

**EUREKA COUNTY BOARD OF COMMISSIONERS**

**April 6, 2023**

STATE OF NEVADA        )  
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COUNTY OF EUREKA     )

**CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on April 6, 2023. Present were Chairman Rich McKay, Vice Chair Michael Sharkozy, Commissioner Marty Plaskett; District Attorney Ted Beutel, Clerk Recorder Kathy Bowling, and Deputy Clerk II Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance. The interactive video conferencing system was connected between Crescent Valley and Eureka for the entire meeting.

**APPROVAL OF AGENDA**

Juvenile Probation asked that its agenda item be tabled until the next meeting due to a scheduling conflict. Commissioner Sharkozy motioned to approve the agenda as amended; Commissioner Plaskett seconded the motion; motion carried 3-0.

**PUBLIC COMMENT**

Chairman McKay opened the floor for public comments.

Quest Quotes: John Fitzgerald introduced himself, stating he was new to Eureka, but one of his “day jobs” was Director of Operations for an IT company out of California. Mr. Fitzgerald said he had contacted staff to get copies of the three Quest Technology Management quotes that were on the day’s agenda. He said the quotes weren’t properly itemized and he felt the County was being overcharged.

RETA Application: Several months ago, the County sent a letter opposing the RETA (Renewable Energy Tax Abatement) application from Nevada Gold Energy to the State for two solar photovoltaic generating facilities to be constructed in northern Eureka County. Assessor Michael Mears said the Governor’s Office of Energy has scheduled a hearing to consider the application on April 18<sup>th</sup>. Mr. Mears plans to attend and will update the Board at the next meeting.

Nevada GIS Association: Mr. Mears shared that the GIS Association has asked him to be the keynote speaker at its annual conference in October. The Association recognizes Mr. Mears’ work and the County’s robust GIS program as an industry model for other rural counties.

**APPROVAL OF MINUTES**

December 20, 2022, and March 6, 2023: Commissioner Sharkozy motioned to approve minutes of the December 20, 2022, and March 6, 2023, meetings; Commissioner Plaskett seconded the motion; motion carried 3-0.

**COMPTROLLER**

Payment of Expenditures: Expenditures were presented for approval by Comptroller Kim Todd, including one invoice exceeding the six-month limit. Payables included multiple invoices for unanticipated costs directly related to flooding. Public Works is closely tracking flood related costs; a percentage will be eligible for reimbursement with federal disaster assistance.

Commissioner Sharkozy motioned to approve expenditures in the amount of \$676,459.25 for accounts payable, which included a delinquent invoice in the amount of \$834.99 from Ruby Mountain HVAC; \$808,095.70 for payroll and benefit related expenses (including employee paid deductions); and pass-through payments of \$1,500.00 to the N6 Grazing Board, \$1,330.00 to the Nevada Division of Minerals, and \$249.98 to the Nevada Department of Taxation, for a grand total of \$1,487,634.93. Commissioner Plaskett seconded the motion. Motion carried 3-0.

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

## **FISCAL YEAR 2023-2024 BUDGET**

**Tentative Budget Review:** Ms. Todd reviewed all tentative budgets for Fiscal Year 2023-2024, due to the State by April 15<sup>th</sup>. Budgeted revenues were based on projections from the Nevada Department of Taxation.

**Diamond Valley Rodent Control District:** Tentative budget for the Rodent Control District included property tax revenue of \$7,878.00 and expenditures of \$47,000.00. The Rodent Control District has been inactive for many years, but contingency funds are routinely budgeted.

**Diamond Valley Weed Control District:** Tentative budget for the Weed Control District included ad valorem revenue of \$15,381.00 and expenditures of \$181,500.00. This budget receives BLM grant funding from both the Battle Mountain and Elko Districts.

**Television District:** Tentative budget for the Television District included property tax revenue of \$130,096.00 and expenditures of \$276,025.00.

District Attorney Ted Beutel inquired whether the budget had sufficient funds or flexibility to pay fines that could total tens of thousands of dollars. He explained that he has been asked to attend the Television District meeting on April 7<sup>th</sup> to discuss three penalty notices for failure to renew FCC licenses. Ms. Todd advised that the members should contact her if any adjustments need to be made before the final budget is approved on May 19<sup>th</sup>.

**Devil's Gate GID Water:** Devil's Gate collects user fees for the water system (estimated at \$66,000.00 for the upcoming year), but is not assigned ad valorem revenue. The tentative budget contains \$523,850.00 for operating expenses, which includes \$185,000.00 in depreciation.

**Eureka Town:** The tentative budget for Eureka Town has \$37,143.00 in property tax revenue and \$266,500.00 in utility fees. Expenses include town expenditures of \$138,400.00 and water department costs of \$4.5 million (\$4 million was transferred from the General Fund to support the large water and sewer project in the next fiscal year).

**Crescent Valley Town:** The tentative budget for Crescent Valley Town has \$12,924.00 in property tax revenues and \$150,000.00 in water fees. Expenses include town costs of \$88,675.00 and water department costs of \$558,800.00 (\$500,000.00 was granted from the General Fund).

**Eureka County (General):** The tentative budget for Eureka County contains \$14.4 million in property tax revenues and \$57 million in estimated expenditures. The significant increase in expenses is due, in part, to post-COVID inflation, increased payroll, municipal test wells in Kobeh Valley, and the County-wide road and utility project which has been compounded by extensive infrastructure damage caused by flooding.

Chairman McKay asked that the next meeting include a review, with department heads, of capital projects that might be postponed.

**Approve Tentative Budgets:** Commissioner Sharkozy motioned to approve the tentative budgets for Fiscal Year 2023-2024 and sign top sheets for submission to the Nevada Department of Taxation. Commissioner Plaskett seconded the motion. Motion carried 3-0.

**Set Public Hearing:** Commissioner Sharkozy motioned to schedule a public hearing at 10:00 a.m. on May 19<sup>th</sup> to adopt tax rates and consider final changes to the budgets for Fiscal Year 2023-2024. Commissioner Plaskett seconded the motion. Motion carried 3-0.

## **SENIOR CENTERS**

**Update Report:** Senior Center Program Director Millie Oram, and appointed Director Linda Gordon, were in attendance to report on activities at the Senior Centers. Ms. Gordon relayed that Shanlee Moyle was the successful candidate for the Site Supervisor position in Eureka, and the center is now fully staffed. In March, Eureka served 857 meals and Crescent Valley served 768 meals. A total of \$9,056.05 was deposited for the month.

**Transportation Grant:** Commissioner Sharkozy motioned to ratify the grant application to Nevada Aging & Disability Services Division for Transportation Services Subaward Grant #07-000-10-BC-23 in the amount of \$29,577.00 with a match of \$4,437.00. Commissioner Plaskett seconded the motion. Motion carried 3-0.

## **AMBULANCE & EMS**

**Report on Activities:** EMS Director Kenny Sanders reported there were a total of 31 runs in March – 14 from the Eureka station and 17 from the Crescent Valley station. A total of 10 patients were transported to hospitals (in Battle Mountain, Elko, & Ely). Two were transferred to air medical services. There were 77 ambulance calls for the quarter (January, February, March).

EMS conducted a CPR class for volunteer firefighters, Sheriff's staff, and community members in Crescent Valley. EMS staff did a number of resident checks during the flooding to offer assistance to those living in remote areas. Staff is working on the annual ambulance permit renewals with the State and individual EMT recertifications with the National Registry.

EMS is seeking a medication variance to enable administration of certain seizure and pain medications. John Mohler, a lead instructor in the industry, visited Eureka to provide mandatory annual training on medications that EMS is authorized to dispense and those being considered for a variance. EMS continues to offer COVID testing and vaccinations.

**Mobile Medication Safes:** Mr. Sanders obtained a quote to outfit each ambulance with electronic locking medication safes. The quote was for five new MS1 Mobile MedixSafe electronic locking medication cabinets with five BioConnect Link Subscriptions, along with two MedixSafe Retrofit Kits and two prorated BioConnect Link Subscription extensions. The two additional sets will retrofit safes purchased previously.

Commissioner Sharkozy motioned to approve Quote #MX-P 1639, in the total amount of \$9,932.00, to be paid with funds budgeted for capital outlay (010-054-55010-000) in the Ambulance/EMS budget, to purchase five new mobile medication safes and associated software subscriptions, and two retrofit kits and prorated software. Commissioner Plaskett seconded the motion. Motion carried 3-0.

## **IT DEPARTMENT**

**IT Update:** IT Director Misty Rowley reported on IT projects and activities. Contractor Rory Jackson (Syber Networks) and representatives of Quest Technology Management joined the meeting by phone.

The website team (IT staff, Mr. Mears, host company) met regarding the website upgrade. A template will be done by the end of May; a launch date will be determined as work progresses. Work on the new phone system is nearly complete; iPads and phones were installed/serviced at the Sheriff's Office; cell boosters were installed at the Eureka Fire Station; work stations were installed/serviced in several offices; and Jessica Santoyo completed her CompTIA certification.

**EM3 Networks Renewal:** Commissioner Sharkozy motioned to approve a renewal contract with EM3 Networks for a 1 Gbps broadband internet connection at the County Courthouse for a 12-month term (June 1, 2023, through May 31, 2024) for \$695.00 a month and authorized the IT Director to sign the contract outside of the meeting. Commissioner Plaskett seconded the motion. Motion carried 3-0.

**Comments Regarding Quest:** Ms. Rowley referenced public comment given earlier by Mr. Fitzgerald who stated that Quest was overcharging the County. She said Quest does exceptional work for the County, uses proven materials and hardware, has a good working relationship with the IT team, is knowledgeable about the County's network and infrastructure, and has consistently given lower quotes when competitive estimates are requested.

Vladimir Pivtorak, with Quest, said that each job is carefully quoted. The company offers fixed-price or time and materials quotes, is a licensed contractor in the State of Nevada, and utilizes registered pricing for equipment and hardware.

Rory Jackson added that Quest certifies their work, which is all done according to specifications, and has never left a job until everything is tested and proven.

**Quest Quote – Crescent Valley Road Shop:** Commissioner Sharkozy motioned to approve Quote #017215v1 from Quest Technology Management to install a patch panel and run new ethernet cables to all cameras at the Crescent Valley Road Shop, for a not to exceed amount of

\$7687.00 (\$6405.66 with 20% contingency), utilizing funds budgeted for capital outlay (010-018-55010-000) in the Technology Support budget. Commissioner Plaskett seconded the motion. Motion carried 3-0.

Quest Quote – Eureka Fire Station: Commissioner Plaskett motioned to approve Quote #017125v1 from Quest Technology Management for purchase and installation of a network cabinet, patch panel, and UPS (uninterruptible power supply) at the Eureka Fire Station, for a not to exceed amount of \$12,686.00 (\$10,571.38 + 20% contingency), utilizing monies budgeted for capital outlay (010-018-55010-000) in the Technology Support budget. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Quest Quote – District Attorney’s Office: Commissioner Plaskett motioned to approve Quote #017127v1 Quest Technology Management to replace ethernet cables and install electrical outlets at the District Attorney’s office for a not to exceed amount of \$15,543.43 (\$12,952.86 + 20% contingency) utilizing funds budgeted for capital outlay (010-018-55010-000) in the Technology Support budget. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

County Logo: In conjunction with revamping the website and creating more transparency, Eureka County would like to adopt a new official logo. Ms. Rowley presented a design with horizontal and vertical layouts, noting she has received positive feedback on the capital “E” in the shape of Nevada, but there hasn’t been much enthusiasm for the horseshoe as the capital “C.” The Board asked Ms. Rowley to work with the designer to create three or more logos and then ask employees to vote for their preference.

## **HEALTHY PAWS OF EUREKA**

Spay & Neuter Program: On behalf of Healthy Paws of Eureka, Cindy Beutel asked the Board for continued funding of the spay and neuter program. The program provides one \$50.00 co-pay voucher per animal, with no household limits. The Sheriff’s Office issues vouchers for cats and licensed dogs on a first-come first-served basis until the funding is gone. Sheriff Watts confirmed that the program has been working well. Kim Todd explained that the Board initially budgeted \$5,000.00 for the program in Fiscal Year 2022. The unused portion, \$1,800.00, was allowed to carry over into the current fiscal year, and has since been expended.

Commissioner Plaskett motioned to allocate \$5,000.00, from the Commissioners’ miscellaneous grants account, to continue the spay and neuter program as described, and directed that any remaining funds would carry over into the next fiscal year. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

## **PERDIZ SPORT SHOOTING**

Clay Targets: Jerry White, Range Manager for Perdiz Sport Shooting, said he was seeking a donation to purchase a truckload of clay targets. A full truckload will cost upwards of \$20,000.00 and would supply targets for two, possibly three years. He explained that Perdiz has faced unanticipated costs for snow removal and requires financial assistance to purchase the clay targets, which are needed for upcoming scheduled events.

The Board asked Mr. White to obtain an official quote and invited him to present invoices for the snow removal. Commissioner Plaskett said he would look into the possibility of a hay truck backhauling the clay pigeons to save shipping costs.

Lease Extension: Eureka County had a long-term lease with Perdiz Sport Shooting, which expired in June 2022. The County was hesitant to enter into another long-term lease until a boundary issue at the shooting range is resolved, but did grant a one-year extension through June 30, 2023.

Mr. White, Jeb Rowley, and Jake Tibbitts met with BLM officials, who are agreeable to making the boundary adjustment, but have hit some roadblocks. Mr. Tibbitts explained that the process is more involved than originally thought. First, the land has to be deemed suitable for disposal; and second, it has to be listed as such in a Resource Management Plan (RMP). This will

require an RMP amendment, which involves a long bureaucratic process. For now, the BLM has acknowledged that there is no willful trespass and no enforcement action is needed.

Based on this latest information, Commissioner Sharkozy motioned to grant an additional one-year lease extension to Perdiz Sport Shooting, Inc., through June 30, 2024. Commissioner Plaskett seconded the motion. Motion carried 3-0. A lease extension letter will be presented for signature at the next meeting.

## **COMMISSIONERS**

Collection Service Contract: Justice Court Manager Amy Jensen presented the contract with Valley Collection Service for signature. Justice of the Peace Dorothy Rowley attended a previous meeting to inform that a change in legislation now allows Justice Courts to enlist the services of an outside agency for collection of delinquent fines, civil penalties, administrative assessments, fees, or restitution. The contract was not available at the last meeting.

Commissioner Plaskett motioned to sign an agreement with Valley Collection Service, LLC, for collection of delinquent Justice Court fines and fees, as approved by the Board on March 20, 2023. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Health District Interlocal Agreement: SB118, a bill before the 2023 State Legislature (expected to pass) will amend current law and allow non-adjacent counties to participate as members in a health district. In the interim, Eureka County will join the Central Nevada Health District via an Interlocal Agreement. Financial requirements are (a) an annual base rate of \$100,000.00, (b) an annual per capita fee of \$5.00, and (c) an annual contingency fee equal to 20% of the annual base rate.

Commissioner Plaskett motioned to approve signing an Interlocal Agreement Between Central Nevada Health District and Eureka County, effective through June 30, 2024, unless sooner terminated by either party or upon Eureka County obtaining full membership status due to a change in legislation. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Opioid Recovery Funds: The County was recently notified of reporting requirements related to opioid recovery funds under the One Nevada Agreement. Chairman McKay asked that this item be tabled until he has a chance to visit with staff concerning who should manage the reporting requirements for these funds.

Appointments: Upon resignation of former Chairman JJ Goicoechea, many of the roles he filled were now vacant. The Board reviewed the list of vacancies and, with a motion by Commissioner Sharkozy, a second by Commissioner Plaskett, and unanimous vote, made the following appointments:

- Central Nevada Regional Water Authority – Marty Plaskett (already a member)
- Humboldt River Basin Water Authority – Marty Plaskett
- Mt. Hope 3M Plan Water Advisory Committee (WAC) – Marty Plaskett
- Nevada Association of County Officials (NACO) – Rich McKay
- Eureka Volunteer Fire Department – Marty Plaskett
- Eureka County Fire District – Marty Plaskett
- Legislative Representative – Marty Plaskett
- Naval Air Station, Fallon Range Training Complex, Intergovernmental Executive Committee – Rich McKay
- Natural Resource Issues (liaison to NRAC) – Marty Plaskett
- Water Protest Filings – Rich McKay

Indigent Defense Financial Status Report: The quarterly report (for January, February, and March 2023) showed that Eureka County paid \$16,709.00 for the quarter to provide public defense services to defendants with criminal charges.

Commissioner Plaskett motioned to approve and sign the quarterly Indigent Financial Status Report for submission to the Department of Indigent Defense Services by the April 15<sup>th</sup> deadline. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Purchasing Card Practices: Kim Todd provided some background information concerning County credit cards issued to employees. In September 2022, the Board took action to reduce the overall credit limit from \$60,000.00 to \$30,000.00, and to reduce the revolving credit limits on individual cards (\$1,000.00 for department heads and \$500.00 for employees).

Chairman McKay invited input from staff, which led to a discussion about credit card issues. Several departments relayed instances of cards being declined because the County's overall limit had been reached, although the individual's limit had not been reached. This occurs when the Board grants a variance on individual cards without increasing the overall credit limit.

Amy Jensen said there were two incidents recently where minor amounts were declined, despite Justice Court staff having little or no activity on their cards. One occurrence nearly caused cancellation of the court's Zoom account after a \$49.00 charge was declined. This would have resulted in the loss of crucial data, since court dates are booked through December.

Treasurer Necie Johnson said Nevada State Bank cautioned her that the County cannot simply request an increase to its overall credit limit, but will have to complete an application.

Potential solutions were discussed and, for the meantime, the Board took the following action: Commissioner Plaskett motioned to increase the County's overall monthly revolving credit limit to \$40,000.00, and directed the Comptroller to work with department heads to compile a list of employees who have been issued purchasing cards, for potential elimination of all non-essential cards. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Legislative Issues: Jake Tibbitts and Assessor Michael Mears briefly discussed pertinent legislation with the Board.

Mr. Mears noted that April 14<sup>th</sup>, the first house passage deadline, is rapidly approaching. He primarily follows legislation concerning property tax (SB96 and AJR07) and recommended maintaining a neutral position. He has been advocating for a county officials' salary bill, but nothing concrete has come forward. NACO has scheduled a meeting on April 11<sup>th</sup> to explore any opportunities for including a salary bill in the 2023 Session.

Mr. Tibbitts provided updates to the Board on the bill tracking spreadsheet sent out several days earlier. There are numerous bills impacting natural resources, including 25 water bills. There are two animal welfare bills that affect hunting dogs and cattle dogs; he recommended a neutral position on AB86 and opposition to SB269.

The County's lobbyist, Steve Walker, is following SB433 regarding prevailing wage, which would impose requirements on private entities and individuals. He is scheduled to testify in opposition and requested affirmative action by the Board.

Commissioner Sharkozy motioned to uphold Eureka County's position on legislation presented by Mr. Tibbitts and Mr. Mears, adopting their recommendations as outlined on the bill tracking spreadsheet and stated during the meeting, to include opposing SB433 and authorizing Steve Walker to testify on behalf of Eureka County. Commissioner Plaskett seconded the motion. Motion carried 3-0.

## **UNR COOPERATIVE EXTENSION**

Double-Conex Office Building: Extension Educator Gary McCuin presented a quote for a double-Conex office building. Commissioner Sharkozy motioned to approve the quote from High Desert RTO for a double-Conex office building, for an amount not to exceed \$70,000.00, paid with monies budgeted for capital outlay (030-120-55010-000) in the Agricultural Extension budget. Commissioner Plaskett seconded the motion. Motion carried 3-0.

## **ASSESSOR**

DMV Interlocal Contract: Assessor Michael Mears presented the renewal contract for DMV Field Office services. Commissioner Sharkozy motioned to approve the four-year Interlocal Contract Between Public Agencies with the State of Nevada acting by and through its Department of Motor Vehicles, for DMV Field Office services outlined in Attachment A (Scope of Work), for the period of July 1, 2023, through June 30, 2027, and authorized the Assessor to sign the contract outside of the meeting. Commissioner Plaskett seconded the motion. Motion carried 3-0.

## **EUREKA COUNTY HIGH SCHOOL**

Annual Scholarship Drive: A letter was received from Jaylene Callister, Guidance Counselor for Eureka County High School, requesting a donation from Eureka County for the annual scholarship drive.

Commissioner Sharkozy motioned to contribute \$2,000.00 to Eureka County High School's annual scholarship drive for the Class of 2023, to be paid from the miscellaneous grants account in the Commissioners' budget. Commissioner Plaskett seconded the motion. Motion carried 3-0.

## **HUMAN RESOURCES**

Update on HR Activities: Human Resources Director Heidi Whimple reported that Paypoint HR will begin the compensation and classification study in two weeks, and anticipates completion by mid-July or early August.

Vacancies: The Site Supervisor position at the Eureka Senior Center and a Deputy position in the Treasurer's office have been filled. Human Resources is currently advertising for a Deputy District Attorney, four Deputy Sheriff positions (two north and two south), and Casual Lifeguard/Attendants for the Pool.

Hiring Freeze Waiver Justifications: Ms. Whimple provided the Board with Hiring Freeze Waiver Justifications for Volunteer EMTs, Volunteer Drivers, and a Public Works Administrative Assistant I/II. Commissioner Sharkozy motioned to waive the hiring freeze and authorize filling Volunteer EMTs, Volunteer Drivers, and a Public Works Administrative Assistant I/II position; Commissioner Plaskett seconded the motion; motion carried 3-0.

Updated Job Descriptions: Approval was requested for updated job descriptions. Commissioner Sharkozy motioned to approve updated position descriptions for an IT Professional I, II, III, and a Public Works Administrative Assistant I, II, III; Commissioner Plaskett seconded the motion; motion carried 3-0.

Promotion Requests: Ms. Whimple provided two Promotion Request forms. Commissioner Sharkozy motioned to approve promotions to the positions of Public Works Administrative Assistant III, and IT Professional I, II, III; Commissioner Plaskett seconded the motion; motion carried 3-0.

## **TREASURER**

Treasurer's Report: The Treasurer's Report for February was submitted by Treasurer Pernecia Johnson, showing an ending General Fund balance of \$48,462,023.49.

Delinquent Property Tax Auction: Ten tax delinquent properties are offered for sale this year by mail-in bid. The bids will be opened on April 20<sup>th</sup> and Ms. Johnson will report on results at the next available meeting following the sale.

## **LIQUOR BOARD**

Licensing Board: On January 20<sup>th</sup>, the Commissioners adopted an ordinance (effective February 3<sup>rd</sup>) granting authority to the County Commissioners to act as the License Board for Eureka County and merging the Liquor Board with said License Board. This was a change to Title 2 of Eureka County Code.

Ted Beutel explained that, for consistency and to avoid confusion, Chapter 30 of Title 4 should be amended to no longer reflect that the Sheriff and District Attorney are part of the Liquor

Board. He forwarded a draft ordinance to the Board's secretary for inclusion on the day's agenda, but it was missed and will be placed on the April 20<sup>th</sup> agenda.

Liquor License Applications: Sheriff Jesse Watts reported that one application for a new liquor license was received. After completing the fingerprint-based criminal background check, the Sheriff recommended that the applicant *not* be approved. He explained that a criminal conviction was revealed and, although the law provides concessions for certain felonies ten years after completion of any sentence or parole, the crime was a violent crime committed against another person. Additionally, the application was not accurate as the party failed to disclose multiple arrests following the felony conviction. If denied, the application fee will be refunded, but the fee for the background check is nonrefundable.

Commissioner Sharkozy motioned to deny issuance of a liquor license to the unnamed party based on information and recommendation provided by the Sheriff; Commissioner Plaskett seconded the motion; motion carried 3-0.

Draft Minutes: The agenda listed approval of the November 7, 2022; December 20, 2022; and January 3, 2023, Liquor Board minutes. The District Attorney advised that draft minutes not approved after 45 days, or at the next meeting of the Board (whichever occurs later), are deemed a permanent record of the proceedings.

Special Event Licenses: No requests were received from license holders to serve/sell alcohol at a special event that takes place away from their normal place of business.

Quarterly Renewals: Sheriff Watts presented the list of licensees eligible for quarterly renewal. Commissioner Sharkozy motioned to approve liquor license quarterly renewals presented by the Sheriff and listed herein; Commissioner Plaskett seconded the motion; motion carried 3-0.

| Lic. No. | Business Name                                    | Licensee                   | Type    | Fee     |
|----------|--|----------------------------|---------|---------|
| 5869     | Catering by Darlene/Silver Sky Lodge             | Darlene Moody              | Ret/Liq | \$30.00 |
| 5870     | Owl Club   | Eleny Mentaberry           | Ret/Liq | \$30.00 |
| 5871     | Raine's Market                                   | Lee Raine                  | Pkg B&L | \$15.00 |
| 5872     | Crescent Valley Market                           | Jasbir Kaur Dhillon        | Pkg B&L | \$15.00 |
| 5873     | Shawn Inc. dba Bhairav Place                     | Brushan Bansal             | Ret/Liq | \$30.00 |
| 5874     | Bunny Trails RV Park, LLC                        | Jeffrey A. Lynn            | Ret/Liq | \$30.00 |
| 5875     | Chevron  | Giovani Minoletti          | Pkg B&L | \$15.00 |
| 5876     | Urban Cowboy Bar & Grill                         | Maria del Refugio A. Urena | Ret/Liq | \$30.00 |
| 5877     | McKay Eureka Enterprises                         | Richard A. McKay           | Ret/Liq | \$30.00 |
| 5878     | Two Bitch Spirits Ltd.                           | Joseph Luby & Lauren Luby  | Ret/Liq | \$30.00 |
| 5879     | Eureka Restoration Enterprise                    | Garney Damele              | Ret/Liq | \$30.00 |
| 5880     | Sacha's Sugar Shack                              | Sacha Noel Olsen           | Ret/Liq | \$30.00 |
| 5881     | The Ranch House                                  | Jerry Cecil Barton         | Ret/Liq | \$30.00 |
| 5882     | Cortez General Store LLC                         | Russell Dee Bishop         | Pkg B&L | \$15.00 |
| 5883     | Bunkhouse Station                                | Bradford SeEVERS           | Ret/Liq | \$30.00 |
| 5884     | Cuda's Winery & Italian Restaurant               | Ralph Cuda                 | Ret/Liq | \$30.00 |
| 5885     | LOCE Enterprises LLC dba Clementine's Steakhouse | Carrie Dubray              | Ret/Liq | \$30.00 |
| 5886     | Brown Brothers                                   | Philip Brown               | Ret/Liq | \$30.00 |
| 5887     | Gina's   | Gina DeValera              | Ret/Liq | \$30.00 |
| 5888     | Eureka Supply                                    | Ann Kniefel                | Ret/Liq | \$15.00 |
| 5889     | Eureka Gold Hotel LLC dba Jackson House          | Lakhvir Sodhi              | Ret/Liq | \$30.00 |
| 5890     | Tall Bike Ed's Unlimited dba Miss Dana's         | Dana Lee Freund            | Ret/Liq | \$30.00 |

## **EUREKA COUNTY STAR**

Report on Plans to Publish Newspaper: Dana Freund and Trina Machacek, Owners, were in attendance to tell the Board of their plans to publish a newspaper for distribution in Eureka



County. They initially tried to buy the *Eureka Sentinel*, but ultimately decided to publish their own paper, the *Eureka County Star*.

Support Request: Ms. Freund said they would like to distribute 1200 issues a week, by mailing a copy to each household and providing stacks of newspapers at local businesses. In order to do this, Ms. Freund said backing of “anchors” would be required. The ladies asked Eureka County to consider being an anchor by sponsoring a page in the paper for \$700.00 each week (\$36,400.00 per year). Additional support would come from the County publishing its legal advertisements and other notices in the paper.

The Commissioners wished the ladies complete success in their endeavor, but stated it was hard to justify the financial support that was requested.

## **ROAD DEPARTMENT**

Report on Activities: Raymond Hodson, Assistant Public Works Director, reported on Road Department activities. Crews have been busy plowing snow. During a brief break, crews began moving equipment to Roberts Creek Road and 3 Bars Road to begin cleaning culverts, but within two days the floodgates opened and the Road Department has been dealing with that ever since. Mr. Hodson offered a huge thank you, stating that he hoped the residents would as well, to Public Works, the Sheriff’s Office, and other entities and individuals who worked extremely hard through the disaster.

Cleanup is going to take a long time, but crews were able to open 3 Bars and Roberts Creek Roads for mine access. Crews were currently working on a huge break in the Sadler Brown Road, requiring substantial excavation and backfill. During the emergency, the northern crew moved equipment down south and were able to stay a couple of days and add their help.

## **PUBLIC WORKS & EMERGENCY MANAGEMENT**

Status Report on Flood Emergency: Public Works Director Jeb Rowley said the National Weather Service initiated a flood watch in the area starting April 8<sup>th</sup>. Two rapid deployment gages in Slough Creek will be monitored. Flood waters peaked at 800 cfs (cubic feet per second), and will be watched very closely once they reach 400 cfs.

Mr. Rowley said Eureka County met the threshold for a preliminary damage assessment by FEMA. Confirmation was received that the County qualifies for public assistance for infrastructure repairs and replacement. Lumos & Associates and Sierra Nevada Construction are scheduled the following week to review specific pavement damage.

Public Works Update: Technicians are installing the SCADA system (supervisory control and data acquisition) on Well #1, which is nearly ready to bring back online to the Eureka Town water system. Annual SCBA (self-contained breathing apparatus) testing is currently underway at fire stations throughout the County. Red card wildland fire training was postponed due to flooding. Mr. Rowley attended the Nevada Aviation Association Annual Conference in Reno March 27<sup>th</sup>-29<sup>th</sup>.

Crescent Valley Tank #3 Repainting: Mr. Rowley provided cost documentation prepared by Lumos & Associates and the contract with Sierra Nevada Construction for Phase 1 of the large road and utility project. All parties have reviewed the Guaranteed Maximum Price (GMP) and the contract will be updated accordingly. Final costs may be lower, but will never exceed the GMP.

Commissioner Plaskett motioned to approve, and authorize signing outside of the meeting, Contract No. PWP-EU-2022-369, Crescent Valley Tank #3 Repainting, Road & Utility Improvements Project Phase 1, Construction Manager at Risk Guaranteed Maximum Price Contract with Sierra Nevada Construction, for a maximum price of \$356,347.00, to be paid with funds distributed from the Local Assistance & Tribal Consistency Fund (LATCF). Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Justice Facility Assessment – Programming Phase: Overall assessment of the Justice Facility in Eureka was approved in July 2022. Mr. Rowley requested authorization to complete the programming phase of the assessment.

Commissioner Plaskett motioned to authorize Paul Cavin Architect LLC to perform the programming phase of the Eureka County Justice Facility building assessment for an amount not to exceed \$18,320.00 to be paid with monies budgeted for capital outlay (010-001-55010-000) in the Commissioners' budget. Commissioner Sharkozy seconded the motion. Motion carried 3-0.

Administrative Facility Roof Repair: This item was placed on the agenda last minute and, unfortunately, was not listed as an action item. Mr. Rowley explained that the Fiscal Year 2024 budget includes monies for roof repairs at the Administrative Facility (Annex). But this season's excessive snow, and the heavy precipitation during flooding, have made immediate action necessary. He obtained a quote from Kodiak Roofing for an amount not to exceed \$20,000.00.

The Board concurred that Public Works should proceed with emergency repairs, which can be approved or ratified at the next available meeting.

## **NATURAL RESOURCES**

Report on Activities: Natural Resources Manager Jake Tibbitts reported on recent activities. He has been buried with legislation and back and forth trips to Carson City.

Humboldt River Basin: The Division of Water Resources held its annual Humboldt River management meeting on March 28<sup>th</sup>, and informed that the three comprehensive water models on the entire Humboldt River Basin will soon be complete (upper basin and lower basin models by June, and middle basin model by October). US Geological Survey and Desert Research Institute were commissioned to complete the models as part of a settlement agreement between the Division of Water Resources and Pershing County Water Conservation District.

The models will evaluate impacts of groundwater withdrawal on streamflow. At some point, the models will be used as a regulatory tool. In July, the Division will solicit ideas, proposals, and concepts in order to evaluate how the models can best be used towards development of conjunctive management framework for the Humboldt River Basin.

Nevada Conservation Commission: The State Conservation Commission met on March 30<sup>th</sup> and took action to award the 2023 Sage Grouse Grant to the Eureka Conservation District. The monies will be used to continue pinyon-juniper thinning in sage grouse habitat.

Mt. Hope Project: A March 31<sup>st</sup> ruling from the US Ninth Circuit Court of Appeals ordered, in part, that the BLM's 2019 Record of Decision (ROD) on the Mt. Hope Project be vacated and remanded back to the BLM.

In another case, involving the Rosemont Mine in Arizona, the Ninth Circuit's 2022 ruling changed how Mining Law is interpreted. Basically, Mining Law only allows placement of mining facilities, including waste rock, on land for which the mining company holds a claim; but a claim is only valid if the existence of valuable minerals is proven. This interpretation compelled the Ninth Circuit's decision to remand the ROD for the Mt. Hope Project back to the BLM.

Mr. Tibbitts further noted that this latest ruling failed to address, or even reference, the issue of Public Water Reserves (PWR 107). The BLM claimed four PWRs within the Mt. Hope footprint which, if valid, would withdraw 40 acres around each spring or water source, making it inaccessible for activities related to mining.

In the Final Order of Determination (Diamond Valley Adjudication), the State Engineer ruled that the BLM's PWRs were invalid. The Diamond Valley Adjudication is now before the Seventh Judicial District Court. In this case, Judge Fairman denied the federal government's Motion for Summary Judgment, and found that none of the springs meet the minimum flow criteria for a PWR.

Since State law has primacy over water, even on the federal level, Mr. Tibbitts felt the Ninth Circuit should have acknowledged that the Public Water Reserves are subject to a final Decree in the adjudication case.

BLM Proposed Conservation Rules: On April 3<sup>rd</sup>, the BLM published notice in the Federal Register (opening a 75-day comment period) on proposed regulations to promote conservation of public lands. Mr. Tibbitts said this would be a monumental change that would define conservation and elevate it to an equal standing with other permitted uses. Non-governmental parties or entities

could lease public lands for conservation purposes. This would have huge ramifications for mining and ranching, as large tracts of public land could be leased for wind farms, solar farms, etc. Or, in the name of conservation, the lands could simply be placed on long-term, non-use status essentially blocking it from any of the other multiple uses. Mr. Tibbitts will keep the Board updated as this moves forward.

Upcoming Meetings: Upcoming meetings include: Crescent Valley Firewise Committee on April 7<sup>th</sup>; BLM meeting on the Robertson Mine Project on April 12<sup>th</sup> in Battle Mountain; Natural Resources Advisory Commission on the evening of April 12<sup>th</sup>; Nevada Gold Mines Community Development Committee on April 13<sup>th</sup>; State Land Use Planning Advisory Council on April 14<sup>th</sup> in Carson City; and Eureka Firewise Committee on April 17<sup>th</sup>.

## **CORRESPONDENCE**

Correspondence: Correspondence was received from: Juvenile Probation; Eureka County High School; Healthy Paws of Eureka; i80 Gold Corp.; Eureka County Television Dist.; Shannon Sena, DDS; Nevada Assoc. of Counties (2); Nevada Div. of Environmental Protection; UNR CABNR monthly newsletter; Nevada Water Resources Assoc.; Nevada Div. of Public & Behavioral Health; US District Court, Nevada (Mt. Hope Project, Eureka Moly LLC); US Dept. of the Interior-BLM; US Senator Jacky Rosen; Grant Writing USA; America First Works; and Governing E-news.

## **PUBLIC COMMENT**

Chairman McKay called for public comments; there were none.

## **ADJOURNMENT**

Commissioner Sharkozy motioned to adjourn the meeting; Commissioner Plaskett seconded the motion; the meeting was adjourned at 2:49 p.m.

*Approved by vote of the Board this 6<sup>th</sup> day of June, 2023.*

/s/ Rich McKay

Rich McKay, Chairman

*I, Jackie Berg, Deputy Clerk II, attest that these are a true, correct, and duly approved minutes of the April 6, 2023, meeting of the Board of Eureka County Commissioners.*

/s/ Jackie Berg

Jackie Berg, Deputy Clerk II

*I, Katherine J. Bowling, Clerk Recorder of Eureka County, acknowledge and accept the attached minutes as approved by the Board of Eureka County Commissioners and attested to by the Deputy Clerk.*

/s/ Kathy Bowling

Katherine J. Bowling, Clerk