and on March 4th the Fallon Range Training Complex committee is meeting.

Mr. Tibbitts noted that the Sagebrush Ecosystem Council will be reviewing the new USGS habitat maps and consider adopting those the State level process. A lot of areas have been mapped as high priority habitat.

At the College of Ag/Great Basin Research and Extension meeting, Scott Huber will be introduced as the Associate Director and will oversee the Diamond Valley experiment station. The focus of the meeting will be to improve or create a better relationship with Diamond Valley farmers and to determine if the Experiment Station could meet needs of the local farmers. They are also inviting the community to conduct business with them. There is a formal process. Whether it's selling hay, contracting rodent control, or irrigation equipment, etc. there is a vendor application to be completed.

2. Discuss and consider response on the Nevada Department of Wildlife 2024-2025 Biennial Big Game Release Plan including proposed release of desert bighorn sheep in the Cortez Mountains. (For Possible Action)

This bighorn sheep release program was introduced by the Nevada Department of Wildlife in 2008. This release is planned for the 2024-2025 fiscal year and will release an estimated 20 – 25 head of sheep into the Cortez Range in Eureka County. This program is controversial as sportsman see this as a positive plan however these animals could have ramifications on grazing and disease transmission when in contact with domestic sheep. There are many examples of sheep grazing permits being cancelled due to their proximity to bighorn sheep. There is also concern with potential disease transmission between cattle. Mr. Tibbitts noted that he felt Nevada Department of Wildlife should be present at the Board meeting to discuss this plan. The affected allotment in Eureka County is the Buckhorn allotment. The current permittees on this allotment are Tamera Ranches, Bailey Ranch, Slagowski Ranches and the Nevada Gold Mines. He noted that there are no active sheep permits in this allotment, but that there is in the adjacent Argenta Range and there are sheep permits in the Roberts Mountain range.

The Natural Resources Advisory Committee met and motioned to advise the Board to formally oppose the release with the following points:

- Written assurances that there would be no impact to permitted grazing
 - To include trailing areas
 - To include AUM reallocation
 - To include seasonal use changes or utilization
- To consider water right considerations
 - These rights are fully allocated
 - Refer to NRS 533.367 which addresses wildlife having customary use but are not retroactive

Some frustration with the proposed Plan is that it does not address permittees nor does it address all private landowners but references just a few. Mr. Tibbitts also felt this issue should be addressed by NDOW and more coordination between various entities should occur. Mr. Tibbitts noted that the Eureka County Wildlife Board supports this release contingent on the issues mentioned being worked out. Mr. Tibbitts said he would have a continued conversation with the County Wildlife Board to ensure that their recommendations are based on the Eureka County Commissioner's recommendations based on consultation with the Board.

Commissioner Plaskett motioned to oppose the release contingent on items that the NRAC formulated. It was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

3. Discuss and consider response to Nevada Department of Wildlife proposed regulations (LCB File No. R162-22) regarding NDOW review of tentative subdivision maps. (For Possible Action)

Mr. Tibbitts appeared before the Board with a letter to be considered as a response to the proposed regulations regarding NDOW's review of proposed subdivision maps.

Mr. Tibbitts noted that NDOW is hosting their hearing to adopt these regulations on March 9, 2024 and he felt it was a good time to put a formal statement out. He briefly reviewed the history of this regulation. He outlined some issues that should be noted in a response:

- The developer could submit a plan and/or confer with NDOW directly verses the local planning commission
- This would give authority to NDOW to determine and interpret vacant lands intended as infill development i.e., NDOW would be the entity to review vacant lands for plant species, etc
- There is a proposed fee structure associated with the regulations which are \$250 review fee plus up to \$5.00 per acre fee; however, it was noted that instead of starting out under the \$5.00 fee they are proposing to begin at the cap which differs from the original proposal

Commissioner Plaskett motioned to approve sending the response letter and it was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

4. Discuss, approve, or deny a temporary credit limit increase on the County purchasing card issued to Hallee Dechambeau, in the amount of \$500.00 (\$1,000.00 total), for purchase of hotel rooms for Ms. Dechambeau and two Firewise Board members to attend the Fire Adapted Nevada Summit in Reno on February 26th & 27th. *Note: A travel assistance grant request has been completed by Ms. Dechambeau to help offset costs. Any remaining costs will be funded with SRS Title III (Firewise) funding.* (For Possible Action)

Commissioner Plaskett motioned to approve the temporary credit card increase and it was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

5. Discuss, approve, or deny out-of-state travel for Weed & Resource Technician, Mitch Nielsen, to take weed spray truck to Douglass Truck Bodies in Bakersfield, California, for warranty work on underside of truck body with dates still to be determined, but sometime in February or early March. (For Possible Action)

Mr. Tibbitts explained that it was discovered that this truck, while being fitted with final detail work at Truck Parts in Sparks, has some rust development underneath where it should have been powder-coated. The truck needs to return Douglass Truck Bodies for warranty work. Commissioner Plaskett motioned to approve out-of-state travel for Mr. Nielson and it was seconded by Commissioner Sharkozy. All in favor, motion carried 3-0.

Chairman McKay called for a recess at 11:10 a.m.

The meeting was called back to order at 11:16 a.m.

6. Presentation by Consulting Hydrogeologist, Dale C. Bugenig, on Diamond Valley groundwater level monitoring. This item may include action by or direction from the Board on the overall monitoring program. **(For Possible Action)**

Mr. Bugenig began his presentation with a brief overview of the monitoring program which includes a total of 12 wells. Six wells were equipped with a monitoring system in 2011 and six more in 2013.

Mr. Bugenig noted that he expected a strong recharge to the system from the 2023 flooding that occurred from the Devil’s Gate system. It was estimated that 16,000-acre feet that came into Diamond Valley through Devil’s Gate. This accounted for more than 1/3 of the ground water pumped for irrigation that year. Mr. Bugenig noted that there is a delay in recharge and is looking forward to May 2024 data. He noted that there is a clear response to water levels when irrigation pumping occurs with a much lower water level during the summer months noted. Mr. Bugenig also noted that the two wells associated with bedrock showed clear responses to recharge. These two wells are the Bailey monitoring located north of the main irrigation and west of the salt flat. The other well is west of Devil’s Gate.

Mr. Bugenig gave an overview of the various wells and the water monitoring data collected from each well. He noted that some data presents a regional water level decline but the cause is unknown. The data used here is from well data from Kobeh Valley. He said it seems that there is a connection between Kobeh and Diamond Valleys.

Mr. Bugenig will be back to the Board in June 2024 with spring 2024 data collected in May. He believes that it may take time for water levels to recharge after flooding because of the various clay layers that impede the vertical movement of water. He is hoping that this new data will give light to how long water levels respond to flooding events.

CORRESPONDENCE

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

Correspondence was reviewed by Clerk Jackie Berg: the Health Advisory Committee agenda; Nevada Gold Mines, Notice of Intent to review two water pollution control permits; Division of Water Resources sent out the Humboldt River Water assessments for the next fiscal year; Vision of Child and Family Services actual cost data and estimated assessments; Division of Environmental Protection spill report; Bureau of Mining Regulation draft water pollution control permit for the Maggie Creek plant; Progressive Contracting, inc.; Division of Minerals; BLM Ely District and Battle Mountain District; America First Works; and the national Association of Counties.

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

Chairman McKay updated the Board on a recent meeting he had with Dr. Gallagher, who has a dental practice in Elko. Dr. Gallagher looked at the space in the Eureka Medical Clinic as a possible site for his practice. Dr. Gallagher is interested in coming to Eureka and is currently looking into past dental practices in Eureka and how they were operated.

Chairman McKay also noted that he previously met with the Director of the University of Nevada Extension and that they would like to use some of their money towards the proposed Boys & Girls Club facility construction. Chairman McKay reviewed the recent history of the Boys & Girls Club plans including that the County has agreed to lease a lot located in the Eureka Canyon Subdivision to the Boys & Girls Club. Chairman McKay noted that the County would not operate nor own the facility. District Attorney Ted Beutel offered the idea to house the new facility at the Eureka County Fairgrounds parcel. Public Works Director Jeb Rowley asked about the location of a large building at the fairgrounds and where it may be built? An initial thought was at the southern end of the parcel.

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 comment in Crescent Valley; seeing none he asked for comment in Eureka. Clerk Recorder Kathy Bowling reported that there was a Statewide glitch in election ballot count reporting which appeared on the Secretary of State’s website. She noted that ballot counts as reported on the site were incorrect. She noted that people who had not turned in a ballot and had not voted in the February 2024 election were counted as voting. This glitch happened within the voting management system used statewide known as Votec. The error was identified and is being corrected. Ms. Bowling noted that her canvasses are correct.

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)*

ADJOURNMENT

1. Adjournment of meeting.

Commissioner Plaskett motioned to adjourn the meeting with a second by Commissioner Sharkozy. Meeting adjourned at 12:01 p.m.

Prepared and respectfully submitted by Garney Damele, Deputy Clerk.

Approved by vote of the Board this 7th day of May, 2024.

/s/ Rich McKay

Rich, McKay, Chairman

ATTEST:

/s/ Katherine J. Bowling

Katherine J. Bowling, Clerk