

SCHROEDER LAW OFFICES, P.C.  
Laura A. Schroeder, NSB #3595  
Therese A. Ure, NSB #10255  
440 Marsh Ave.; Reno, Nevada 89509-1515  
PHONE: (775) 786-8800; FAX: (877) 600-4971  
counsel@water-law.com  
*Attorneys for Appellants*

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Tracie K. Lindeman  
Clerk of Supreme Court

**IN THE SUPREME COURT  
OF THE STATE OF NEVADA**

EUREKA COUNTY, a political subdivision of  
the State of Nevada; KENNETH F. BENSON,  
individually; DIAMOND CATTLE  
COMPANY, LLC, a Nevada limited liability  
company; and, MICHEL AND MARGARET  
ANN ETCHEVERRY FAMILY, LP, a  
Nevada registered foreign limited partnership,  
Appellants,

v.

THE STATE OF NEVADA STATE  
ENGINEER; THE STATE OF NEVADA  
DIVISION OF WATER RESOURCES; and  
KOBEL VALLEY RANCH, LLC, a Nevada  
limited liability company,

Respondents.

**Case No. 61324**

MICHEL AND MARGARET ANN  
ETCHEVERRY FAMILY, LP, a Nevada  
registered foreign limited partnership;  
DIAMOND CATTLE COMPANY, LLC, a  
Nevada limited liability company; and,  
KENNETH F. BENSON, individually,  
Appellants,

v.

STATE ENGINEER, OF NEVADA, OFFICE  
OF THE STATE ENGINEER,  
DEPARTMENT OF CONSERVATION  
AND NATURAL RESOURCE; and KOBEL  
VALLEY RANCH, LLC, a Nevada limited  
liability company,

Respondents.

**Case No. 63258**  
*(Consolidated with  
Case No. 61324)*

**JOINT APPENDIX  
VOLUME 3**

## **APPENDIX SUMMARY**

### **Chronological Order by Filing Date**

<b>Document</b>	<b>Filing Date</b>	<b>Vol.</b>	<b>3MJA Page Nos.</b>
Letter from State Engineer Approving 3M Plan	June 6, 2012	I	1
Petition for Judicial Review	July 5, 2012	I	2-35
Lisa Morlan's Affidavit of Service of Notice of Petition for Judicial Review and Petition for Judicial Review	July 18, 2012	I	36-38
State Engineer's Record on Appeal Vol. 1	August 3, 2012	I	39
Vol. 1 - SE ROA Summary SE ROA 39-42		I	39-42
Vol. 1 – SE ROA Conti. SE ROA 43-52		I	42-95
Vol. 1 – SE ROA Conti. SE ROA 53-132		II	96-175
Vol. 1 – SE ROA Conti. SE ROA 133-218		III	176-261
Vol. 1 – SE ROA Conti. SE ROA 219-249		IV	262-292
Vol. 1 – SE ROA Conti. SE ROA 250-251		V	293-294
State Engineer's Record on Appeal Vol. 2	August 3, 2012	V	295
Vol. 2 – SE ROA Summary SE ROA 295		V	295

<b>Document</b>	<b>Filing Date</b>	<b>Vol.</b>	<b>3MJA Page Nos.</b>
Vol. 2 – SE ROA Conti. SE ROA 252-376	August 3, 2012	V	296-420
Vol. 2 – SE ROA Conti. SE ROA 377-448		VI	421-492
State Engineer’s Supplemental Record on Appeal	August 15, 2012	VI	493
Supplemental Record Summary SUP SE ROA		VI	493-495
Supplemental Record SUP SE ROA 1-29		VI	495-525
Kobeh Valley Ranch, LLC’s Answer to Petition for Judicial Review	August 17, 2012	VI	526-531
Petitioners’ Opening Brief	November 5, 2012	VI	532-576
Kobeh Valley Ranch’s Answering Brief	Dec. 20, 2012	VI	577-610
State Engineer’s Answering Brief	Dec. 20, 2012	VII	611-629
Petitioner’s Reply Brief	February 1, 2013	VII	630-646
Transcript of Oral Argument	April 15, 2013	VII	647-719
Findings of Fact, Conclusions of Law, and Judgment	May 17, 2013	VIII	720-736
Petitioners’ Notice of Appeal	May 21, 2013	VIII	737-739
Notice of Entry of Findings of Fact, Conclusions of Law, and Judgment	May 23, 2013	VIII	740-761

<b>Document</b>	<b>Filing Date</b>	<b>Vol.</b>	<b>3MJA Page Nos.</b>
Proof of Service of Notice of Entry of Findings of Fact, Conclusions of Law, and Judgment	May 23, 2013	VIII	742

## **APPENDIX SUMMARY**

### **Alphabetical Order**

<b>Document</b>	<b>Filing Date</b>	<b>Vol.</b>	<b>3MJA Page Nos.</b>
Findings of Fact, Conclusions of Law, and Judgment	May 17, 2013	VIII	720-736
Kobeh Valley Ranch, LLC's Answer to Petition for Judicial Review	August 17, 2012	VI	526-531
Kobeh Valley Ranch's Answering Brief	Dec. 20, 2012	VI	577-610
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Petitioners' Notice of Appeal	May 21, 2013	VIII	737-739
Petitioners' Opening Brief	November 5, 2012	VI	532-576
Petitioners' Reply Brief	February 1, 2013	VII	630-646
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Vol. 2 – SE ROA Conti. SE ROA 252-376	August 3, 2012	V	296-420
Vol. 2 – SE ROA Conti. SE ROA 377-448		VI	421-492
State Engineer's Supplemental Record on Appeal	August 15, 2012	VI	493

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Supplemental Record Summary SUP SE ROA	August 15, 2012	VI	493-495
Supplemental Record SUP SE ROA 1-29		VI	495-525
Transcript of Oral Argument	April 15, 2013	VII	647-719

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**NOTICE IS HEREBY GIVEN** that the Board of Eureka County Commissioners will meet pursuant to law on May 20, 2011, at 9:30 a.m. in the Commissioners' meeting room at the County Courthouse located at 10 South Main Street, Eureka, Nevada.

**AGENDA**

**9:30 - CALL TO ORDER**

1. Approval of the agenda notice with addition of any emergency item and/or deletion of any item. **(Action)**  
*Unless otherwise stated, items may be taken out of the order presented on the agenda, at the discretion of the Chair.*
2. Pledge of allegiance.

**9:35 - PUBLIC COMMENT and DISCUSSION**

1. Public comment and discussion. (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 shall be limited to (3) minutes per person, and public comment will only be received during the two times specified on the agenda, unless otherwise noted.*
2. Consider items requiring action to be placed on the agenda for the next regular meeting. **(Action)** *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.*

**9:45 - FINANCE – Mike Rebaleati, County Recorder/Auditor**

1. Payment of expenditures. *NOTE: Expenditures received after action has been taken under this 'Finance' section may be presented and acted upon throughout the day.* **(Action)**
2. Review Auditor's Report. (Discussion)

**9:55 - RESOLUTION TO AUGMENT FISCAL YEAR 2010-2011 BUDGET – Mike Rebaleati, Auditor/Budget Officer**

1. Discuss, approve, or deny adopting a resolution to augment the Fiscal Year 2010-2011 Budget for Eureka County. **(Action)**

**10:00 - COMMISSIONERS**

1. Commissioner update reports. (Discussion)
2. Discussion and possible action or direction to staff regarding drafting a 3M Plan for water (monitoring, management, and mitigation) for submission to the Nevada State Engineer. **(Action)**
3. General updates, discussion, and possible action regarding the Mt. Hope mine project, including but not limited to impacts, housing, the EIS and NEPA process. **(Action)**

**10:10 - 2011 LEGISLATIVE ISSUES**

1. Discussion and possible action on legislative issues affecting Eureka County, including proposed legislation of the 2011 Nevada Legislature and all matters properly relating thereto. **(Action)**

**10:15 - PUBLIC WORKS – Ron Damele, Director**

1. Comprehensive review of the Civil Improvement Plans for all phases and stages relating to the Eureka Canyon Subdivision. (Discussion)
2. Discuss, approve, or deny providing direction to staff and consultants, if needed, regarding modifications to Civil Improvement Plans for the Eureka Canyon Subdivision and all matters properly relating thereto. **(Action)**
3. Discuss, approve, or deny a boundary line adjustment map for APN 001-221-02 and APN 001-221-05. **(Action)**
4. Discuss, approve, or deny installing backup power to critical components of the Diamond Valley Fire Station for not to exceed \$8,500.00 and all matters properly relating thereto. **(Action)**
5. Discuss, approve, or deny signing an Intergovernmental Agreement between Eureka County and NRCS (Natural Resources Conservation Service) for snow survey at Vacarro Springs. **(Action)**

**11:00 - COUNTY ENGINEER – Tom Young, Lumos & Associates**

1. Report on the 2011 Street Maintenance Project, Phase I - culverts. (Discussion)
2. Report on the 2011 Street Maintenance Project, Phase II – streets. (Discussion)
3. Report on the Main Street Water & Sewer Replacement Project. (Discussion)

**11:10 - YUCCA MOUNTAIN – Ron Damele, Public Works Director, and Abby Johnson, Nuclear Waste Advisor**

1. Discuss, approve, or deny a contract extension with Latir Energy Consultants for an additional 60 days at the current rate. (Action)

**1:15 - NEVADA RURAL HOUSING AUTHORITY (NRHA) – David Craig and Jack White**

1. General updates and discussion regarding efforts with NRHA to develop the Eureka Canyon Subdivision. (Discussion)
2. Review draft documents related to multifamily portion of Phase 1 of the Eureka Canyon Subdivision. (Discussion)
3. Discuss, approve, or deny signing the following documents (as is, or with amendments): Multifamily Real Property Agreement and Multifamily Grant Agreement. (Action)
4. If needed, provide direction or take action on any or all items related to development of the Eureka Canyon Subdivision, including but not limited to: draft or final documents, financing issues, timelines, and development of the project. (Action)

**11:30 - COUNTY FACILITIES & ECONOMIC DEV. – Andrea Rossman, Cultural, Tourism, & Economic Dev. Director**

1. Update report on County Facilities and Economic Development. (Discussion)
2. Discuss, approve, or deny appointing Sandy Green to vacancy on the Eureka County Economic Development Program Board (Action)

**11:35 - AMBULANCE & EMS – Mike Sullivan, EMS Coordinator**

1. Update report on ambulance and emergency services. (Discussion)
2. Discuss, approve, or deny ambulance bill write-off for patient #2006620 in the amount of \$65.00. (Action)

**11:40 - SWIMMING POOL – Cindy Adams, Parks, Recreation & Facilities Director**

1. Update report on Swimming Pool and Facility activities. (Discussion)

**11:45 - RESOLUTIONS HONORING EUREKA COUNTY SERVICEMEN**

1. Discuss, approve, or deny adopting resolutions honoring the following servicemen from Eureka County: Damien Longley (Marines); Eldon Lee Hooper (Army); Cody Bass (Marines); and James DelCastillo (Army). (Action)

**Noon - RECESS FOR LUNCH**

**1:00 - CRESCENT VALLEY SEWER SYSTEM – Dean Day, Day Engineering**

1. Presentation on Crescent Valley Sewer System Preliminary Engineering Report. (Discussion)
2. Discuss, approve, or deny accepting the Crescent Valley Sewer System Preliminary Engineering Report and all matters properly relating thereto. (Action)

**1:20 - EUREKA MEDICAL CLINIC – Duane “Duke” Gibson, Physician Assistant**

1. Update on Eureka Medical Clinic. (Discussion)

**1:25 - NATURAL RESOURCES – Jake Tibbitts, Natural Resources Manager**

1. Report on activities, upcoming meetings, and natural resource issues affecting Eureka County. (Discussion)
2. Review and approve or deny ratification of comments sent to US Forest Service on new Forest Service Planning Rule. (Action)
3. Discuss, approve, or deny sending letters regarding various natural resources related legislation potentially affecting Eureka County at both the federal and state level. (Action)

**1:35 - NEPA COMMITTEE – Jake Tibbitts, Natural Resources Manager**

1. Update on status of Mt. Hope Project EIS and consider strategies moving forward for the remainder of the EIS review. (Action)

**1:45 - CORRESPONDENCE**

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

**1:50 - CLERK & TREASURER – Jackie Berg, Clerk & Treasurer**

1. Review Treasurer’s Report for April 2011. (Discussion)

**1:55 - APPROVAL OF MINUTES**

1. Approval of the minutes of the April 15, 2011, quarterly meeting. (Action)
2. Approval of the minutes of the April 19, 2011, special meeting. (Action)
3. Approval of the minutes of the April 20, 2011, Commissioner meeting. (Action)

**2:00 - PUBLIC COMMENT and DISCUSSION**

1. Public comment and discussion. (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 shall be limited to (3) minutes per person, and public comment will only be received during the two times specified on the agenda, unless otherwise noted.*
2. Consider items requiring action to be placed on the agenda for the next regular meeting. (Action) *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.*

**2:10 - ADJOURNMENT**

1. Motion to adjourn. (Action)

Times are approximate. Items may be taken out of order, at the discretion of the Chair. (Action) means the Board may take action upon an item, but is not required to. Posted in Eureka at: Courthouse, Admin. Facility, Clerk's Office, Public Bulletin Board, and US Post Office. NOTICE TO PERSONS WITH DISABILITIES: If you require special assistance, please notify the Clerk's Office prior to the meeting at 775-237-5262.

**EUREKA COUNTY BOARD OF COMMISSIONERS**  
**May 20, 2011**

STATE OF NEVADA       )  
                                  :SS  
COUNTY OF EUREKA     )

**CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on May 20, 2011. Present were Chairman Leonard Fiorenzi, Vice Chair Mike Page, Member Jim Ithurralde, District Attorney Theodore Beutel, and Clerk & Treasurer Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance. The interactive video conference system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

**APPROVAL OF AGENDA**

Chairman Fiorenzi stated that Tom Chase, CEO of Nevada Health Centers, was in attendance and would be heard during public comment. Commissioner Page motioned to approve the agenda notice as posted; Commissioner Ithurralde seconded the motion; motion carried 3-0.

**PUBLIC COMMENT**

The Chairman opened the floor to public comment. He invited Tom Chase forward to report on status of the Fiscal Year 2011-2012 contract with Nevada Health Centers. NVHC required no changes to the contract language or dollar amounts, but still needed to provide language to the District Attorney for the addendum to the contract. Mr. Chase stated the County may wish to consider a Business Associate Agreement with NVHC, which addresses security of protected health and medical information. District Attorney, Ted Beutel, interjected that Eureka County is not the custodian of medical records and has no access to those records, therefore he advised against signing any type of agreement that would depict the County as having any related responsibility or liability. The Board indicated that they agreed with the District Attorney, but agreed to place the Business Associate Agreement on the next agenda, along with approval of the Fiscal Year 2011-2012 contract, to formally accept or deny it.

There were no further public comments.

**FINANCE**

Payment of Expenditures: Expenditures were presented for approval by Recorder & Auditor, Mike Rebaleati. Commissioner Ithurralde motioned to approve expenditures in the amount of \$343,925.58 and payroll in the amount of \$246,293.29, for a grand total of \$590,218.87; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Page motioned to approve Yucca Mountain expenditures in the amount of \$750.00; Commissioner Ithurralde seconded the motion; motion carried 3-0. Yucca Mountain expenditures are funded with monies allocated from the US Department of Energy to affected units of local government.

Auditor's Report: The Board reviewed the Auditor's Report without comment. Mr. Rebaleati commented on future changes needed in order to become compliant with GASB 54 (Governmental Accounting Standards Board) which will become effective next year. Certain internal funds will be dissolved, such as the loss control internal service fund, the unemployment fund, the retiree health insurance premium fund, etc., and will instead be tracked as line items under the general fund with a portion of the ad valorem tax rate allocated specifically to these line items. Mr. Rebaleati will bring this to the Board for formal approval before making these accounting changes.

## **RESOLUTION TO AUGMENT FISCAL YEAR 2010-2011 BUDGET**

**Adopt Resolution:** The draft resolution was presented for review at the May 16<sup>th</sup> budget meeting, and Mr. Rebaleati presented the final resolution for formal approval, noting there were no changes. He indicated that there will be additional augmentations in June which may include fund transfers for Ag Extension #15 (Fair Board), the Wildlife Board, and the Road Fund, and he will bring those before the Board at that time. Commissioner Ithurralde motioned to adopt the Budget Augment Resolution for augmentation of the Fiscal Year 2010-2011 Budget of Eureka County; Commissioner Page seconded the motion; motion carried 3-0.

### **BUDGET AUGMENTATION RESOLUTION RESOLUTION FOR AUGMENTATION OF THE 2010-2011 BUDGET OF EUREKA COUNTY**

WHEREAS, the revenues of the EUREKA COUNTY GENERAL FUND, CAPITAL IMPROVEMENT FUND, and EUREKA COUNTY TELEVISION FUND were budgeted to be \$10,096,998; \$347,745; and \$134,037 respectively on July 1, 2010; and

WHEREAS, said Eureka County General Fund sources are as follows:

<u>Source of Revenue</u>	<u>Original Budget</u>	<u>Available YTD</u>	<u>Excess Revenues</u>
Beginning Fund Balance	\$8,867,826	\$10,105,839	
Net Proceeds of Mines	\$ -0-	\$ 2,000,000	
<b>TOTALS</b>	<b>\$8,867,826</b>	<b>\$12,105,839</b>	<b>\$3,238,013</b>

WHEREAS, said Capital Improvement Fund sources are as follows:

<u>Source of Revenue</u>	<u>Original Budget</u>	<u>Available YTD</u>	<u>Excess Revenues</u>
Beginning Fund Balance	\$1,858,823	\$2,937,778	
<b>TOTALS</b>	<b>\$1,858,823</b>	<b>\$2,937,778</b>	<b>\$1,078,955</b>

WHEREAS, said Eureka County Television District sources are as follows:

<u>Source of Revenue</u>	<u>Original Budget</u>	<u>Available YTD</u>	<u>Excess Revenues</u>
Beginning Fund Balance	\$136,660	\$213,017	
Net Proceeds of Mines	\$ -0-	\$ 16,000	
NTIA Grants	\$ -0-	\$100,000	
<b>TOTALS</b>	<b>\$136,660</b>	<b>\$329,017</b>	<b>\$192,357</b>

WHEREAS, there is a need to apply these excess proceeds in the Eureka County General Fund for grants and transfers out; the Capital Improvement Fund for major culvert upgrades, and the Eureka County Television Fund for TV service upgrades; and

NOW THEREFORE, IT IS HEREBY RESOLVED, that Eureka County shall augment the Eureka County General Fund 2010-2011 budget by appropriating \$3,238,013 for use in the Eureka County General Fund, Capital Improvement Fund 2010-2011 budget by appropriating \$1,078,955 for use in the Capital Improvement Fund and \$192,357 for use in the Eureka County Television Fund;

THEREBY increasing appropriations from \$14,218,735 to \$17,456,748 in the Eureka County General Fund; \$627,500 to \$1,706,455 in the Capital Improvement Fund; and \$228,500 to \$420,857 in the Eureka County Television Fund; and

IT IS FURTHER RESOLVED, that the Budget Director shall forward the necessary documents to the Department of Taxation, State of Nevada.

PASSED, ADOPTED, and APPROVED the 21<sup>st</sup> day of June, 2010.

AYES: Chairman Fiorenzi  
Vice Chair Page  
Commissioner Ithurralde

NAYS: None  
ABSENT: None

By: /s/ Leonard Fiorenzi  
Leonard Fiorenzi, Chairman of the Board

ATTEST: /s/ Jackie Berg  
Jackie Berg, Clerk

## **COMMISSIONERS**

**Update Reports:** All Commissioners attended the water hearing at the Division of Water Resources in Carson City on May 9<sup>th</sup> and 10<sup>th</sup>. Commissioner Ithurralde participated in a video interview for the Yucca Mountain Lessons Learned documentary on May 18<sup>th</sup>; and completed a telephone survey for National Association of Counties regarding views on local government, politics, and policies. Chairman Fiorenzi completed his Yucca Mountain Lessons Learned interview on May 17<sup>th</sup>.

**Water Monitoring, Management, and Mitigation Plan:** Chairman Fiorenzi spoke with Bob Pennington, General Moly, who proposed that the County and the mine jointly submit a 3M Plan (for water monitoring, management, and mitigation) to the State Engineer. This would be completely separate from the plan included in the Mt. Hope Project EIS. The suggestion was to appoint two representatives from each entity and give them 60 days to see what they could come up with. Commissioner Ithurralde motioned to direct staff to work with Eureka Moly to draft a 3M Plan for possible submission to the Division of Water Resources, and that the County be represented by Natural Resources Manager, Jake Tibbitts, and Hydrogeologist, Dale Bugenig; Commissioner Page seconded the motion; motion carried 3-0.

Later in the day's meeting, Natural Resources Manager, Jake Tibbitts, commented on this item, noting that a 3M Plan was submitted by Eureka County to the State Engineer on March 6, 2009. On this occasion and many others, Eureka County has commented on various iterations of this plan and plans proposed by Eureka Moly. Mr. Tibbitts stated he is willing to make another effort towards creation of a plan, but wanted the record to reflect that Eureka County has made their position known and worked diligently in a variety of situations over the past couple of years to comprise a plan that could benefit all parties.

**Updates on Mt. Hope Project:** A letter was received from Bob Pennington, General Moly, affirming Eureka Moly's interest in temporary construction worker housing at the Eureka Canyon Subdivision site, and enclosed exhibits of proposed styles for the temporary housing. Commissioner Ithurralde motioned that Ron Damele, in conjunction with Summit Engineering, begin working with Eureka Moly regarding aspects of the temporary construction worker housing at the Eureka Canyon Subdivision, including timelines, acceptable design, and other pertinent details; Commissioner Page seconded the motion; motion carried 3-0.

## **2011 LEGISLATIVE ISSUES**

**Legislative Updates:** Mr. Rebaleati reported that the mining assessment fee initiated during the last Special Session will be readdressed during the current Legislative Session and will likely be replaced with a more reasonable fee or repealed altogether. There were no further updates.

## **PUBLIC WORKS**

**Civil Improvement Plans – Eureka Canyon Subdivision:** Public Works Director, Ron Damele, brought the Board up to date on progress at the Eureka Canyon Subdivision. Approximately two weeks earlier, Nevada Rural Housing Authority opened bids in Carson City for the first phase of the subdivision. On May 16<sup>th</sup>, the bid was awarded to Legacy Construction-Development, Inc., of Mesquite, Nevada, in the amount of \$3,628,574.11. A pre-construction meeting is scheduled later in the day with Public Works, NRHA, Summit Engineering, and Legacy Construction. Following this, NRHA will issue the notice to proceed.

Andrew Motter, Summit Engineering, continued with the update, reviewing exactly what work was awarded in the bid to Legacy Construction. This included full utilities and full street improvements to a portion of the subdivision, and dirt roads and utility stubs to certain lots identified for future development, as approved by the Board of Commissioners to be included in the work for Phase 1 of the project.

Mr. Damele informed the Board that the US Highway 50 approaches were currently being reviewed by Nevada Department of Transportation and their preliminary comments should be forthcoming soon. The permit has been obtained for the water line extension under Highway 50 and that work will begin on May 24<sup>th</sup>.

Boundary Line Adjustment Map for APN 001-221-20 and APN 001-221-05: This map will adjust and establish boundary lines for two parcels, segregating the multifamily portion of the subdivision in preparation for later transfer to Nevada Rural Housing Authority. Mr. Damele described several minor adjustments that were made to the map, which identified the center line of US Highway 50; identified the highway right-of-way; and added clarifying language regarding the right-of-way, the highway monument, and the legal description. Commissioner Ithurralde motioned to approve and record the boundary line adjustment map for APN 001-221-20 and APN 001-221-05 as presented; Commissioner Page seconded the motion; motion carried 3-0.

Backup Power at Diamond Valley Fire Station: A request came forward during the budget meetings for backup power to operate critical components at the Diamond Valley Fire Station. Public Works Director, Ron Damele, indicated this item could be covered in the current year's budget and he proposed installing backup power for \$3,850.00 and upgrading the existing transfer switch for \$4,500.00. Commissioner Ithurralde motioned to install backup power and a modern transfer switch at the Diamond Valley Fire Station, not to exceed \$8,500.00; Commissioner Page seconded the motion; motion carried 3-0.

Intergovernmental Agreement with Natural Resources Conservation Service: Mr. Damele explained that a cooperative agreement was approved earlier between Eureka County and Natural Resources Conservation Service (NRCS) for the snotel site at Vacarro Springs, with an up-front County contribution of \$8,939.00. NRCS misplaced the original agreement and this copy was submitted for approval and signature. Commissioner Page motioned to approve the Intergovernmental Agreement between Eureka County and NRCS for installation of the snotel site for snow survey at Vacarro Springs; Commissioner Ithurralde seconded the motion; motion carried 3-0.

## **COUNTY ENGINEER**

2011 Street Maintenance Project – Phase 1: Tom Young, Lumos & Associates, reported that Phase 1 of the 2011 Street Maintenance Project is out to bid with a bid opening scheduled on May 27<sup>th</sup> and planned bid award at the June 6<sup>th</sup> meeting. This portion of the Street Maintenance Project is for the RCB (reinforced concrete box) culverts.

2011 Street Maintenance Project – Phase 2: This portion of the Street Maintenance Project will be out to bid in about a month. It will incorporate a portion of County Road 101, patching, slurry sealing, and street reconstruction of the streets disturbed during the Main Street Water & Sewer Replacement Project in Eureka.

Main Street Water & Sewer Replacement Project: The pre-construction meeting was held on May 19<sup>th</sup> to kick-off the remaining work for the Main Street Water & Sewer Replacement Project. Sierra Nevada Construction will have a grinder in Eureka on May 24<sup>th</sup> to begin grinding and repaving Main Street, which will be finished off with a gutter to gutter micro-seal. Depending on weather, the micro-seal should be complete by mid-June. Main Street will be slurry sealed and striped in time for the July 4<sup>th</sup> activities. Several other punch-list items will be completed on the side streets and driveways.

## **YUCCA MOUNTAIN**

Contract with Latir Energy Consultants: A contract extension with John Gervers of Latir Energy Consultants was recommended so he could provide assistance on the draft report for the Blue Ribbon Commission and the Lessons Learned Project. Commissioner Ithurralde motioned to approve a 60-day contract extension with Latir Energy Consultants at \$4,000.00 per

month for the months of July and August 2011; Commissioner Page seconded the motion; motion carried 3-0.

### **AMBULANCE & EMS**

Update Report: EMS Coordinator, Mike Sullivan, reported on ambulance and emergency services. Over the past month, Eureka had 16 calls for service (45 year-to-date) and Crescent Valley had eight calls for service (23 year-to-date). Volunteer staffing levels remain the same in Crescent Valley. Eureka gained one Basic EMT who was recently certified by the State. Continuing education is scheduled in Eureka on May 23<sup>rd</sup> and in Crescent Valley on May 26<sup>th</sup>. Mr. Sullivan attended training in Tonopah on April 29<sup>th</sup>. On April 28<sup>th</sup>, Mr. Sullivan and Cathy Wolf met with the Safety Manager at the Fire Creek Mine to discuss emergency coordination during the construction phase and when underground production begins. Other activities for the department including setting up an exhibit during the Crescent Valley Firewise event and providing standby during the drag races at the Eureka Airport on May 13<sup>th</sup>.

Ambulance Bill Write-Offs: Commissioner Ithurralde motioned to approve ambulance bill write-off for patient #2006620 in the amount of \$65.00; Commissioner Page seconded the motion; motion carried 3-0.

### **SWIMMING POOL**

Update Report: Cindy Adams, Parks, Recreation & Facilities Director, reported on activities over the past month. There were a total of 480 swimmers, which included participants in lap swimming, four birthday parties, and swimmers from two church groups. Training included CPR class for the professional rescuer and pool procedures for newly hired lifeguards. Servicemen completing active service were contacted in order to be recognized by the Board of Commissioners and the local VFW Post. Ms. Adams reported on cleaning, maintenance, and landscaping completed at the ball fields, parks, fairgrounds, and County buildings, as well as preparation work for the car show and drag racing events.

Commissioner Ithurralde commented on a letter received from Eureka Boy Scouts Troop #210 commending Cindy Adams for assistance and training provided during their recent visit to the pool.

### **COUNTY FACILITIES & ECONOMIC DEVELOPMENT**

Update Report: Andrea Rossman, Cultural, Tourism, & Economic Development Director, reported that the annual car show was a huge success with 98 classic cars registered. The drag race had 38 entries and everyone was very happy with the way it was run, so it will likely become an annual event. Event winners are posted on the County website. There were an estimated 500 visitors for these weekend events. The Nevada Rock Art Foundation is in town and has events at the Eureka Opera House over the upcoming weekend. The recent Lacy J. Dalton concert sold out with 175 people in attendance. Museum Director, Ree Taylor, is currently attending a textiles and costume class in Carson City.

Appointment to Economic Development Program Board: A letter of interest was received from Sandy Green, and her appointment was recommended by the Economic Development Program Board. Commissioner Ithurralde motioned to appoint Sandy Green to the Economic Development Program Board; Commissioner Page seconded the motion; motion carried 3-0.

### **APPROVAL OF MINUTES**

April 15, 2011, Quarterly Meeting: Commissioner Ithurralde motioned to approve the minutes of the April 15, 2011, quarterly meeting in Crescent Valley with one date correction; Commissioner Page seconded the motion; motion carried 3-0.



April 19, 2011, Special Meeting: Commissioner Ithurrealde motioned to approve the minutes of the April 19, 2011, special meeting with Nevada Rural Housing Authority; Commissioner Page seconded the motion; motion carried 3-0.

### **CORRESPONDENCE**

Correspondence was received from: Eureka County Boy Scouts Troop 210; District Attorney, Ted Beutel (3); Natural Resources Manager, Jake Tibbitts; Eureka County Planning Commission; Eureka County Economic Development Program (2); Eureka County Fair Board; Crescent Valley Town Advisory Board (2); Eureka Moly; General Moly, Robert Pennington; Gust Electric; Washoe County E-Update; Nevada Rural Housing Authority (2); Nevada Dept. of Taxation; Nevada Division of Environmental Protection; Nevada Connections newsletter; Nevada Economic Report; Fit 4 Nevada; and National Assoc. of Counties.

### **NATURAL RESOURCES**

Report on Activities: Natural Resources Manager, Jake Tibbitts, attended the water hearing in Carson City on May 9<sup>th</sup> and 10<sup>th</sup>; participated in a Mt. Hope conference call on May 11<sup>th</sup>; attended the Natural Resources Advisory Commission meeting on May 11<sup>th</sup>; attended a three-day riparian grazing course/workshop at the Opera House over the past week (including a tour of Roberts Mountain) which was facilitated by a Riparian Service Team made up of representatives from various agencies.

Upcoming Meetings: Upcoming meetings include a Mt. Hope conference call on May 24<sup>th</sup>; the Mt. Hope EIS monitoring and mitigation meeting in Battle Mountain on May 25<sup>th</sup>; the Forest Service Resource Advisory Committee meeting in Eureka on May 26<sup>th</sup>; and the Crescent Valley Firewise meeting in Crescent Valley on June 2<sup>nd</sup>.

Ratify Comments on New Forest Service Planning Rule: Due to the tight deadline, Mr. Tibbitts received consensus to submit comments on the new Forest Service Planning Rule, noting that he ensured that the comments were consistent with Eureka County policy, such as those outlined in planning documents, the Master Plan, and previous comments submitted to agencies on behalf of Eureka County. Commissioner Ithurrealde motioned to ratify the comments submitted to the US Forest Service regarding the new Forest Service Planning Rule; Commissioner Page seconded the motion; motion carried 3-0.

### **NEPA COMMITTEE**

Update on Mt. Hope Project EIS: During the last Mt. Hope conference call, everyone was informed that comments were received on the Administrative Draft EIS from every cooperating agency (a total of 2,193 comments were received). Comments are still outstanding from representatives of the State BLM office. The next phase will be a 45-day public comment period, which may be extended to 60 days by the BLM. The meeting to address the 3M Plan for the EIS is scheduled for May 25<sup>th</sup> at the BLM in Battle Mountain, and will be attended by Mr. Tibbitts, two NEPA Committee members, Chairman Fiorenzi, Abby Johnson, Dale Bugenig, and Rex Massey.

### **RESOLUTIONS HONORING EUREKA COUNTY SERVICEMEN**

The Board wished to recognize servicemen from Eureka County who had completed their military service during the previous year. Damien Longley of Crescent Valley was in attendance, and also present was Robert Evans of Crescent Valley who had been recognized by the Board in 2009. The Clerk read the resolutions honoring the servicemen into the record.

Eureka, Nevada

May 20, 2011

**RESOLUTION RECOGNIZING CODY BASS,  
RETIRING SERVICEMAN AND COMMUNITY MEMBER  
OF EUREKA COUNTY, NEVADA**

WHEREAS, the Board of Eureka County Commissioners wish to honor and commend Cody Bass for services to his Country by serving in the Armed Forces of the United States of America;

WHEREAS, Cody Bass faithfully served from October 24, 2004, through June 30, 2010, in the United States Marines;

NOW THEREFORE BE IT RESOLVED the Board of Eureka County Commissioners recognize and honor Cody Bass for his loyal commitment to the United States of America. The County Clerk is hereby directed to publish this resolution in the minutes of the Eureka County Commissioners and provide a copy to Cody Bass.

ADOPTED this 20<sup>th</sup> day of May, 2011.

Board of Eureka County Commissioners  
County of Eureka, State of Nevada

By: /s/ Leonard Fiorenzi  
Leonard Fiorenzi, Chairman

By: /s/ Mike Page  
Mike Page, Vice Chairman

By: /s/ J.P. Ithurrealde  
J.P. Ithurrealde, Member

ATTEST: /s/ Jackie Berg  
Jackie Berg, Clerk of the Board

Eureka, Nevada

May 20, 2011

**RESOLUTION RECOGNIZING JAMES DELCASTILLO,  
RETIRING SERVICEMAN AND COMMUNITY MEMBER  
OF EUREKA COUNTY, NEVADA**

WHEREAS, the Board of Eureka County Commissioners wish to honor and commend James DelCastillo for services to his Country by serving in the Armed Forces of the United States of America;

WHEREAS, James DelCastillo faithfully served from February 12, 2003, through March 5, 2010, in the United States Army;

NOW THEREFORE BE IT RESOLVED the Board of Eureka County Commissioners recognize and honor James DelCastillo for his loyal commitment to the United States of America. The County Clerk is hereby directed to publish this resolution in the minutes of the Eureka County Commissioners and provide a copy to James DelCastillo.

ADOPTED this 20<sup>th</sup> day of May, 2011.

Board of Eureka County Commissioners  
County of Eureka, State of Nevada

By: /s/ Leonard Fiorenzi  
Leonard Fiorenzi, Chairman

By: /s/ Mike Page  
Mike Page, Vice Chairman

By: /s/ J.P. Ithurrealde  
J.P. Ithurrealde, Member

ATTEST: /s/ Jackie Berg  
Jackie Berg, Clerk of the Board

Eureka, Nevada

May 20, 2011

**RESOLUTION RECOGNIZING ELTON LEE HOOPER,  
RETIRING SERVICEMAN AND COMMUNITY MEMBER  
OF EUREKA COUNTY, NEVADA**

WHEREAS, the Board of Eureka County Commissioners wish to honor and commend Eldon Lee Hooper for services to his Country by serving in the Armed Forces of the United States of America;

WHEREAS, Eldon Lee Hooper faithfully served from October 8, 2002, through October 31, 2010, in the United States Army;

NOW THEREFORE BE IT RESOLVED the Board of Eureka County Commissioners recognize and honor Eldon Lee Hooper for his loyal commitment to the United States of America. The County Clerk is hereby directed to publish this resolution in the minutes of the Eureka County Commissioners and provide a copy to Eldon Lee Hooper.

ADOPTED this 20<sup>th</sup> day of May, 2011.

Board of Eureka County Commissioners  
County of Eureka, State of Nevada

By: /s/ Leonard Fiorenzi  
Leonard Fiorenzi, Chairman

By: /s/ Mike Page  
Mike Page, Vice Chairman

By: /s/ J.P. Ithurrealde  
J.P. Ithurrealde, Member

ATTEST: /s/ Jackie Berg  
Jackie Berg, Clerk of the Board

Eureka, Nevada

May 20, 2011

**RESOLUTION RECOGNIZING DAMIEN LONGLEY,  
RETIRING SERVICEMAN AND COMMUNITY MEMBER  
OF EUREKA COUNTY, NEVADA**

WHEREAS, the Board of Eureka County Commissioners wish to honor and commend Damien Longley for services to his Country by serving in the Armed Forces of the United States of America;

WHEREAS, Damien Longley faithfully served from August 5, 2002, through September 3, 2010, in the United States Marines;

NOW THEREFORE BE IT RESOLVED the Board of Eureka County Commissioners recognize and honor Damien Longley for his loyal commitment to the United States of America. The County Clerk is hereby directed to publish this resolution in the minutes of the Eureka County Commissioners and provide a copy to Damien Longley.

ADOPTED this 20<sup>th</sup> day of May, 2011.

Board of Eureka County Commissioners  
County of Eureka, State of Nevada

By: /s/ Leonard Fiorenzi  
Leonard Fiorenzi, Chairman

By: /s/ Mike Page  
Mike Page, Vice Chairman

By: /s/ J.P. Ithurrealde  
J.P. Ithurrealde, Member

ATTEST: /s/ Jackie Berg  
Jackie Berg, Clerk of the Board

Commissioner Ithurralde stated it was a privilege to recognize these servicemen and motioned to adopt the resolutions honoring James DelCastillo, Damien Longley, Cody Bass, and Eldon Lee Hooper; Commissioner Page seconded the motion; motion carried 3-0.

The resolutions will be presented to the servicemen or their families during a Memorial Day Ceremony conducted by the local VFW Post. The men will also be presented with their individual banners that have been hung on Main Street each year during their time of service. The Commissioners personally thanked and commended the young men for their service to their Country.

#### **NEVADA RURAL HOUSING AUTHORITY**

General Updates: Dave Craig, Real Estate Manager for Nevada Rural Housing, presented a written summary to update the Board on the status of the Eureka Canyon Subdivision Project. Mike Hynick, Construction Manager for the project, was also in attendance. NRHA is in the process of bidding the first phase of the multifamily portion of the project. The townhome units are being converted to all electric and receiving upgrades such as paint and air conditioning. NRHA is in the process of opening bank accounts with the local bank as requested by the Commissioners.

Draft Documents – Multifamily Phase: At this point, Jack White, JL White & Associates, was contacted by telephone to participate in the discussion. A comprehensive review began of the real property and grant/loan documents for the project, which were redrafted by the District Attorney and previously distributed to all parties. Main topics of discussion related to the Real Property Agreement for the multifamily portion included: available options should the parties reach an impasse and wish to terminate the agreement; NRHA will not be exempt from property taxes; escrow will be opened to ensure a clean transition and to obtain title insurance; a deed of trust will be issued; the County would like to see 'not to exceed' amounts included in the documents; construction beyond the original 50 townhomes must be approved by the County; density caps will be in place; an end-date for the project and/or agreements should be included; and a site map/plan or 'as built' will be required.

There was a lengthy discussion regarding the development fee. NRHA contended that the fee was due up front. The County felt the fee should be paid in increments that coincided with performance of the work and actual costs, and that a 'not to exceed' amount should be identified (currently estimated to be \$407,400.00). Mr. White noted that any changes to these documents were subject to approval by NRHA's counsel, Jones Vargas.

#### **RECESS FOR LUNCH**

The Board recessed for lunch from 12:17 p.m. to 1:10 p.m.

#### **NEVADA RURAL HOUSING AUTHORITY (continued)**

Draft Documents – Multifamily Phase: The parties moved on to a comprehensive review of the financial documents related to the multifamily phase. Topics of discussion included: financing methods and the need to provide verification with the funding requests, with the initial advance being 'seed' money and subsequent advances based on actual expenditures; change orders (subject to approval by the Commissioners) could be implemented to address unforeseen circumstances during construction and may affect the project estimates; security on the funds will be required; the County will retain security interest in the townhome units until repayment of the loan; and interest rates, including which funds would be subject to interest.

A lengthy discussion ensued regarding remedies in the event of non-performance, including judicial and non-judicial remedies. A consensus could not be reached and the parties ultimately agreed to leave the remedies as they currently appeared in the documents.

Direction Related to Draft Multifamily Documents: Chairman Fiorenzi asked that NRHA's counsel confer with Mr. Beutel regarding the changes discussed and to work out final wording, with the goal of having final documents prepared for signature at the June 6<sup>th</sup> meeting. A deadline of June 3<sup>rd</sup> was agreed upon for NRHA to return the documents to the County in preparation for this approval. Chairman Fiorenzi added that all document attachments and exhibits must be complete in order for the final documents to be considered for approval.

Draft Single Family Documents: Chairman Fiorenzi suggested that the changes to the documents for the single family portion of the subdivision will parallel the changes discussed for the multifamily documents. Rather than conducting a redundant review of documents, he suggested that the District Attorney incorporate the appropriate changes to the single family documents for distribution to all parties. The goal will be to complete the multifamily documents at the next regular meeting, with single family documents following shortly thereafter.

Extension of Interim Agreement: Commissioner Ithurralde motioned to extend the Interim Agreement between NRHA and Eureka County, which expires May 31<sup>st</sup>, to June 6<sup>th</sup> to allow for finalization of the documents related to the multifamily portion of the subdivision; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Ithurralde amended his motion to authorize the Chairman to sign the Interim Agreement outside of the meeting; Commissioner Page seconded the amended motion; motion carried 3-0.

Special Meeting: Later in the day, the Board decided to set a special meeting at 1:00 p.m. on June 3<sup>rd</sup> to review the multifamily documents after they are returned by NRHA.

### **CRESCENT VALLEY SEWER SYSTEM**

Crescent Valley Sewer System Preliminary Engineering Report: Dean Day, Day Engineering, reported on the preliminary engineering report (PER) for the Crescent Valley sewer system. There are about 515 current lots in the Town of Crescent Valley, which encompasses one square mile. There are 208 lots with water meters, of which there are 180 active water users. The State has a record of approximately 170 permitted septic tanks since 1972. The PER confirmed about 180 septic systems, with the probability of additional (unapproved) septic tanks. Nevada Division of Environmental Protection recommends a maximum of 104 septic systems for the Town of Crescent Valley (one square mile).

First priority in considering a sewer system is protection of groundwater quality. With this in mind, water samples from the existing town well were evaluated to test the level of nitrate concentration resulting from the septic tanks. The current level is a concentration of 1.11 which has been the relative concentration level for the past ten years (maximum nitrate contaminate level for drinking water is 10). Other contaminants related to septic systems are household chemicals. Another area studied in the PER was population growth versus Cortez Mine employment, and no correlation was found. The bussing program from Elko and Battle Mountain to the mine probably explains why little or no impact was found.

Three alternatives for addressing the over-saturation of septic systems were identified in the report: (1) do nothing; (2) renovate the existing systems to aerated septic systems; or (3) implement a central wastewater collection and treatment system. Mr. Day highlighted the pros and cons of each option, which involved costs, management and regulation issues. Day Engineering recommended alternative #1, which is to continue with the current systems, but to implement a groundwater monitoring program, possibly with additional wells in the area. Additionally, the County might consider a requirement of aerated septic systems for any new construction or residences in Crescent Valley.

Commissioner Page motioned to accept the Crescent Valley Sewer System Preliminary Engineering Report; Commissioner Ithurralde seconded the motion; motion carried 3-0.

### **CLERK & TREASURER**

April Treasurer's Report: Clerk & Treasurer, Jackie Berg, presented the Treasurer's Report for April, with an ending balance of \$54,959,817.31. Ms. Berg met with investment representatives from Nevada State Bank on May 18<sup>th</sup> and reviewed a preliminary investment proposal in anticipation of the large certificate of deposit with NSB that will mature on July 18<sup>th</sup>. The bank will follow up with a more formal proposal and Ms. Berg hopes to schedule an Investment Committee meeting to review that proposal.

### **PUBLIC COMMENT**

Chairman Fiorenzi called for public comments. Mike Rebaleati asked if the Commissioners would be interested in considering an HSA (health savings account) as an option for employees in the future. Chairman Fiorenzi stated to bring that information forward the next time the Health Insurance Committee reviews plans and makes recommendations to the Board.

### **ADJOURNMENT**

Commissioner Ithurralde motioned to adjourn the meeting at 3:13 p.m.; Commissioner Page seconded the motion; motion carried 3-0.

Approved this 6<sup>th</sup> day of July, 2011.

/s/ Leonard Fiorenzi

Leonard Fiorenzi, Chairman

Attest: /s/ Jackie Berg

Jackie Berg, Clerk

**NOTICE IS HEREBY GIVEN** that the Board of Eureka County Commissioners will meet pursuant to law on June 6, 2011, at 9:30 a.m. in the Commissioners' meeting room at the County Courthouse located at 10 South Main Street, Eureka, Nevada.

**AGENDA**

**9:30 - CALL TO ORDER**

1. Approval of the agenda notice with addition of any emergency item and/or deletion of any item. (Action)  
*Unless otherwise stated, items may be taken out of the order presented on the agenda, at the discretion of the Chair.*
2. Pledge of allegiance.

**9:35 - PUBLIC COMMENT and DISCUSSION**

1. Public comment and discussion. (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 shall be limited to (3) minutes per person, and public comment will only be received during the two times specified on the agenda, unless otherwise noted.*
2. Consider items requiring action to be placed on the agenda for the next regular meeting. (Action) *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.*

**9:45 - FINANCE – Mike Rebaleati, County Recorder/Auditor**

1. Payment of expenditures. *NOTE: Expenditures received after action has been taken under this 'Finance' section may be presented and acted upon throughout the day.* (Action)
2. Review Auditor's Report. (Discussion)
3. Discuss, approve, or deny Fiscal Year 2011 budget transfers and augmentations. (Action)

**10:00 - EUREKA FAMILY DENTISTRY – Dr. Steven Hooper, DDS**

1. Update regarding dental services in Eureka, including report on recruitment of replacement dentist upon Dr. Hooper's retirement. (Discussion)
2. Discuss, approve, or deny authorizing continued use of space in the D&T Center (Eureka Medical Clinic building) for provision of dental services in Eureka, including transferring this authorization to the replacement dentist. (Action)

**10:10 - CONTRACT RENEWALS**

1. Review scope of work and discuss, approve, or deny renewing contract with Abigail Johnson, EIS Coordinator, for the Mt. Hope Project EIS. (Action)
2. Discuss, approve, or deny signing contract with Nevada Health Centers, Inc., for Fiscal Year 2011-2012. (Action)
3. Discuss, approve, or deny entering into a Business Associate Agreement with Nevada Health Centers, Inc. (Action)

**10:20 - COMMISSIONERS**

1. Commissioner update reports. (Discussion)
2. Discuss, approve, or deny continued monitoring and/or other action related to the Paul Street retaining wall. (Action)
3. Discuss, approve, or deny sending a letter to Union Pacific concerning the railroad crossing in Beowawe. (Action)
4. General updates, discussion, and possible action regarding the Mt. Hope Mine Project, including but not limited to impacts, housing, the EIS and NEPA process. (Action)

**10:30 - ROAD DEPARTMENT – Raymond Hodson, Road Superintendent**

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

**10:35 - PUBLIC WORKS – Ron Damele, Director**

1. Update report on Public Works projects. (Discussion)
2. Discuss, approve, or deny awarding the Ground Based Mosquito Abatement Contract to the most responsive and responsible bidder. (Action)
3. Review quotes and discuss, approve, or deny purchasing a paper/cardboard baler, not to exceed \$18,000.00. (Action)
4. Discuss, approve, or deny awarding the 2011 Street Maintenance Project – Phase 1 to the lowest responsive and responsible bidder, Sierra Nevada Construction, in the amount of \$1,688,007.00. (Action)
5. Discuss, approve, or deny accepting the FAA "Through the Fence" terms and conditions for the Eureka Airport, and all matters properly relating thereto. (Action)
6. Discuss, approve, or deny an amendment to the contract with Ganthner Melby, LLC, for the Energy Efficiency Grant to include energy upgrades to the Eureka Ambulance Bay. (Action)

**10:50 - COUNTY ENGINEER** - Tom Young, Lumos & Associates

1. Report on 2011 Street Maintenance Project – Phase 1 – Culverts. (Discussion)
2. Report on 2011 Street Maintenance Project – Phase 2 – Street Rehabilitation. (Discussion)
3. Report on the Main Street Water & Sewer Project. (Discussion)

**11:00 - NEVADA RURAL HOUSING AUTHORITY (NRHA)** – David Craig and Jack White

1. General updates and discussion regarding efforts with NRHA to develop the Eureka Canyon Subdivision. (Discussion)
2. Update on site plans and vertical bid documents for the multifamily portion of the development. (Discussion)
3. If needed, provide direction or take action on any or all items related to development of the Eureka Canyon Subdivision, including but not limited to: documents, financing, timelines, and development of the project. (Action)

**11:10 - SENIOR CENTERS** - Millie Oram and Adell Panning, Site Directors

1. Update report on activities at the Eureka Senior Center and the Fannie Komp Senior Center. (Discussion)
2. Discuss, approve, or deny grant applications to the Nevada Aging & Disability Services Division for the following nutrition services grants: (a) #07-000-07-13-11, Congregate Meals Grant in the amount of \$25,400.00; and (b) #07-000-04-24-11, Home-Delivered Meals Grant in the amount of \$26,000.00. (Action)

**11:20 - NATURAL RESOURCES** – Jake Tibbitts, Natural Resources Manager

1. Report on activities, upcoming meetings, and natural resource issues affecting Eureka County. (Discussion)
2. Discuss, approve, or deny sending letters regarding various natural resources related legislation and issues potentially affecting Eureka County. (Action)

**11:30 - NEPA COMMITTEE** – Jake Tibbitts, Natural Resources Manager

1. Update on status of Mt. Hope Project EIS and if needed, provide direction or take action on any or all related items. (Action)
2. Discuss meeting with BLM held on May 25<sup>th</sup> regarding Mt. Hope Project EIS water monitoring and mitigation, and consider decision and strategy moving forward on the EIS water monitoring and mitigation. (Action)

**11:40 - GENESIS HOME HEALTH** – Querubin Iguban, MD, MBA; Paula Price, RN, COO of Nursing; & Charity O'Neil, Supv. RN

1. Review letter outlining services provided in Eureka County and requesting financial assistance. (Discussion)
2. Discuss, approve, or deny the cost-share proposal from Genesis for financial assistance from Eureka County. (Action)

**11:50 - EUREKA COUNTY SHERIFF** – Ken Jones, Sheriff

1. Discuss, approve, or deny adopting a Proclamation designating Tuesday, August 2, 2011, as "National Night Out" in Eureka County. (Action)
2. Review letter of public commendation recognizing personnel/volunteers from Eureka County Emergency Medical Services and Eureka Volunteer Fire Department for efforts above and beyond the call of duty. (Discussion)

**Noon - RECESS FOR LUNCH**

**1:00 - LOCAL EMERGENCY PLANNING COMMITTEE** – Lisa Hoehne, LEPC Secretary

1. Discuss, approve, or deny appointing additional alternate members to LEPC, as follows: Chelsea Carson representing Ruby Hill Mine; Keith Logan representing Sheriff's Office; Patrick Cantrell representing Sheriff's Office; and Dan Green representing Mining. (Action)

**1:05 - EUREKA COUNTY SAFETY COMMITTEE** – Lisa Hoehne, LEPC Secretary

1. Discuss, approve, or deny appointing Andrea Rossman and Randy Stucki to the Safety Committee. (Action)

**1:10 - EUREKA COUNTY FAIR BOARD** – Cindy Gallagher, Vice Chair *(via letter)*

1. Discuss, approve, or deny appointing Leslie Kay Hollaway-McCuin to the Eureka County Fair Board per recommendation from Fair Board. (Action)

**1:15 - EUREKA MEDICAL CLINIC** – Duane "Duke" Gibson, Physician Assistant

1. Update on Eureka Medical Clinic. (Discussion)



**1:20 - LEGISLATIVE ISSUES**

1. Discussion and possible action on legislative issues affecting Eureka County, including proposed legislation of the 2011 Nevada Legislature and all matters properly relating thereto. **(Action)**

**1:30 - APPROVAL OF MINUTES**

1. Approval of minutes from the April 20, 2011, Commissioner Meeting. **(Action)**
2. Approval of minutes from the April 27, 2011, Budget Meeting. **(Action)**

**1:35 - CORRESPONDENCE**

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

**1:40 - PUBLIC COMMENT and DISCUSSION**

1. Public comment and discussion. (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 shall be limited to (3) minutes per person, and public comment will only be received during the two times specified on the agenda, unless otherwise noted.*
2. Consider items requiring action to be placed on the agenda for the next regular meeting. **(Action)** *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.*

**1:50 - ADJOURNMENT**

1. Motion to adjourn. **(Action)**

If times are approximate. Items may be taken out of order, at the discretion of the Chair. (Action) means the Board may take action upon an item, out is not required to. Posted in Eureka at: Courthouse, Admin. Facility, Clerk's Office, Public Bulletin Board, and US Post Office. **NOTICE TO PERSONS WITH DISABILITIES:** If you require special assistance, please notify the Clerk's Office prior to the meeting at 775-237-5262.

## EUREKA COUNTY BOARD OF COMMISSIONERS

June 6, 2011

STATE OF NEVADA )

COUNTY OF EUREKA )

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### CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on June 6, 2011. Present were Chairman Leonard Fiorenzi, Vice Chair Mike Page, Member Jim Ithurralde, District Attorney Theodore Beutel, and Clerk & Treasurer Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance. The interactive video conference system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

### APPROVAL OF AGENDA

Item #3 under Public Works and item #2 under minutes were deleted from the agenda. With those changes, Commissioner Page motioned to approve the agenda; Commissioner Ithurralde seconded the motion; motion carried 3-0.

### PUBLIC COMMENT

Chairman Fiorenzi called for public comments. Zach Spencer, External Communications Manager for General Moly, introduced the new General Manager for the Mt. Hope Project, Mike Iannacchione. Mr. Iannacchione grew up in Ely, graduated from UNR Mackay School of Mines, and has recently worked on mining ventures in Nevada and Montana. He previously worked and lived in Eureka from 1991 to 1994. Mr. Spencer commented that the Town Hall meetings held by Eureka Moly on June 2<sup>nd</sup> were quite successful and he invited the Commissioners to visit their booth at the upcoming Mining Expo in Elko on June 9<sup>th</sup>-10<sup>th</sup>.

### FINANCE

Payment of Expenditures: Expenditures were presented for approval by Recorder & Auditor, Mike Rebaleati. Commissioner Ithurralde motioned to approve expenditures in the amount of \$2,288,627.96, which included \$914,238.87 for accounts payable, \$362,984.09 for payroll, and funding transfers to Nevada Rural Housing Authority in the amount of \$1,011,405.00; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Page motioned to approve Yucca Mountain expenditures in the amount of \$11,321.46; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Auditor's Report: The Auditor's Report was presented for review. Mr. Rebaleati stated the final Fiscal Year 2011 budget transfers and augmentations are being advertised and will be on the next regular agenda for action.

### EUREKA FAMILY DENTISTRY

Update on Dental Services in Eureka: Dr. Steven Hooper, DDS, informed the Board that he is planning on retiring, but did not want to leave Eureka without dental services. He introduced Shannon Sena, DDS, who wishes to purchase Eureka Family Dentistry and continue providing dental services on a part-time basis. Dr. Sena currently works in Reno, but he and his wife are from Ely so they are very familiar with this area.

D&T Center (Eureka Clinic): Dr. Hooper requested that the Board transfer authorization to continue utilizing space at the clinic building to Dr. Sena. Dr. Sena added that his lender would require something in writing showing he had approval to use the building. District Attorney, Ted Beutel, recommended that the County draft a written agreement rather than providing approval in the form of a motion only. After further discussion, the Board decided to consider a formal agreement at the next regular meeting. Commissioner Ithurralde motioned to

table action to the next regular meeting until the District Attorney could draft an agreement between Eureka County and Eureka Family Dentistry for use of the area in the clinic building designated for dental services; Commissioner Page seconded the motion; motion carried 3-0.

Letter from Maurice Vargas, DDS: A letter arrived via email just before the meeting from a dentist in Las Vegas who was interested in opening a dental practice in Eureka, stating, "I would like to throw my hat in the ring as a replacement for Dr. Hooper." The Board commented on the letter stating they had no authority regarding who replaced Dr. Hooper, since it was a private business with privately owned equipment and supplies. The County only has authority over the clinic building.

### **CONTRACT RENEWALS**

Abigail Johnson, EIS Coordinator: The Board reviewed the scope of work provided by Ms. Johnson for renewal of her contract as EIS Coordinator for the Mt. Hope Project EIS. Commissioner Ithurralde motioned to renew the EIS Coordinator contract with Abigail Johnson from July 1, 2011, through June 30, 2013, not to exceed \$71,000.00; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Ithurralde amended his motion to provide authorization for the Chairman to sign the contract outside of the meeting; Commissioner Page seconded the motion as amended; motion carried 3-0.

Nevada Health Centers, Inc., Contract: District Attorney, Ted Beutel, noted that the final contract for Fiscal Year 2011-2012 was forwarded to Nevada Health Centers on May 23<sup>rd</sup> to be signed and returned for Commission approval at the June 6<sup>th</sup> meeting, but had not been returned. Mr. Beutel reminded the Board that NVHC is typically very late in signing the contract and returning it to Eureka County. Commissioner Page motioned to table approval of the contract until it was signed and returned by Nevada Health Centers, and that no payments for Fiscal Year 2011-2012 (beginning July 1, 2011) be made until a signed contract is in place; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Business Associate Agreement: Nevada Health Centers forwarded a Business Associate Agreement to the County which addresses protection of private health information. Mr. Beutel explained that the County does not have any access to, or responsibility for, the medical records of the Eureka Medical Clinic, the Crescent Valley Medical Clinic, or of Nevada Health Centers, Inc., and therefore has no need to enter into any such agreement. Commissioner Ithurralde motioned to deny entering into a Business Associate Agreement with Nevada Health Centers, Inc.; Commissioner Page seconded the motion; motion carried 3-0.

### **COMMISSIONERS**

Update Reports: Commissioner Page traveled to Carson City on May 25<sup>th</sup> to meet with Matt Hanson and Rich Hamilton regarding economic development issues; attended the Eureka Moly Town Hall Meeting on June 2<sup>nd</sup>; obtained information on Genesis Home Health, and has been talking with Crescent Valley residents regarding cattle guard and railroad crossing issues. Commissioner Ithurralde participated in a NACO teleconference on May 24<sup>th</sup>; attended the Barrick Ruby Hill Community Advisory Committee meeting; attended the Eureka Moly Town Hall Meeting, and conducted a department head evaluation on May 21<sup>st</sup>.

Paul Street Retaining Wall: Tom Young, Lumos & Associates, provided an update on the Paul Street retaining wall. Monitoring points were installed in April 2010 and field surveys were conducted in May 2010, October 2010, and April 2011. The wall shows no movement. Another survey will be done in July 2010.

Claire Morrow, who resides near the wall, passed around several pictures of the retaining wall and voiced her concerns that it was failing. Mr. Young agreed that the wall was deteriorating even though the monitoring points had not moved. He reminded the Board that his contract covers surveying the wall every six months. The Board agreed that the Paul Street

retaining wall should be added to the five-year capital improvement list and monitoring will continue. Commissioner Ithurralde motioned that the wall continue to be monitored pursuant to the current contract with Lumos & Associates; Commissioner Page seconded the motion; motion carried 3-0.

Railroad Crossing in Beowawe: Commissioner Page spoke with Ron Damele regarding the rough railroad crossing in Beowawe. Mr. Damele looked into it and found that the crossing is the responsibility of Union Pacific and is scheduled to be redone this summer. Commissioner Page motioned that a letter be sent to Union Pacific to make them aware of the concerns over the rough crossing; Commissioner Ithurralde seconded the motion; motion carried 3-0.

## **ROAD DEPARTMENT**

Update Report: Road Superintendent, Raymond Hodson, reported on Road Department activities over the past month. The weather didn't cooperate with May Clean-Up, although it did get busy the last couple days of the month for both the north and south crews. Blading was done throughout the County following the rains. In addition to blading, the Crescent Valley streets were swept and rolled. There were some flooding issues near Maggie Creek, but the crew was able to take care of it before it got out of hand. The High School Rodeo was postponed from Memorial Day weekend to the following weekend.

## **PUBLIC WORKS**

Public Works Projects: Public Works Director, Ron Damele, provided an update on various projects. The Crescent Valley well is complete. The Crescent Valley Arsenic Treatment Plant Project is anticipated to start on June 13<sup>th</sup>. The schematic design is complete for the Beowawe Road Shop. The roof on the Beowawe Library has been installed. Preliminary work has begun for setting the generator at the Courthouse. The water tank for the Devil's Gate Intertie Project has been painted. Work is being done on the sewer extension from the Eureka Canyon Subdivision to the wastewater treatment facility. Water has been extended under US Hwy. 50 in preparation for service to the subdivision site. The radio upgrade is on hold due to weather and in order to complete some coverage analysis. The US Hwy. 50 approaches to the subdivision will go to bid as soon as the NDOT permit is approved.

Ground Based Mosquito Abatement Contract: Proposals were solicited for ground based mosquito abatement and Mr. Damele explained that one response was received from Seven Valleys, LLC. Commissioner Page motioned to award the Mosquito Abatement Contract to Seven Valleys, LLC, at a rate of \$34.00 an hour with mileage paid at the County rate; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Bid Award – 2011 Street Maintenance Project, Phase 1: County Engineer, Tom Young, explained that the 2011 Street Maintenance Project was divided into two phases. Phase I is the reinforced box culverts. Bids for Phase 1 were opened on May 27<sup>th</sup>, with a total of four bids received as follows: Sierra Nevada Construction, Inc., in the amount of \$1,688,007.00; Legacy Construction & Development, Inc., in the amount of \$1,884,636.00; A&K Earth Movers, Inc., in the amount of \$1,907,938.00; and Q&D Construction, Inc., in the amount of \$2,069,270.00.

Mr. Young explained that there were a couple of issues that had to be evaluated using Nevada Revised Statutes and the bid instructions. Legacy Construction did not initially submit preferred bidder status but provided the certificate later, and this was determined to be acceptable under NRS. Sierra Nevada Construction made a mathematical error, listing an item at \$5,000.00 per linear foot which they intended to list at \$1,000.00 per linear foot. Applying bid instructions, the \$5,000.00 amount was counted, which caused Sierra Nevada Construction to be high bidder (at around \$2.4 million), rather than the apparent low bidder.

Based on these results, two options could be recommended. One, due to the time constraints and in order to maintain the outlined schedule, the bid could be awarded to Legacy

Construction, the low bidder according to applicable bid guidelines. Two, pursuant to the County's right, all bids could be rejected and the project could be rebid on a compressed time schedule. Mr. Damele added that the intended bid of Sierra Nevada Construction was approximately \$196,000.00 lower than all other bids, so based on cost savings alone he felt it was most beneficial to the County to rebid the project.

Chairman Fiorenzi invited comments from the audience, which included representatives from some of the bidding companies. Kevin Roberts of Sierra Nevada Construction explained the mistake on the unit price, noting that the total bid amount was correct, and adding that he felt rebidding with a compressed time schedule would have no ill effects on the project.

Following further discussion and under advisement of the District Attorney, Commissioner Ithurralde motioned to award the bid for Phase 1 of the 2011 Street Maintenance Project to Legacy Construction & Development, Inc., in the amount of \$1,884,636.00; Commissioner Page seconded the motion; motion carried 3-0.

FAA "Through the Fence" Terms & Conditions: Mr. Young explained that many airports lease ground to tenants to build hangars and then incorporate a "through the fence" policy by installing folding fences or automatic gates to allow access by those tenants. This raises security and other concerns with the Federal Aviation Administration, so in order to remain fully eligible for their grants, they require airports to disclose whether they have this policy. Eureka County must certify that they do not currently have a "through the fence" policy and have no plans to incorporate such a policy. Commissioner Ithurralde motioned to accept the FAA terms and conditions related to "through the fence" policies on behalf of the Eureka Airport; Commissioner Page seconded the motion; motion carried 3-0.

Energy Efficiency Grant Contract Amendment: Eureka County was awarded a grant for energy efficiency upgrades and Ganthner Melby, LLC, was contracted to do this work at the Eureka Road Shop. The Road Shop is finished and approximately \$87,000.00 remains in the grant, so Public Works recommends utilizing this to install energy upgrades at the Eureka Ambulance Bay. This will require an amendment to the current agreement with the contractor. Commissioner Ithurralde motioned to approve the energy upgrades to the Eureka Ambulance Bay and to amend the contract with Ganthner Melby, LLC, to complete this work for an approximate cost of \$87,000.00; Commissioner Page seconded the motion; motion carried 3-0.

## **COUNTY ENGINEER**

2011 Street Maintenance Project, Phase 1: Tom Young, Lumos & Associates, stated that the notice of award for Phase 1 of the Street Maintenance Project would be issued later that day and contracts will be prepared for signature.

2011 Street Maintenance Project, Phase 2: Phase 2 of the project will include reconstruction of a portion of County Road 101, slurry sealing, striping, patching, raising of manholes, and reconstruction of town streets in Eureka that were disturbed during the large water and sewer project. Advertising will begin shortly with a planned bid opening on July 6<sup>th</sup>.

Main Street Water & Sewer Project: New paving on Main Street in Eureka was completed the previous week and will be micro-sealed on June 10<sup>th</sup> and 11<sup>th</sup>. Notices were issued to downtown businesses and adjacent residences. Striping and punch list items will begin the following week and be completed in advance of the 4<sup>th</sup> of July activities.

## **SENIOR CENTERS**

Update Report: Senior Center Site Directors, Millie Oram and Adell Panning, reported on their respective centers. During the month of May, the Eureka Senior Center served 976 meals and the Fannie Komp Senior Center served 771 meals. A total of \$12,186.40 was deposited for the month.

Grant Applications: Commissioner Ithurralde motioned to approve grant application to the Nevada Aging & Disability Services Division for Congregate Meals Grant #07-000-07-13-11 in the amount of \$25,400.00, and Home-Delivered Meals Grant #07-000-04-24-11 in the amount of \$26,000.00; Commissioner Page seconded the motion; motion carried 3-0.

### **NEVADA RURAL HOUSING AUTHORITY**

Update on Eureka Canyon Subdivision: Dave Craig, Real Estate Manager for NRHA, and Jack White, JL White & Associates (who joined the meeting by telephone), informed the Commissioners that the NRHA Board was scheduled to meet on June 9<sup>th</sup> to review the documents and the changes requested by the Commissioners at the special meeting on June 3<sup>rd</sup>. Mr. Craig and Mr. White asked for clarification from District Attorney, Ted Beutel, regarding which remedy (judicial versus non-judicial) the County supports. Mr. Beutel replied that he was still waiting for the response from the NRHA Board and felt, pending that, the discussion should cover the issues on the agenda.

Conversation turned to the development fee. Mr. White explained that the development fee is earned up front but paid out on a percentage basis as the work occurs. He felt this paralleled what the County wanted, and suggested that contract language could be amended to clarify this.

Further discussion on remedies revealed that the County had left the judicial option in the multifamily documents, but might like the single-family documents to include non-judicial remedies. Chairman Fiorenzi clarified that the only changes requested during the June 3<sup>rd</sup> meeting were *inclusion of a date for removal of the dog pound and a timeframe regarding when the 'as builts' will be provided to Eureka County*. He added that there was a long discussion regarding remedies, but a final decision was pending receipt and review of the proposals which Mr. Craig was asked to obtain from the NRHA Board.

Mr. White requested redline documents from the District Attorney noting the County's requested changes. Chairman Fiorenzi stated it was clear at the June 3<sup>rd</sup> meeting that redline documents were not needed from the County. He asked Mr. White to write down that the *"dog pound will be moved whenever the County wants to move it"* and *"the 'as builts' will be received in six months."* These were the only changes, since the decision regarding remedies is pending a response from NRHA.

Update on Site Plans for Multifamily Portion: Mr. Craig stated that horizontal site plans were provided to Public Works for review. Mike Hynick, Construction Manager for NRHA, informed that the horizontal bid documents were ready for advertisement, with a scheduled bid opening date of June 14<sup>th</sup>. Notice to proceed should be issued around July 1<sup>st</sup>. He provided a copy of the site timeline for the multifamily portion of the project. They are working with Mt. Wheeler to provide electrical service to the site. This will require a permit from the BLM. Unfortunately this will be delayed approximately 30 days due to the BLM designating it as a new project instead of a maintenance project.

Interim Agreement: Mr. Craig noted that the Interim Agreement had a 15-day termination clause, and with that would probably not need to be renewed. Chairman Fiorenzi recommended that the agreement be extended to the end of June and that if final documents were not executed by then, Eureka County would have to seriously consider its next step. Commissioner Ithurralde motioned to extend the Interim Agreement to June 30<sup>th</sup>, with final documents due by that date; Commissioner Page seconded the motion; motion carried 3-0.

### **NATURAL RESOURCES**

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities. He participated in the Mt. Hope conference call on May 24<sup>th</sup>; attended a meeting at the Battle Mountain BLM on May 25<sup>th</sup> regarding the Mt. Hope EIS; attended the Forest Service

Resource Advisory Committee meeting in Eureka on May 26<sup>th</sup>; had a Eureka Firewise meeting on May 31<sup>st</sup>, a Crescent Valley Firewise meeting on June 2<sup>nd</sup>; and attended the NEPA Committee meeting on June 3<sup>rd</sup>.

Upcoming Meetings: Upcoming meetings include a Mt. Hope conference call on June 7<sup>th</sup>; a work session with General Moly representatives on the 2M Plan (water monitoring and mitigation) also on June 7<sup>th</sup>; a Natural Resources Advisory Commission meeting on June 8<sup>th</sup>; a Forest Service Resource Advisory Committee meeting in Eureka on June 9<sup>th</sup>; a Wildlife Advisory Board meeting on June 9<sup>th</sup>; a Central Nevada Regional Water Authority meeting on June 10<sup>th</sup>; a Socioeconomic Workshop on June 14<sup>th</sup>; and a BLM Resource Advisory Council meeting on June 15<sup>th</sup>-16<sup>th</sup>.

Natural Resources Issues: Mr. Tibbitts distributed an update on current legislation proposed on the federal level regarding grazing, wilderness and roadless areas, water quality, etc. The Natural Resources Advisory Commission will discuss these legislative issues at their meeting on June 8<sup>th</sup> and Mr. Tibbitts will bring their recommendations forward at the next Commission meeting.

### **NEPA COMMITTEE**

Update on Mt. Hope Project EIS: Mr. Tibbitts reported that the second review of the administrative draft EIS on the Mt. Hope Project was just completed with the BLM received over 2,000 comments.

EIS Water Monitoring & Mitigation: At the meeting with the BLM on May 25<sup>th</sup>, the BLM identified the direction they were taking regarding water monitoring and mitigation in the Mt. Hope Project EIS and asked the County to respond whether they agree and wish to participate. The NEPA Committee considered this in length at their last meeting and ultimately recommended that the County accede to the BLM's direction and submit a response letter which Mr. Tibbitts had prepared. Commissioner Ithurralde motioned to send the letter to the BLM outlining the County's decision to participate and strategy moving forward related to the Mt. Hope Project EIS water monitoring and mitigation; Commissioner Page seconded the motion; motion carried 3-0.

### **RECESS FOR LUNCH**

The Board recessed for lunch from 12:00 noon to 1:00 p.m.

### **GENESIS HOME HEALTH**

Outline of Services: Representatives from Genesis Home Health were in attendance and included Querubin Iguban, MD, MBA; Paula Price, RN, COO of Nursing; and Charity O'Neil, Supervisor RN. Dr. Iguban provided a written letter outlining services provided in Eureka County from January 2009 through May 2011, which included 868 skilled nursing visits, 194 physical therapy visits, 146 occupational therapy visits, and 274 certified nursing assistant visits.

Request for Financial Assistance: Dr. Querubin noted that they serve patients in the Crescent Valley area and have never billed for mileage, and occasionally provide services to a patient with no medical insurance and who does not qualify for Medicaid or Medicare. These are the instances where they are seeking financial assistance from Eureka County. He proposed that Genesis Home Health submit a statement of services on a quarterly basis for the Commissioners to decide an appropriate funding amount for that quarter. Chairman Fiorenzi asked if Genesis accessed indigent funds for any of their patients and they indicated they did not. The Board informed them that application can be made with the Directors of the Senior Centers in Crescent Valley and Eureka for assistance from the County indigent fund. More information on how the fund works can be obtained from County Recorder & Auditor, Mike Rebaleati. Commissioner Page motioned to deny the request from Genesis Home Health for

financial assistance, recommending that they look into the indigent assistance available; Commissioner Ithurralde seconded the motion; motion carried 3-0.

### **EUREKA COUNTY SHERIFF**

**Proclamation for "National Night Out":** Sheriff Ken Jones explained that communities across the nation are being asked to participate in the National Night Out to promote cooperative crime prevention efforts with the local law enforcement agencies and to proclaim August 2<sup>nd</sup> as the official date for this event. Commissioner Ithurralde motioned to adopt the Proclamation designating Tuesday, August 2, 2011, as "National Night Out" in Eureka County; Commissioner Page seconded the motion; motion carried 3-0.

**Letter of Commendation:** Sheriff Jones relayed circumstances of a recent emergency call and submitted the following letter of commendation to the Board of Commissioners in recognition of the outstanding service exhibited by volunteers and staff.

<b>EUREKA COUNTY SHERIFF'S OFFICE</b> PO Box 736 / Eureka, Nevada 89316 Phone 775-237-5330 / Fax 775-237-5704	
<b>Kenneth E. Jones</b> Sheriff/Coroner	
Board of Eureka County Commissioners Mr. Leonard Fiorenzi, Chairman Post Office Box 677 Eureka, Nevada 89316	May 20, 2011
Mr. Chairman and Fellow Commissioners,	
On May 7, 2011, the Eureka County Sheriff's Office responded to a motor vehicle accident on US Highway 50 near mile marker 14. Personnel from the Eureka County Emergency Medical Services and members of the Eureka Volunteer Fire also responded to help with an overturned tractor trailer pulling a second trailer that was transporting a full payload of sheep in transit.	
I would like to acknowledge the outstanding professional efforts of a number of our volunteers who worked tirelessly, not only to secure the safety of all personnel on scene but their efforts to remove and secure the remaining live animals were above and beyond their normal duties.	
The knowledge and technical skill set demonstrated prevented the loss of additional livestock. Without hesitation to act, Chief Dan Brown and Firefighters Andy Stone, Mike Taylor and Richard Taylor along with volunteer Intermediate Emergency Medical Technicians Earl Overholser and Linda Dempsey with the help of Deputy Chris Staggs have provided yet another shining example of what makes this the outstanding community that it is. Our staff and I remain proud to work with professional emergency services that are second to none.	
Please accept this letter as a public commendation of their efforts and completion of a job well done.	
Respectfully,	
<u>/s/ Kenneth E. Jones</u> Kenneth E. Jones, Sheriff	
cc: Chief Dan Brown, EVF Director Mike Sullivan, EMS	



## **APPROVAL OF MINUTES**

April 20, 2011, Minutes: Commissioner Page motioned to approve the minutes of the April 20, 2011, Commissioner meeting; Commissioner Ithurralde seconded the motion; motion carried 3-0.

## **CORRESPONDENCE**

Correspondence was received from: District Attorney, Ted Beutel (3); Sheriff Ken Jones; Recorder & Auditor, Mike Rebaleati; Deputy Recorder, Tina Hubbard (4); Public Works, Ron Damele; Eureka Nuclear Waste newsletter; Eureka County Planning Commission; Eureka County Economic Development Program; Eureka County Fair Board; Cooperative Extension, Gary McCuin; Eureka Conservation District; Notice – Eureka High School Rodeo postponed; Crescent Valley Town Advisory Board (2); Lumos & Associates, Tom Young (3); Seven Valleys, LLC; Nevada Health Centers, Inc.; Ganthner Melby, LLC; Sierra Nevada Construction, Inc.; Genesis Home Health Services; Nevada Aging & Disability Services Division; Central Nevada Regional Water Authority; Great Basin Resource Watch; Nevada Assoc. of Counties; Nevada Dept. of Taxation (2); Nevada Dept. of Motor Vehicles; Nevada Div. of Environmental Protection; Nevada Dept. of Transportation; NDOT Centerline newsletter; Economy in Brief newsletter; Western Counties Alliance, Ken Brown (2); National Assoc. of Counties; Federal Aviation Administration; US Dept. of the Interior-BLM (2); BLM Groundwater Projects newsletter; National Telecommunications & Information Administration; US Dept. of the Navy; and US Census Bureau.

## **LEGISLATIVE ISSUES**

Cooperative Extension: Extension Educator, Gary McCuin, provided an update on budget issues being considered by the Nevada Legislature in relation to the University's Cooperative Extension program. He encouraged the County to continue making their support of Cooperative Extension known to the University Board of Regents and the Nevada Legislators.

## **LOCAL EMERGENCY PLANNING COMMITTEE**

Committee Appointments: LEPC Secretary, Lisa Hoehne, submitted several names that the Committee recommends as alternate members: Chelsea Carson of Ruby Hill Mine, Keith Logan representing the Sheriff's Office, Patrick Cantrell representing the Sheriff's Office, and Dan Green representing mining. Commissioner Page motioned to appoint the alternates as listed to the Local Emergency Planning Committee; Commissioner Ithurralde seconded the motion; motion carried 3-0.

## **EUREKA COUNTY SAFETY COMMITTEE**

Appointments to Safety Committee: Lisa Hoehne, Secretary to the Safety Committee, explained that due to Wally Cuchine's retirement, his seat should be filled by his successor, Andrea Rossman, and that Randy Stucki has volunteered to fill the vacant seat representing the Road Department. Commissioner Ithurralde motioned to approve appointing Andrea Rossman and Randy Stucki to the Safety Committee; Commissioner Page seconded the motion; motion carried 3-0.

## **EUREKA COUNTY FAIR BOARD**

Appointment to Fair Board: A letter was received from the Fair Board recommending appointment of Leslie Kay Holloway-McCuin. Commissioner Ithurralde motioned to appoint Leslie Kay Holloway-McCuin to the Eureka County Fair Board; Commissioner Page seconded the motion; motion carried 3-0.

## **PUBLIC COMMENT**

Chairman Fiorenzi called for public comment. Recorder & Auditor, Mike Rebaleati stated that each year the County commissions the outside auditors to conduct up to two special audits.

He initially felt no special audits were required for Fiscal Year 2011, but now would like to recommend an audit of the contracts and funding related to Nevada Rural Housing Authority for the Eureka Canyon Subdivision Project. The Board concurred that this was a suitable audit.

**ADJOURNMENT**

Commissioner Page motioned to adjourn the meeting at 1:30 p.m.; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Approved this 20<sup>th</sup> day of July, 2011.

/s/ Leonard Fiorenzi

Leonard Fiorenzi, Chairman

Attest: /s/ Jackie Berg  
Jackie Berg, Clerk

**NOTICE IS HEREBY GIVEN** that the Board of Eureka County Commissioners will meet pursuant to law on **June 20, 2011, at 9:30 a.m.** in the Commissioners' meeting room at the County Courthouse located at 10 South Main Street, Eureka, Nevada.

**AGENDA**

**9:30 - CALL TO ORDER**

1. Approval of the agenda notice with addition of any emergency item and/or deletion of any item. **(Action)**  
*Unless otherwise stated, items may be taken out of the order presented on the agenda, at the discretion of the Chair.*
2. Pledge of allegiance.

**9:35 - PUBLIC COMMENT and DISCUSSION**

1. Public comment and discussion. (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 shall be limited to (3) minutes per person, and public comment will only be received during the two times specified on the agenda, unless otherwise noted.*
2. Consider items requiring action to be placed on the agenda for the next regular meeting. **(Action)** *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.*

**9:40 - COMMISSIONERS**

1. Commissioner update reports. (Discussion)
2. Discussion regarding use of space at the D&T Center (Eureka Clinic) by the dentist and physical therapist. (Discussion)
3. Review and adopt a resolution authorizing the private use of the D&T Center (Eureka Clinic) for health related services by third parties not affiliated with Nevada Health Centers. **(Action)**
4. Discuss, approve, or deny signing contract with Nevada Health Centers, Inc., for Fiscal Year 2011-2012. **(Action)**
5. General updates, discussion, and possible action regarding the Mt. Hope mine project, including but not limited to impacts, housing, the EIS and NEPA process. **(Action)**

**9:50 - EUREKA FAMILY DENTISTRY – Dr. Steven Hooper, DDS**

1. Discuss, approve, or deny signing an agreement with Eureka Family Dentistry for continued use of space at the D&T Center (Eureka Clinic) for provision of dental services. **(Action)**

**9:55 - FINANCE – Mike Rebaleati, County Recorder/Auditor**

1. Payment of expenditures. *NOTE: Expenditures received after action has been taken under this 'Finance' section may be presented and acted upon throughout the day.* **(Action)**
2. Review Auditor's Report. (Discussion)

**10:00 - BUDGET AUGMENTATIONS & TRANSFERS FOR FY 2010-2011 – Mike Rebaleati, County Recorder/Auditor**

1. Discuss, approve, or deny budget transfers for Fiscal Year 2010-2011. **(Action)**
2. Discuss, approve, or deny adopting the Budget Augmentation Resolution for Fiscal Year 2010-2011. **(Action)**
3. Discuss, approve, or deny Amended Final Budgets of Eureka County and Devil's Gate GID for Fiscal Year 2010-2011. **(Action)**
4. Discuss, approve, or deny authorizing the County Auditor to assign and/or designate fund balance commitments in accordance with GASB 54 guidelines for Fiscal Year 2010-2011. **(Action)**
5. Discuss, approve, or deny authorizing the County Auditor to finalize the necessary GASB 54 related policy with Kafoury, Armstrong, & Company assistant to be included in the Eureka County Internal Control Ordinance. **(Action)**
6. Discuss, approve, or deny adopting a resolution to clarify special revenue fund declarations and sources of revenue to comply with GASB 54 guidelines. **(Action)**

**10:15 - EUREKA COUNTY HUMAN RESOURCES**

1. Discuss, approve, or deny appointing an in-house committee to review applicants for the Human Resources Analyst position. **(Action)**
2. Provide direction regarding scope of committee's responsibilities, which may include some or all of the following: reviewing applications, conducting interviews, ranking candidates, making recommendations to the Board of Commissioners, and all other matters properly relating thereto. **(Action)**

**10:25 - EUREKA COUNTY SHERIFF – Ken Jones, Sheriff**

1. Discuss, approve, or deny a request for reconsideration of a capital outlay item in the Fiscal Year 2011-2012 Budget for a UTV (4x4 utility vehicle) and trailer for Eureka County Search & Rescue, in the amount of \$15,000.00. **(Action)**

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**10:30 - PUBLIC WORKS – Ron Damele, Director**

1. Update report on the Eureka Canyon US Highway 50 Approaches Project. (Discussion)
2. Provide direction to staff, if needed, regarding the Eureka Canyon US Highway 50 Approaches Project. (Action)
3. Discuss, approve, or deny a proposal from Summit Engineering to provide inspection and testing services related to NDOT US Highway 50 improvements, not to exceed \$24,525.00. (Action)
4. Discuss, approve, or deny a proposal from Summit Engineering to provide construction staking services relating to NDOT US Highway 50 approaches, not to exceed \$14,175.00. (Action)

**10:40 - EUREKA COUNTY FAIRGROUNDS – Cindy Gallagher; Wayne Overson (*via phone, if needed*)**

1. Discuss, approve, or deny a request from Wayne Overson for use of a water truck and tractor with disc/drag, including County operator or volunteer, during a rodeo he is conducting at the Eureka Fairgrounds on July 2<sup>nd</sup>-3<sup>rd</sup>. (Action)

**10:50 - COUNTY ASSESSOR – Michael Mears, County Assessor**

1. Discuss, approve, or deny signing Amendment to the Interlocal Agreement with the Department of Motor Vehicles. (Action)

**10:55 - EUREKA LITTLE LEAGUE – Michael Mears**

1. Discuss, approve, or deny purchasing a portable backstop for the Eureka Little League from the parks and grounds budget, not to exceed \$4,500.00. (Action)

**11:00 - NATURAL RESOURCES – Jake Tibbitts, Natural Resources Manager**

1. Report on activities, upcoming meetings, and natural resource issues affecting Eureka County. (Discussion)
2. Discuss, approve, or deny sending comment on "Draft Guidance on Identifying Waters Protected by the Clean Water Act" jointly issued by the Environmental Protection Agency and the US Army Corps of Engineers. (Action)

**11:10 - CLERK & TREASURER – Jackie Berg, Clerk & Treasurer**

1. Review Treasurer's Report for May 2011. (Discussion)

**11:15 - APPROVAL OF MINUTES**

1. Approval of minutes from the April 27, 2011, Budget meeting. (Action)
2. Approval of minutes from the May 6, 2011, Commissioner meeting. (Action)

**11:20 - CORRESPONDENCE**

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

**Noon - RECESS FOR LUNCH**

**1:00 - JOINT MEETING WITH NEVADA RURAL HOUSING AUTHORITY – NRHA Board of Directors**

1. Meet and confer with the governing board of Nevada Rural Housing Authority to discuss the status of the Eureka Canyon Subdivision Project and agree on steps forward. (Action)

**ITEMS TABLED FROM PREVIOUS MEETINGS (Eureka Canyon Subdivision & NRHA)**

1. Review of all *multifamily* development and grant/loan documents related to the Eureka Canyon Subdivision Project. (Discussion)
2. Discuss, approve, or deny signing any or all documents related to the *multifamily* portion of the Eureka Canyon Subdivision Project. (Action)
3. Review of all *single family* development and grant/loan documents related to the Eureka Canyon Subdivision Project. (Discussion)
4. Discuss, approve, or deny signing any or all documents related to the *single family* portion of the Eureka Canyon Subdivision Project. (Action)
5. Discuss, approve, or deny adopting a resolution authorizing a grant to Nevada Rural Housing Authority in the amount of \$4,652,418.00 on certain conditions to be used for placement of 50 previously purchased townhomes at the Eureka Canyon Subdivision. (Action)
6. Further direction, decisions, and/or action on all matters properly related to the Eureka Canyon Subdivision. (Action)

**3:00 - NEVADA PUBLIC AGENCY INSURANCE POOL – Wayne Carlson, Executive Director**

1. Discuss, approve, or deny accepting the renewal proposal from Nevada Public Agency Insurance Pool and authorizing payment from Fiscal Year 2011-2012 funds. (Action)

**3:10 - PUBLIC COMMENT and DISCUSSION**

1. Public comment and discussion. (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 shall be limited to (3) minutes per person, and public comment will only be received during the two times specified on the agenda, unless otherwise noted.*
2. Consider items requiring action to be placed on the agenda for the next regular meeting. (Action) *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.*

**3:15 - ADJOURNMENT**

1. Motion to adjourn. (Action)

All times are approximate. Items may be taken out of order, at the discretion of the Chair. (Action) means the Board may take action upon an item, but is not required to. Posted in Eureka at: Courthouse, Admin. Facility, Clerk's Office, Public Bulletin Board, and US Post Office. NOTICE TO PERSONS WITH DISABILITIES: If you require special assistance, please notify the Clerk's Office prior to the meeting at 775-237-5262.

## EUREKA COUNTY BOARD OF COMMISSIONERS

June 20, 2011

STATE OF NEVADA )  
COUNTY OF EUREKA )

### CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on June 20, 2011. Present were Chairman Leonard Fiorenzi, Vice Chair Mike Page, Member Jim Ithurrealde, District Attorney Theodore Beutel, and Clerk & Treasurer Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance. The interactive video conference system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

### APPROVAL OF AGENDA

Commissioner Page motioned to approve the agenda; Commissioner Ithurrealde seconded the motion; motion carried 3-0.

### PUBLIC COMMENT

The Chairman called for public comments; there were none.

### COMMISSIONERS

Update Reports: Commissioner Page stated he had met with the District Attorney and had checked on progress of the arsenic treatment plant in Crescent Valley. Commissioner Ithurrealde attended the Central Nevada Regional Water Authority meeting in Austin on June 10<sup>th</sup>; met with the District Attorney regarding documents for the Eureka Canyon Subdivision; and toured the subdivision site with Public Works on June 17<sup>th</sup>. Chairman Fiorenzi stated he had spent quite a bit of time with the District Attorney and Public Works regarding the subdivision.

Use of Space at D&T Center (Eureka Clinic): Use of space at the clinic building in Eureka was brought up at the previous meeting when Dr. Steven Hooper requested authorization for a replacement dentist to continue using the facility. As a result District Attorney, Ted Beutel, recommended that the County formalize their agreements with the third-party users of the facility (Nevada Health Centers utilizes the majority of the building and has a formal contract with the County).

Resolution Authorizing Use of D&T Center: Commissioner Ithurrealde motioned to adopt the Resolution authorizing exclusive use of the Eureka Clinic for health related services by Nevada Health Centers, Inc.; Rehab & Industrial Services, LLP, doing business as Rehab Services of Nevada; and Eureka Family Dentistry, LLC, on terms and conditions to be negotiated periodically between the parties, and until further action of the Board; Commissioner Page seconded the motion; motion carried 3-0.

Eureka, Nevada

June 20, 2011

#### RESOLUTION

#### OF THE BOARD OF EUREKA COUNTY COMMISSIONERS AUTHORIZING THE DISPLACEMENT OF COMPETITION TO PROMOTE THE GENERAL WELFARE AND PROVIDE ADEQUATE ECONOMICAL AND EFFICIENT SERVICES AT THE EUREKA CLINIC

WHEREAS, NRS 244.187 allows a board of county commissioners authority to provide adequate, economical and efficient services to the inhabitants of the county and to promote the general welfare of those inhabitants by displacing or limiting competition in concessions on property owned by the county; and

WHEREAS, according to NRS 244.188 outside the boundaries of an incorporated city and general improvement district the commissioners may provide the services described in NRS 244.187 on an exclusive basis or grant an exclusive franchise to any person to provide those services; and

WHEREAS, the building known as the Clinic in Eureka, Nevada, is owned by Eureka County and is outside the boundaries of any incorporated city or general improvement district; and

WHEREAS, the Clinic is utilized by Nevada Health Centers, Inc., a domestic non-profit corporation to provide medical services and is subsidized by the Board of Eureka County Commissioners by contract in the amount not to exceed \$778,500.00; and

WHEREAS, the Clinic is also utilized by Rehab & Industrial Services, LLP, doing business as Rehab Services of Nevada, a domestic limited liability partnership and is subsidized by the Board of Eureka County Commissioners by contract in the amount not to exceed \$44,697.00; and

WHEREAS, the Clinic is also utilized by Eureka Family Dentistry, LLC, a domestic limited liability partnership that receives no subsidy from the Board of Eureka County Commissioners; and

WHEREAS, the Board of Eureka County Commissioners intends to continue the use of the County owned Clinic building for medical, physical therapy and dentistry services; and

WHEREAS, this Resolution clarifies the statutory basis for the decision of the Board of Eureka County Commissioners;

NOW THEREFORE BE IT RESOLVED the Board of Eureka County Commissioners grants to Nevada Health Centers, Inc., and Rehab & Industrial Services, LLP, doing business as Rehab Services of Nevada, and Eureka Family Dentistry, LLC, the exclusive privilege to utilize the County owned Clinic building in Eureka, Nevada, on the terms and conditions to be negotiated from time to time between the parties, and until further action of this Board.

ADOPTED: June 20, 2011

/s/ Leonard Fiorenzi  
Leonard J. Fiorenzi, Chairman  
Board of Eureka County Commissioners

/s/ Mike Page  
Mike Page, Vice Chairman  
Board of Eureka County Commissioners

/s/ J.P. Ithurrealde  
J.P. Ithurrealde, Member  
Board of Eureka County Commissioners

ATTEST: /s/ Jackie Berg  
County Clerk

Contract with Nevada Health Centers, Inc.: There was brief discussion regarding telemedicine. This option is currently not being pursued for the Crescent Valley area because the citizens are very happy with J.B. Allen, Physician's Assistant, who is currently providing services on a regular basis. Commissioner Ithurrealde motioned to sign the contract with Nevada Health Centers, Inc., for Fiscal Year 2011-2012; Commissioner Page seconded the motion; motion carried 3-0.

Updates on Mt. Hope Project: Bob Pennington of General Moly had contacted Chairman Fiorenzi to request that a Commissioner be appointed to meet with the mine about

socioeconomic impacts. Chairman Fiorenzi suggested Commissioner Ithurralde, who agreed to meet with the mine regarding these issues.

### **EUREKA FAMILY DENTISTRY**

**Agreement for Use of D&T Center:** Steven Hooper, DDS, provided a copy of his insurance binder and stated he was in the process of adding the County as an additional insured. Commissioner Page motioned to sign the agreement with Eureka Family Dentistry for continued use of space at the D&T Center for provision of dental services; Commissioner Ithurralde seconded the motion; motion carried 3-0.

### **FINANCE**

**Payment of Expenditures:** Expenditures were presented for approval by Recorder & Auditor, Mike Rebaleati. Commissioner Ithurralde motioned to approve County expenditures in the amount of \$674,238.77 and payroll in the amount of \$281,116.64, for a grand total of \$955,355.41; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Page motioned to approve Yucca Mountain expenditures in the amount of \$9,689.43; Commissioner Ithurralde seconded the motion; motion carried 3-0.

**Auditor's Report:** The Board reviewed the Auditor's Report without comment.

### **BUDGET AUGMENTATIONS & TRANSFERS FOR FISCAL YEAR 2010-2011**

**FY 2010-2011 Budget Transfers:** Mr. Rebaleati reviewed the budget transfers for Fiscal Year 2010-2011. Commissioner Ithurralde motioned to authorize the transfers as recommended by the Budget Officer; Commissioner Page seconded the motion; motion carried 3-0.

**Budget Augmentation Resolution:** Commissioner Ithurralde motioned to adopt the Budget Augmentation Resolution for Fiscal Year 2010-2011; Commissioner Page seconded the motion; motion carried 3-0.

<b>BUDGET AUGMENTATION RESOLUTION</b>				
<b>RESOLUTION FOR AUGMENTATION OF THE 2010-2011 BUDGET OF EUREKA COUNTY</b>				
WHEREAS, the revenues of the EUREKA COUNTY ROAD FUND, AGRICULTURAL DISTRICT #15 FUND, and EUREKA COUNTY GAME BOARD FUND were budgeted to be \$1,543,681.00, \$98,956.00, and \$3,095.00 respectively on July 1, 2010; and				
WHEREAS, said Eureka County Road Fund sources are as follows:				
<u>Source of Revenue</u>	<u>Original Budget</u>	<u>Available YTD</u>	<u>Excess Revenues</u>	<u>Augment Amount</u>
Beginning Fund Balance	\$3,396,038	\$4,637,569		
<i>Totals</i>	<i>\$3,396,038</i>	<i>\$4,637,569</i>	<i>\$1,241,531</i>	<i>\$1,000,000</i>
WHEREAS, said Agricultural District #15 Fund sources are as follows:				
<u>Source of Revenue</u>	<u>Original Budget</u>	<u>Available YTD</u>	<u>Excess Revenues</u>	<u>Augment Amount</u>
Net Proceeds of Mines	\$0	\$30,000		
<i>Totals</i>	<i>\$0</i>	<i>\$30,000</i>	<i>\$30,000</i>	
WHEREAS, said Eureka County Game Board Fund sources are as follows:				
<u>Source of Revenue</u>	<u>Original Budget</u>	<u>Available YTD</u>	<u>Excess Revenues</u>	<u>Augment Amount</u>
Grant from Gen'l Fund	\$0	\$2,000		
<i>Totals</i>	<i>\$0</i>	<i>\$2,000</i>	<i>\$2,000</i>	
WHEREAS, there is a need to apply these excess proceeds in the Eureka County Road Fund for services and supplies, the Agricultural District #15 Fund for fair activities, and Eureka County Game Board funds for travel expenses; and				
NOW THEREFORE, IT IS HEREBY RESOLVED, that Eureka County shall augment the Eureka County Road Fund 2010-2011 budget by appropriating \$1,000,000 for use in the Eureka County Road Fund; Agricultural District #15 Fund				



2010-2011 budget by appropriating \$30,000 for use in the Agricultural District #15 Fund, and \$2,000 for use in the Eureka County Game Board Fund;

THEREBY increasing appropriations from \$2,063,500 to \$3,063,500 in the Eureka County Road Fund, \$110,600 to \$140,600 in the Agricultural District #15 Fund, and \$3,000 to \$5,000 in the Eureka County Game Board Fund; and

IT IS FURTHER RESOLVED, that the Budget Director shall forward the necessary documents to the Department of Taxation, State of Nevada.

PASSED, ADOPTED, and APPROVED the 20<sup>th</sup> day of June, 2011.

AYES: Chairman Fiorenzi

Commissioner Ithurralde

Commissioner Page

NAYS: None

By: /s/ Leonard Fiorenzi

Leonard Fiorenzi, Chairman of the Board

ATTEST: /s/ Jackie Berg

Jackie Berg, Clerk

Amended Final Budgets: Mr. Rebaleati explained that GASB 54 will require changes in the way certain funds are handled. In an effort to be proactive, Mr. Rebaleati is applying the changes to the Fiscal Year 2010-2011 budget. Adjustments consist of incorporating the loss control internal service fund and the unemployment reserve fund as line items in the general fund, and combining the Devil's Gate water fund and improvement fund into one service fund. Mr. Rebaleati requested approval to file amended budgets with the Department of Taxation to reflect these changes. Commissioner Ithurralde motioned to approve amended final budgets for Eureka County and Devil's Gate GID to reflect the changes described by the Auditor; Commissioner Page seconded the motion; motion carried 3-0.

Designation of Fund Balance Commitments: Mr. Rebaleati explained that another change included in GASB 54 is in accounting terminology. Funds previously identified as restricted or unrestricted will now be defined as committed or uncommitted with much clearer definitions. GASB 54 recommends that someone be assigned the authority to designate fund balances as committed or uncommitted. Commissioner Ithurralde motioned to authorize the County Auditor to designate fund balances as committed or uncommitted, in accordance with GASB 54, with final approval of the County Commissioners; Commissioner Page seconded the motion; motion carried 3-0.

Internal Control Policy: Per a request from Mr. Rebaleati, Commissioner Ithurralde motioned to authorize the County Auditor to work with Kafoury, Armstrong, & Company to update the Internal Control Policy to reflect the GASB 54 requirements and to draft a resolution to document these changes; Commissioner Page seconded the motion; motion carried 3-0.

## **HUMAN RESOURCES**

Appointment of Committee to Review Applicants: Approximately seven applications and resumes were received for the Human Resources Analyst position. Commissioner Ithurralde motioned to appoint Michael Mears, Randy Stucki, Sandy Mariluch, and Mike Rebaleati to an in-house committee to review the applications and bring forward the top two applicants for review and approval by the Board of Commissioners; Commissioner Page seconded the motion; motion carried 3-0.

## **PUBLIC WORKS**

Eureka Canyon Subdivision – US Hwy. 50 Approaches Project: Public Works Director, Ron Damele, introduced Randy Hesterlee, Assistant District Engineer for Nevada Department of Transportation out of Ely. Mr. Damele reported that plans for the Highway 50 Approaches Project are complete and currently being advertised for bids. A pre-bid meeting is scheduled for June 22<sup>nd</sup> and bid opening and award are tentatively scheduled for July 6<sup>th</sup>.

Engineering Services for US Hwy. 50 Approaches Construction: Mr. Damele presented proposals for inspection and testing services and staking services during construction of the Highway 50 approaches. Commissioner Ithurralde motioned to approve proposals from Summit Engineering for inspection and testing not to exceed \$24,535.00 and construction staking not to exceed \$14,175.00; Commissioner Page seconded the motion; motion carried 3-0.

## **EUREKA COUNTY SHERIFF**

Capital Outlay Request for Search & Rescue: Sheriff Ken Jones had included a UTV (4x4 utility vehicles) for Search & Rescue in his budget requests for Fiscal Year 2011-2012. He was before the Board to request confirmation that this item had been included in the final budget. The Board verified that \$15,000.00 had been included in the budget to purchase a 4x4 utility vehicle for Search & Rescue.

## **EUREKA COUNTY FAIRGROUNDS**

Use of Equipment for Rodeo: Cindy Gallagher appeared before the Board on behalf of Wayne Overson, who had scheduled a rodeo at the Eureka Fairgrounds on July 2<sup>nd</sup> and 3<sup>rd</sup>. The facilities application was completed along with proof of proper insurance. Mr. Overson requested use of a water truck and tractor with disc/drag, as well as a County operator during this event. Commissioner Page motioned to approve use of the County water truck and tractor, including a County employee/volunteer during the rodeo on July 2<sup>nd</sup> and 3<sup>rd</sup>; Commissioner Ithurralde seconded the motion; motion carried 3-0.

## **COUNTY ASSESSOR**

Interlocal Agreement with Department of Motor Vehicles: County Assessor, Michael Mears, explained that it was time to renew the Interlocal Agreement between the Department of Motor Vehicles and Eureka County for vehicle licensing and titling services conducted at the Assessor's office. The amendment will extend the contract for two years. Commissioner Ithurralde motioned to approve signing the amendment to extend the Interlocal Agreement with the Department of Motor Vehicles to June 30, 2013; Commissioner Page seconded the motion; motion carried 3-0.

## **EUREKA LITTLE LEAGUE**

Portable Backstop: Michael Mears presented a request from the Eureka Little League for the County to purchase and donate a portable backstop. Commissioner Ithurralde motioned to purchase a portable backstop for the Eureka Little League, not to exceed \$4,500.00, utilizing funds from the parks and grounds budget; Commissioner Page seconded the motion; motion carried 3-0.

## **NATURAL RESOURCES**

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported that he participated in the Mt. Hope conference call on June 7<sup>th</sup>; spent the remainder of June 7<sup>th</sup> with General Moly representatives, Pat Rogers, Elise Hooper, and Bob Pennington to work on the 3M Plan; attended the Natural Resources Advisory Commission meeting on June 8<sup>th</sup>; attended the Forest Service RAC meeting on June 9<sup>th</sup>; attended the Wildlife Advisory Board meeting on

June 9<sup>th</sup>; traveled to Austin for the Central Nevada Regional Water Authority meeting on June 10<sup>th</sup>; toured the Mineral Hill Allotment with Leroy Sestanovich on June 13<sup>th</sup>; and met with the BLM in Battle Mountain on June 14<sup>th</sup> regarding the Resource Management Plan.

Upcoming Meetings: Upcoming meetings include a Mt. Hope conference call on June 21<sup>st</sup>; more discussions with General Moly regarding the 3M Plan on June 22<sup>nd</sup>; and a NACO Public Lands & Natural Resources meeting on June 27<sup>th</sup>.

Draft Guidance on Identifying Waters Protected by the Clean Water Act: The US Environmental Protection Agency and the US Army Corps of Engineers have proposed legislation setting guidelines for identifying waters protected by the Clean Water Act. Mr. Tibbitts prepared comments on behalf of the County and the deadline for submission is July 1<sup>st</sup>. Commissioner Ithurralde motioned to approve sending comments on the Draft Guidance on Identifying Waters Protected by the Clean Water Act; Commissioner Page seconded the motion; motion carried 3-0.

### **CLERK & TREASURER**

Treasurer's Report: The Treasurer's Report for May was submitted by Clerk & Treasurer, Jackie Berg. Ms. Berg stated that market values for investments are now being included on the report. This won't affect the ending balance, since cash values will continue to be used for calculating the ending balance. Ending balance for May was \$55,859,268.36.

### **APPROVAL OF MINUTES**

April 27, 2011, Budget Meeting: Commissioner Ithurralde motioned to approve the minutes of the April 27<sup>th</sup> budget meeting; Commissioner Page seconded the motion; motion carried 3-0.

May 6, 2011, Commissioner Meeting: Commissioner Page motioned to approve the minutes of the May 6<sup>th</sup> meeting; Commissioner Ithurralde seconded the motion; motion carried 3-0.

### **CORRESPONDENCE**

Correspondence was received from: Connie Hicks; District Attorney, Ted Beutel; Clerk & Treasurer, Jackie Berg; Public Works, Ron Damele; Eureka County Economic Development Program; Eureka County Recreation Board; Eureka County Fair Board; Diamond Valley Rodent Control District; Cooperative Extension, Gary McCuin; Crescent Valley Town Advisory Board (2); Eureka County High School, National History Day Students; Eureka County High School, Scholarship Drive; Allison, MacKenzie, et al; Newmont Mining Corporation; Washoe County Manager; Nevada Rural Housing Authority; Nevada Pool/Pact (3); Summit Engineering Corp. (2); Sierra Nevada Construction; Nevada Dept. of Transportation (2); Nevada Dept. of Health & Human Services; Nevada Dept. of Taxation; Nevada Gaming Control Board; Legislative Counsel Bureau; Nevada Connections newsletter; Nevada Tax Topics newsletter; Nevada Economic Report; National Assoc. of Counties; and ISO, Public Protection Classification Dept.

### **RECESS FOR LUNCH**

The Board recessed for lunch until 1:00 p.m.

### **NEVADA PUBLIC AGENCY INSURANCE POOL**

Renewal Proposal for Fiscal Year 2011-2012: Wayne Carlson, Executive Director of Nevada Public Agency Insurance Pool, introduced Rick Hudson and Josh Wilson from the Insurance Pool's loss control team. Mr. Carlson gave a brief history of the Insurance Pool and an overview of services provided including policy development, Human Resource consulting, on-site and online training, property appraisals, risk management grants, respirator fit testing,

law enforcement consultation, defensive driver training, information and training regarding Open Meeting Law and ethics law, etc.

Mr. Hudson elaborated on some of the risk control services and stated that Eureka County was recognized through their Loss Control Excellence Program for the high level of safety and risk control that has been implemented. Mr. Wilson encouraged the County to utilize the Insurance Pool as a resource for other subjects in addition to those listed, especially those concerning wellness and safety.

Mr. Carlson explained the increase in insurance costs noting that catastrophic floods, earthquakes, and other disasters around the world have a worldwide impact on insurance costs. On a local level, Nevada is still feeling the impacts of the earthquake in Wells and the flood in Fernley. The Insurance Pool made some internal changes and changes in providers in order to keep premiums as level as possible. Commissioner Ithurralde motioned to accept the renewal proposal from Nevada Public Agency Insurance Pool for Fiscal Year 2011-2012 in the amount of \$202,737.40; Commissioner Page seconded the motion; motion carried 3-0.

### **NEVADA RURAL HOUSING AUTHORITY**

Joint Meeting: The Nevada Rural Housing Authority Board of Commissioners traveled to Eureka to hold a joint meeting with the Eureka County Board of Commissioners to discuss issues related to the Eureka Canyon Subdivision. NRHA Board members in attendance were Chairman Thomas Cook; Vice Chair Gwen Washburn; Roger Mancebo; and Willis Swan. Also in attendance for NRHA were Gary Longaker, Executive Director; Dave Craig, Real Estate Manager; and Jack White, JL White & Associates. Elizabeth Fielder and Dave Davis of Jones Vargas were present as legal counsel for NRHA.

Mr. Craig began by giving a brief presentation regarding the history, progress, and overall status of the project which was incepted more than a year earlier.

Agree on Steps Forward: Chairman Fiorenzi thanked the NRHA Board for their attendance and stated that the purpose of the meeting was to confer with the governing board of NRHA to discuss status of the Eureka Canyon Subdivision Project and to agree on steps forward. He stated that Eureka County's goal was to have contracts and documents in place for the multifamily portion of the project by June 30<sup>th</sup>, followed by contracts and documents for the single family portion by July 6<sup>th</sup>. Chairman Fiorenzi suggested that each board appoint one member as the point of contact with authority to continue working towards meeting these document deadlines. It was agreed that Roger Mancebo would represent NRHA and Chairman Fiorenzi would represent Eureka County.

Mr. Cook indicated that NRHA will schedule a meeting on June 28<sup>th</sup> to sign the final documents for the multifamily portion of the project. The Commissioners agreed to hold a special meeting on June 29<sup>th</sup> for Eureka County to sign the same documents.

Multifamily Real Property Agreement: The parties began a thorough review of the Real Property Agreement. A question arose about recording the document and the Commissioners felt the entire agreement should be recorded. Mr. Davis of Jones Vargas explained that complicated legal documents are a hindrance for title companies to review and can lead to unnecessary title exceptions, which is why a Memorandum of the document is often recorded. The Commissioners stated that they wanted full disclosure to the public. Mr. Davis responded that this is met by the requirement that full copies of legal documents signed by the Commissioners be housed with the County Clerk.

Additional items covered included: maps; 'as built's of constructed improvements and easements; clarification on dates; real property conveyance issues; title report and title policy; priority of deeds of trust; limitation on amounts of damages that can be awarded against the County and NRHA (to an outside party); and some minor language clarifications. Chairman

Fiorenzi emphasized that all attachments MUST be complete prior to the deadline for signing of the documents.

There was a lengthy discussion regarding the two-year review and re-approval inserted by the County. NRHA did not have a problem with periodic reviews, but was uncomfortable that this might lead to termination of the agreements prior to the agreed upon five-year timeframe for return of undeveloped real property. Chairman Fiorenzi explained the purpose of this was to ensure that there was always at least one current Board member who had been involved in approval of the documents, since the makeup of the Board is subject to elections every two years. The intent was to safeguard both parties as well as the project. Everyone conceded that the attorneys could look into more flexible language that allows for the two-year reviews while providing some level of assurance to NRHA without obligating the County financially beyond feasibility of the project.

An extensive discussion occurred regarding the development fee. Mr. White still contended that the bulk of the fee was earned up front. Chairman Fiorenzi stated that a 'not to exceed' figure needed to be defined, realizing that the development fee is tied to construction costs which are somewhat of a moving target. A construction estimate and contingency percentage should still be identified in the documents. Anything above that would require approval by the Board of Commissioners. The development fee also needed further definition regarding when it is earned and when it is payable.

Judicial versus non-judicial remedies were debated at length during previous meetings and the documents reflected that the non-judicial option had been withdrawn. The documents specified Washoe County as the designated court, and Chairman Fiorenzi requested that this be changed to allow utilization of any court of neutral jurisdiction.

Multifamily Grant Agreement: Many issues discussed for the Grant Agreement were similar to those in the Real Property Agreement including document recording; the need to fill in all dates and amounts; and remedies. Also discussed were interest; retentions; security interest; title insurance; additional insurance carried by NRHA; reporting requirements; and permanent financing with the County as the lender of last resort with a 1% penalty.

The process for draw requests was reviewed. Ms. Fielder was concerned that the agreement did not protect NRHA in the instance that the County denies a pay request. Chairman Fiorenzi stated that the option to reject a pay request must remain in the documents, but would only be exercised if the request was not validated. Eureka County has never refused to pay a legitimate bill. Mike Rebaleati suggested that the agreement reference the NRS that applies to Commissioner approval or rejection of bills. Ms. Fielder suggested modifying the language to more closely reflect that in the Interim Agreement since everyone was already comfortable with that process.

Multifamily Deed of Trust: Ms. Fielding explained that changes to the Deed of Trust were simply made to reflect the changes previously made in the other documents for consistency.

Multifamily Promissory Note: There were no significant changes to the Promissory Note, but it was stated that it is for a term of 24 months with a six month right to extend.

Single Family Documents: Mr. White requested that a couple of issues on the single family portion of the project be discussed to provide clarification in going forward with finalizing those documents. NRHA would like to include a provision that allows them to come before the County to reduce the sales price in the instance that the market is not supporting the asking price of the lots and/or houses. If this price reduction is allowed, repayment of the loan would need to be modified since it is dependent upon sales revenues.

Ms. Fielder explained that tracking the recoverable and non-recoverable funds was going to be complicated and impractical. She proposed that the funds be restructured and represented as a single grant to be paid back through sales of single family lots. The total repayment amount would simply be what is recovered through sales and nothing more.

Chairman Fiorenzi felt the funds were trackable and the County could simply agree to a loss directly related to the reduction in sales price. Mr. Rebaleati stated he was comfortable with simplifying the way the funds are structured, but for auditing purposes everything will have to be tracked anyway. This led to a discussion on how the interest would be calculated. Mr. Davis suggested that accrued interest be calculated on the portion of principal at the time payment is made, which would avoid accruing interest on portions that are ultimately deemed non-recoverable.

Conclusion: All parties agreed to do a final review of the changes with their respective legal counsel and to turnaround the documents as quickly as possible so they are ready for final approval by NRHA on June 28<sup>th</sup> and final approval of the County Commissioners on June 29<sup>th</sup>.

**PUBLIC COMMENT**

Chairman Fiorenzi called for public comments; there were none.

**ADJOURNMENT**

Commissioner Page motioned to adjourn the meeting at 5:42 p.m.; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Approved this 5<sup>th</sup> day of August, 2011.

/s/ Leonard Fiorenzi

Leonard Fiorenzi, Chairman

Attest: /s/ Jackie Berg

Jackie Berg, Clerk

**NOTICE IS HEREBY GIVEN** that the Board of Eureka County Commissioners will meet pursuant to law on August 5, 2011, at 9:30 a.m. in the Commissioners' meeting room at the County Courthouse located at 10 South Main Street, Eureka, Nevada.

**AGENDA**

**9:30 - CALL TO ORDER**

1. Approval of the agenda notice with addition of any emergency item and/or deletion of any item. **(Action)**  
*Unless otherwise stated, items may be taken out of the order presented on the agenda, at the discretion of the Chair.*
2. Pledge of allegiance.

**9:35 - PUBLIC COMMENT and DISCUSSION**

1. Public comment and discussion. (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 shall be limited to (3) minutes per person, and public comment will only be received during the two times specified on the agenda, unless otherwise noted.*
2. Consider items requiring action to be placed on the agenda for the next regular meeting. **(Action)** *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.*

**9:45 - FINANCE – Mike Rebaleati, County Recorder/Auditor**

1. Payment of expenditures. *NOTE: Expenditures received after action has been taken under this 'Finance' section may be presented and acted upon throughout the day.* **(Action)**
2. Review Auditor's Report. (Discussion)

**9:55 - ROAD DEPARTMENT – Raymond Hodson, Road Superintendent**

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

**10:00 - BID OPENING – EUREKA EMERGENCY VEHICLE STORAGE BUILDING ENERGY UPGRADES**

1. As advertised, receive, open, and accept bids into the record for the Eureka Emergency Vehicle Storage Building Energy Upgrade Project, and forward to staff and architect for review and recommendation for award later in the day, and all matters properly relating thereto. **(Action)**

**10:10 - CITIZEN COMMENTS RELATED TO STATE ENGINEER RULING #6127**

1. Comments from citizens and members of the Diamond Natural Resources Protection and Conservation Association regarding State Engineer Ruling #6127. (Discussion)

**10:20 - COMMISSIONERS**

1. Commissioner update reports. (Discussion)
2. Discuss, approve, or deny sending letter to the Nevada Congressional Delegation asking for assistance in getting the public review and comment period for the Mt. Hope Project Draft EIS extended from 45 days to 90 days. **(Action)**
3. Update from Natural Resources Manager on the status of discussions with General Moly representatives regarding the Mt. Hope Project water resources monitoring, management, and mitigation plan (3M Plan) and provide response and further direction to staff regarding the County's path forward on this 3M Plan. **(Action)**
4. Discuss, approve, or deny appeal of State Engineer Ruling #6127. **(Action)**
5. General updates, discussion, and possible action regarding the Mt. Hope Mine Project, including but not limited to impacts, housing, the EIS and NEPA process. **(Action)**
6. Discuss, approve, or deny appointing a Commissioner to conduct the six-month employee evaluation on the Cultural, Tourism, & Economic Development Director. **(Action)**
7. Discuss, approve, or deny a request from Complete Wireless Consulting, Inc. (on behalf of Verizon Wireless) for an easement to cross County property near the American Tower Communications site in Dunphy. **(Action)**
8. Discuss, approve, or deny authorizing payment of Humboldt River Basin Water Authority membership assessment for Fiscal Year 2011-2012, in the amount of \$7,500.00. **(Action)**
9. Discuss, approve, or deny sending letter to NV Energy regarding low voltage issues in the Crescent Valley area. **(Action)**
10. Discuss, approve, or deny outlining guidelines for appropriate use of the new video conferencing equipment installed in various County departments. **(Action)**
11. Discuss, approve, or deny rescheduling the regular Commissioner meeting from September 20<sup>th</sup> to September 19<sup>th</sup> to accommodate the Nevada Association of Counties annual conference. **(Action)**
12. Update regarding changes to Open Meeting Law effective July 1, 2011. (Discussion)

**10:50 - NEVADA RURAL HOUSING AUTHORITY**

1. Discuss, approve, or deny adopting a resolution providing for the transfer of Eureka County's 2011 Private Activity Bond Cap allocation, in the amount of \$82,031.64, to Nevada Rural Housing Authority. **(Action)**
2. Review all *single family* development and grant/loan documents related to the Eureka Canyon Subdivision Project. (Discussion)
3. Discuss, approve, or deny signing any or all documents related to the *single family* portion of the Eureka Canyon Subdivision Project. **(Action)**
4. Discussion and possible action related to further direction and/or decisions on all matters properly relating to the Eureka Canyon Subdivision. **(Action)**

**11:00 - NEVADA ASSOCIATION OF COUNTIES – via Teleconference during NACO Meeting**

1. Discussion and possible action on issues regarding management of wild horses and burros on public lands, and all matters properly related thereto. **(Action)**

**11:15 - COUNTY ENGINEER - Tom Young, Lumos & Associates**

1. Report on the 2011 Street Maintenance Project, Phases 1 and 2. (Discussion)
2. Report on Eureka Airport Runway Reconstruction Project. (Discussion)

**11:20 - YUCCA MOUNTAIN – Ron Damele, Public Works Director, and Abby Johnson, Nuclear Waste Advisor**

1. Update report on Yucca Mountain Project and related activities. (Discussion)

**11:25 - SENIOR CENTERS - Millie Oram and Adell Panning, Site Directors**

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

**11:30 - HUMAN RESOURCES ANALYST - CANDIDATE INTERVIEW (#1)**

1. Introduction of and interview of Kathleen Callahan, candidate for the Human Resources Analyst position. (Discussion)

**11:50 - EUREKA COUNTY SHERIFF – Ken Jones, Sheriff**

1. Discuss, approve, or deny authorizing out-of-state travel for two Deputy Sheriffs to attend CVSA (computer voice stress analyzer) Certification Training in Sacramento scheduled September 18<sup>th</sup>-24<sup>th</sup>. **(Action)**

**11:55 - EUREKA COUNTY SCHOOL DISTRICT**

1. Review Debt Management Policy Indebtedness Report and Capital Improvement Plan for the Eureka County School District for Fiscal Year 2011-2012. **(Action)**
2. Discuss, approve, or deny appointment of members representing Eureka County to a joint committee with the School District to review feasibility of collaborating on a project to construct a new gymnasium. **(Action)**

**Noon - RECESS FOR LUNCH**

**1:00 - HUMAN RESOURCES ANALYST - CANDIDATE INTERVIEW (#2)**

1. Introduction of and interview of Jeff Simpson, candidate for the Human Resources Analyst position. (Discussion)

**1:20 - HUMAN RESOURCES ANALYST POSITION – POSSIBLE APPOINTMENT**

1. Discussion and possible action related to salary and benefit package for the Human Resources Analyst position. **(Action)**
2. Discuss, approve, or deny making official appointment of the Human Resources Analyst position, and all matters properly related thereto. **(Action)**

**1:30 - PUBLIC WORKS – Ron Damele, Director**

1. Update report on Public Works projects. (Discussion)
2. Discuss, approve, or deny joining the National Joint Powers Alliance. **(Action)**
3. Discuss, approve, or deny declaring the Devil's Gate GID District Two, 250,000 gallon tank, pump station, and appurtenances surplus personal property and offering said equipment for sale or grant to a Nevada permitted small water system. **(Action)**
4. Discuss, approve, or deny a water and sewer application from Eureka County School District for new services at 360 W. Egan Street in Eureka. **(Action)**
5. Review information collected by Public Works related to a resident's concerns about legal access to his property located at 991 S. Main Street in Eureka, and provide further direction to staff, if needed. **(Action)**
6. Discuss, approve, or deny a sewer application from Joel Jeppesen for new service at 991 S. Main Street, which will require a main line extension. **(Action)**



**PUBLIC WORKS – (continued)**

7. Discuss, approve, or deny a proposal from Day Engineering for professional services relating to a water and sewer main line extension, a portion of which may be within the NDOT US Hwy. 50 right-of-way (professional services for water and sewer not to exceed \$21,000.00 or professional services for water only not to exceed \$13,000.00). (Action)
8. Discuss, approve, or deny a proposal from Gust Electric to retrofit Eureka street lights to an energy efficient induction lamp that is warranted for 10 years, for a not to exceed amount of \$17,000.00. (Action)
9. Discuss, approve, or deny final map for the Eureka Canyon Subdivision, Phase 1, Stage 1, and all matters properly relating thereto. (Action)
10. Discuss, approve, or deny filling the vacant Landfill Attendant position pursuant to the County attrition policy. (Action)
11. Discuss, approve, or deny a change order from Sierra Nevada Construction to balance the force accounts for the Main Street Water & Sewer Project in the amount of -\$123,806.95. (Action)

**1:50 - NATURAL RESOURCES – Jake Tibbitts, Natural Resources Manager**

1. Report on activities, upcoming meetings, and natural resource issues affecting Eureka County. (Discussion)
2. Report on Natural Resources' response to the request from BLM to provide "socioeconomic data on public land specific uses....which influence local communities." (Discussion)
3. Discuss and consider response to letter from BLM regarding designation of wilderness within Eureka County. (Action)

**2:00 - HEALTH INSURANCE COMMITTEE – Kim Todd, Chairwoman**

1. Review draft letter relating to brokerage firms and insurance coverage, to be distributed to surrounding cities and counties to gather insurance information, and make any changes prior to mailing. (Action)

**2:05 - EUREKA COUNTY FAIR BOARD**

1. Discuss, approve, or deny accepting Beth Cutler's resignation from the Eureka County Fair Board. (Action)

**2:10 - ELKO-LANDER-EUREKA COUNTY LIBRARY SYSTEM**

1. Discuss, approve, or deny signing contract for library services for Fiscal Year 2011-2012. (Action)

**2:15 - REHAB SERVICES OF NEVADA – Greg Barker, Director**

1. Discuss, approve, or deny renewing contract with Rehab Services of Nevada for Fiscal Year 2011-2012, with amendment to mileage reimbursement rate. (Action)

**2:20 - APPROVAL OF MINUTES**

1. Approval of minutes from the June 20, 2011, Commissioner meeting. (Action)
2. Approval of minutes from the June 29, 2011, special meeting. (Action)

**2:25 - CORRESPONDENCE**

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

**2:30 - BID AWARD – EUREKA EMERGENCY VEHICLE STORAGE BUILDING ENERGY UPGRADES**

1. Discuss, approve, or deny awarding the contract for the Eureka Emergency Vehicle Storage Building Energy Upgrade Project to the most responsive and responsible bidder. (Action)

**2:35 - PUBLIC COMMENT and DISCUSSION**

1. Public comment and discussion. (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 shall be limited to (3) minutes per person, and public comment will only be received during the two times specified on the agenda, unless otherwise noted.*
2. Consider items requiring action to be placed on the agenda for the next regular meeting. (Action) *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.*

**2:45 - ADJOURNMENT**

1. Motion to adjourn. (Action)

All times are approximate. Items may be taken out of order, at the discretion of the Chair. Items may be removed from the agenda prior to, or during the meeting. Related agenda items may be combined for discussion or action. (Action) means the Board may take action upon an item, but is not required to. Posted in Eureka at: Courthouse, Admin. Facility, Clerk's Office, Public Bulletin Board, and US Post Office. **NOTICE TO PERSONS WITH DISABILITIES:** If you require special assistance, please notify the Clerk's Office prior to the meeting at 775-237-5262.

**EUREKA COUNTY BOARD OF COMMISSIONERS**  
**August 5, 2011**

STATE OF NEVADA       )  
                                  :SS  
COUNTY OF EUREKA     )

**CALL TO ORDER**

The Board of Eureka County Commissioners met pursuant to law on August 5, 2011. Present were Chairman Leonard Fiorenzi, Vice Chair Mike Page, Member Jim Ithurralde, District Attorney Theodore Beutel, and Clerk & Treasurer Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance. The interactive video conference system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

**APPROVAL OF AGENDA**

Chairman Fiorenzi noted that public comment would be taken during the agenda item regarding State Engineer Ruling #6127; he also noted that the Human Resource agenda items were all deleted because the candidates had accepted other positions. Commissioner Ithurralde stated rather than participating in the Nevada Association of Counties' meeting via telephone as scheduled on the agenda at 11:00 a.m., he and Natural Resources Manager, Jake Tibbitts, requested to be excused from the meeting to participate in the NACO call. Commissioner Page motioned to approve the agenda with those changes; Commissioner Ithurralde seconded the motion; motion carried 3-0.

**PUBLIC COMMENT**

Chairman Fiorenzi opened the floor to public comments. Earl Overholser, representing the Eureka Business Network (EBN), stated that EBN has 42 members who voted to send a letter to the Board of Commissioners asking that Eureka County support General Moly. The Board acknowledged receipt of the letter and thanked Mr. Overholser for his comments.

Randy Stucki and Sandy Mariluch, County employees, stated they were appointed to a committee to review the Human Resource candidates. There was only one meeting of the committee and they felt they were only provided limited information on the seven candidates. They were waiting for notification of a second meeting when they noticed two candidates were scheduled on the Commissioners' agenda to be interviewed. Mr. Stucki and Ms. Mariluch said they did not wish to be on a committee that was perceived as having some input into the process when that wasn't the case. Mr. Stucki stated, "...if we're gonna do it, let's do it the right way and not under the table."

There were no further public comments.

**FINANCE**

Payment of Expenditures: Expenditures were presented for approval by Deputy Recorder, Tina Hubbard. Commissioner Ithurralde motioned to approve County expenditures of \$1,486,633.25 for accounts payable and \$375,876.36 for payroll, for a total of \$1,862,509.61, noting that this included a payment of \$605,808.00 for the arsenic treatment plant in Crescent Valley; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Page motioned to approve Yucca Mountain expenditures in the amount of \$3,569.30; Commissioner Ithurralde seconded the motion; motion carried 3-0.

**ROAD DEPARTMENT**

Update Report: Road Superintendent, Raymond Hodson, reported on Road Department projects and activities. Road maintenance included work on the JD Ranch Road; Lone Mt.

Road; Sadler Road; County Road 101; shoulder work at Fish Creek; installation of a culvert on Nob Hill in Eureka; work on the approaches, parking lot, and banks at the ball fields; Grass Valley Road; McCluskey Road; Horse Canyon; and the Barth Road. Interviews were conducted for the Road Department vacancy in Crescent Valley and a successful candidate was selected.

### **COMMISSIONERS**

**Update Reports:** Commissioner Page, along with Jack White and Gary Longaker, met with mine representatives in northern Eureka regarding their interest in residential housing in the Crescent Valley area. Commissioner Ithurralde met with a physician candidate for the Eureka Medical Clinic on July 22<sup>nd</sup>; participated in a NACO Public Lands Natural Resources Committee teleconference on July 25<sup>th</sup>; met with Ron Damele and General Moly staff on July 25<sup>th</sup> and 26<sup>th</sup>; and he and Ron Damele met with School Board President, John Brown, regarding the new gymnasium on August 2<sup>nd</sup>. Chairman Fiorenzi met with the physician candidate on July 22<sup>nd</sup>. All Commissioners met with the water attorney in Carson City on July 27<sup>th</sup>.

**Letter to Nevada Congressional Delegation:** Commissioner Ithurralde motioned to send a letter to the Nevada Congressional Delegation requesting assistance in getting the public review and comment period for the Mt. Hope Project Draft EIS extended from 45 days to 90 days; Commissioner Page seconded the motion; motion carried 3-0.

**Request for Verizon Wireless Easement on County Property:** A letter was received from Complete Wireless Consulting, Inc. (on behalf of Verizon Wireless) requesting an easement to cross County property near the American Tower Communications site in Dunphy. The Board requested that Public Works review maps of the area to confirm that the easement requested was across County property. Commissioner Ithurralde motioned to grant the easement to Verizon Wireless, contingent upon approval from Public Works; Commissioner Page seconded the motion; motion carried 3-0.

**Six-Month Employee Performance Evaluation:** Commissioner Ithurralde motioned to appoint Commissioner Page to conduct the six-month employee performance evaluation on the Cultural, Tourism, and Economic Development Director; Chairman Fiorenzi seconded the motion; motion carried 3-0.

**FY 2011-2012 Humboldt River Basin Water Authority Membership Assessment:** Commissioner Ithurralde motioned to approve payment of the Humboldt River Basin Water Authority membership assessment in the amount of \$7,500.00 for Fiscal Year 2011-2012; Commissioner Page seconded the motion; motion carried 3-0.

**Letter to NV Energy:** In response to a request from Kevin Friday of Patzer Fabrication in Beowawe, Commissioner Page motioned to write a letter to NV Energy concerning low voltage issues in the Crescent Valley area and directed the Clerk to draft the letter; Commissioner Ithurralde seconded the motion; motion carried 3-0.

**Video Equipment Guidelines:** Clerk & Treasurer, Jackie Berg, stated she had received a request from the public to utilize the new video conferencing equipment at the Eureka Opera House. She spoke with Network Analyst, Kyle Moore, and he explained the equipment connected directly to the County network and therefore exposed the entire system to some risk. Ms. Berg felt it would be appropriate for the Commissioners to identify authorized use of this equipment. Commissioner Page stated he wanted the equipment available for transmitting a variety of programs, shows, and meetings whether they were affiliated with the County or not. Due to accessibility to the County network, Commissioner Ithurralde motioned that the equipment should be used for County business only, which includes meetings, public hearings, etc. that are conducted at the Opera House; Chairman Fiorenzi seconded the motion; motion carried 2-1 with Commissioner Page voting against the motion.

Reschedule Commission Meeting: Commissioner Ithurralde motioned to reschedule the September 20<sup>th</sup> regular meeting of the Eureka County Board of Commissioners to September 19<sup>th</sup> in order to accommodate the NACO Annual Conference; Commissioner Page seconded the motion; motion carried 3-0.

Recent Changes to Nevada Open Meeting Law: District Attorney, Ted Beutel, provided the Board with a summary of changes to Open Meeting Law that were made during the 2011 Session of the Nevada Legislature, most of which became effective July 1<sup>st</sup>. Eureka County already complies with most of the changes, such as clearly signifying items on an agenda that will receive action and offering a minimum of two periods for public comment during a meeting. Chairman Fiorenzi stated he would like to consider a public comment period for each action item on the agenda and asked that this be placed on the next agenda for Board consideration.

#### **COUNTY ENGINEER**

2011 Street Maintenance Project, Phases 1 & 2: Tom Young, Lumos & Associates, reported that Phase 1 of the Street Maintenance Project (installation of the reinforced concrete box culverts in Eureka) is progressing on schedule. The contractor is finishing up with paving, guard rails, and final backfill for the Silver Street culvert and will move to the Bateman Street culvert the following week. Construction for Phase 2 (street maintenance portion) is scheduled to begin on August 10<sup>th</sup> in Diamond Valley and Eureka.

Eureka Airport Runway Reconstruction Project: Bid opening for the Eureka Airport Runway Reconstruction Project is scheduled for August 11<sup>th</sup>. Since the majority of this project will be funded by a Federal Aviation Administration grant, a bid recommendation will be forwarded to the FAA, followed by bid award and contract approval by the Board of Commissioners. The FAA will determine grant amount based on the successful bid. There is a chance of a funding delay on the federal level. If that occurs the project may need to be delayed rather than taking the risk of not having the runway completed before winter.

#### **BID OPENING – EUREKA EMERGENCY VEHICLE STORAGE BUILDING ENERGY UPGRADES**

Bid Opening: As advertised, bids were received and opened for the Eureka Emergency Vehicle Storage Building Energy Upgrade Project. A federal grant for energy efficiency upgrades was utilized to improve the Eureka Road Shop and \$90,000.00 remained in the grant. Ganthner Melby, LLC, was retained to develop plans, specifications, and bid documents to upgrade the Eureka Ambulance Bay to utilize the remaining funds. A total of two bids were received for this project, as follows: (1) Building Solutions, Inc., in the amount of \$36,666.00; and (2) Reyman Bros. Construction in the amount of \$24,195.00. Commissioner Ithurralde motioned to accept the bids into the record for the Eureka Emergency Vehicles Storage Building Energy Upgrade Project and directed staff and the architect to review the bids and return later in the day with a recommendation for award; Commissioner Page seconded the motion; motion carried 3-0.

#### **CITIZEN COMMENTS RELATED TO STATE ENGINEER RULING #6127**

This item was placed on the agenda at the request of several citizens, including the Diamond Natural Resources Protection & Conservation Association (DNRPCA). The meeting had a significant attendance of farmers, ranchers, concerned citizens, and General Moly representatives interested in the State Engineer's ruling and the draft 3M Plan being prepared by General Moly, in cooperation with Eureka County, as required in the ruling. Mark Moyle, representing DNRPCA, read the following letter into the record:

## Diamond Natural Resources Protection and Conservation Association

08/04/2011

Eureka County Commissioners  
P.O. Box 677  
Eureka, Nevada 89316

Re: Support for Appeal of State Engineers Ruling 6127

Dear Sirs,

Diamond Natural Resources Protection and Conservation Association, DNRPCA, is in full support of your decision to appeal the State Water Engineers ruling 6127, which approves water for the Mt. Hope Mine project for Eureka Moly.

To date Eureka Moly has yet to settle with the majority of farmers in Diamond Valley, which they were instructed to do in Karen Peterson's letter dated June 15, 2010 to Mr. Branstetter, and again in Karen Peterson's letter dated Oct. 12, 2010 to Mr. Branstetter, which names DNRPCA specifically.

DNRPCA members, which represent about 80% of the farmers in Diamond Valley, want the Eureka County Commissioners to remain steadfast in their demand for settlement with Diamond Valley Farmers and other Protestants.

DNRPCA also wants to commend Eureka County Commissioners for their resolve and determination to make sure that there is a sound 3M Plan in place.

With respect for the 3M Plan DNRPCA would recommend four main points.

1. Farmers and Ranchers in Diamond Valley and Kobeh Valley must have a seat at the table on the 3M Plan. These are the people with the most at stake.
2. Securing funding for mitigation must be in place; perhaps a bond for \$200M should be put up by GMO to insure mitigation will happen for any negative impacts caused by the Mt. Hope Mine that could affect Ranchers, Farmers or the people of Eureka Township. If funding is not secured we fear that we will have a challenge that will duplicate the housing default.
3. There must be specific triggers put in place that would demand that mitigation take place.
4. Who will manage and have the final say in any 3M Plan? Hopefully it would not be left in the hands of the GMO or the State Water Engineer.

Eureka County has worked hard and long on the Mt. Hope project. The county has spent a lot of money, committed many man hours, and worked endlessly to make sure that this project is done right. The people in Eureka County are extremely fortunate to have the leaders that understand and are willing to put forth the effort that the Eureka County Commissioners, the County District Attorney, and the Natural Resources Manager have put forth on this project. I would also like to mention all the people that have served on the NEPA Committee.

I would like to personally thank you all for your efforts and encourage you to stay on the path to make sure this project is done right. If that happens then all of Eureka County as well as General Moly will benefit long term from your efforts.

Sincerely,

Mark Moyle  
DNRPCA Chairman

Lloyd Morrison, Diamond Valley farmer, stated he also filed a protest against the water applications for General Moly. Additionally, he planned to appeal State Engineer Ruling #6127 in District Court and encouraged Eureka County to do the same. Mr. Morrison stated General Moly does a very good job of public relations, but seems reluctant when it comes to sincere

negotiations and true mitigation. Water is a precious resource and sustainability of that resource will ensure a future in Eureka County even after the moly is depleted. Mr. Morrison concluded by thanking the County and the Board of Commissioners for all of their efforts to protect water for the future of the County and its citizens.

Donald Palmore, Diamond Valley resident for 53 years, urged the County to follow through with an appeal of the State Engineer's ruling. He felt that by the time the impacts are known, the damage will have been done, irreversibly affecting agriculture in Diamond Valley.

Ken Conley, Conley Land & Livestock, stated they protested the original water filings and plan to file a motion for judicial review of the State Engineer's ruling and encouraged the Commissioners to pursue this avenue as well. He continued that the protest is not against mining, but it is about mining done right.

Ken Benson, Diamond Valley farmer and protestant of the subject water filings, stated his legal counsel is preparing a petition for judicial review of this matter before the 7<sup>th</sup> Judicial District Court. He urged the Commissioners to file a petition on behalf of Eureka County.

Fred Etchegaray, 5<sup>th</sup> generation agricultural producer in Eureka County, urged the Commissioners to proceed with an appeal, stating he questioned the accuracy of the water model produced by General Moly and feared the impacts to Diamond Valley were going to be greater than predicted.

Christine Smith asked if any surface or underground water rights holders would be affected outside of Diamond Valley, and if so, if the State Engineer had addressed these. Chairman Fiorenzi replied that Kobeh Valley water rights holders would be affected and the State Engineer felt the impacts were at a level that could be mitigated.

Martin Etcheverry, partner in Diamond Cattle Company and member of the Etcheverry Family Limited Partnership, stated he was in attendance to support the Board of Commissioners in their appeal of the State Engineer's ruling. He was concerned that harm to the waters of Roberts Creek and surrounding areas had not been properly identified or addressed in Mt. Hope's water model.

Bob Pennington, Vice President of Engineering & Construction for General Moly, urged the Commissioners *not* to vote for an appeal. Mr. Pennington said General Moly is confident in the State Engineer's decision, commenting, *"...the State Engineer says no impact, the BLM says no impact to Diamond Valley."* He said that an appeal will only further delay their mining project, which is a delay to economic development in the County and the State, and is not in the best interest of the public. They will continue talks with the various protestants hoping to reach an agreement outside of an appeal. General Moly is confident that the 3M Plan will be approved and looks forward to the County's approval of the plan, but Mr. Pennington reminded everyone that they have the right to submit the plan without the County's approval. He added that the County's request for additional time to review the Mt. Hope Project Environmental Impact Statement was an unnecessary delay to their federal permitting process since the County has been reviewing this document for over four years. Mr. Pennington went on to detail the thoroughness and technical expertise used in preparing the plan of operations and impact studies presented to the BLM for the Mt. Hope Project. He talked of the economic advantages and badly needed jobs that the project will bring to the area. He closed by asking the County to *"...support the project, get behind it..."* in the best interest of the County and the State.

Ken Conley asked Mr. Pennington about his remark that the State Engineer says there will be no impacts to Diamond Valley and asked if General Moly felt absolved from mitigation should impacts occur. Mr. Pennington clarified that the water table has dropped 90 feet since agricultural pumping began in the 1960s and continues to drop at a rate of two feet per year, adding, *"...the State Engineer finds that there is minimal drawdown, from the mine, in Kobeh Valley across the mountain range into Diamond Valley and determines no impact."* Mr. Pennington continued that the water model for the Mt. Hope Project indicates that there will be a

couple of feet of drawdown in certain areas of Diamond Valley over a 100 year period, which is insignificant compared to the two feet drawdown each year due to agriculture. As part of the 3M Plan, sentinel wells will be placed in Kobeh Valley and Diamond Valley to measure the drawdown. Mr. Pennington concluded, "...but to answer your question, will we mitigate impacts to Diamond Valley if they occur, absolutely, not just because we should because it's the right thing to do, but because it's law."

Lloyd Morrison stated that General Moly came to the agricultural producers and said as 'good neighbors' they would work with the farmers to retire 11,300 acre feet, but have proved to be insincere in their negotiations. His concern is not only for the water in Diamond Valley, but for the entire Diamond Valley flow system. He stated this should not be a fight between farmers and mining because mining is a part of Nevada, but it "...is a fight between using something up or conserving it, between establishing a balance in the basin or destroying it." Mr. Morrison added that General Moly is looking at mining a billion dollar ore reserve and readily admits they plan to mine all that they can. They plan to deplete a billion dollar resource, yet cannot cooperate in managing a resource that will ensure the viability of this County once mining is done and they are gone.

Dusty Moyle stated she is new to farming, but was born and raised in Eureka. She commented that the taxpayers have already had to pick up a project on the outskirts of Eureka that failed despite General Moly's promises and agreements; the citizens of the County cannot afford for them to fail them in regard to water – that hits a little closer to home and warrants a closer look by the County.

Deanne Moyle Hicks, property owner and farmer, relayed a recent camping trip that her family took on Roberts Creek Mountain. She fears that camping and fishing, which are currently enjoyed by Eureka County citizens, could be lost to future generations if the impacts aren't seriously considered now.

The following letters were also submitted as public comment during this agenda item:

Robert E. Burnham  
HC 62 Box 62153  
Eureka, Nevada 89316

Eureka County Commissioners  
Eureka County Courthouse  
Eureka, Nevada 89316

Gentlemen:

I would like to thank you for the support you have given the farming community in Diamond Valley as they have attempted to gain help from General Moly in order to mitigate any potential effects the proposed mine may have on local water supplies. Your efforts as regards General Moly's water applications have been of great benefit to the agricultural community and the community at large.

About a year ago, an agreement was made between the Eureka Producer's Co-Op and General Moly that had the express purpose of retiring the water rights off approximately 32 quarter sections of irrigated farm land. The agreement was, unfortunately, very inadequate for achieving its desired goal, for which I bear some responsibility. That said, I urge you to continue to support the agricultural community as we continue to seek adequate mitigation from General Moly.

Best wishes,

Robert E. Burnham



08-03-11

Dear Eureka County Commissioners,

I am writing in support and appreciation of your decision to appeal the State Engineer's decision on General Moly's water right application.

My main concern is needing more time for the Diamond Natural Resources Protection and Conservation Association to negotiate an agreement. Also there are many other issues that need to be addressed and corrected. It all needs to be done right, and I feel you are taking the necessary steps to assure that it will be done correctly.

Thank you,

Jerry Sestanovich  
Sestanovich Hay & Cattle, LLC  
HC 62 Box 62640  
Eureka, Nevada 89316

### **COMMISSIONERS**

**Status of 3M Plan:** Natural Resources Manager, Jake Tibbitts, provided an update on the status of the 3M Plan and discussions with General Moly. He began by commenting on the importance that the review period for the Mt. Hope Project EIS be extended to 90 days, especially for the citizens of the County who have not had an opportunity to review this massive document until now. Regarding the 3M Plan, Mr. Tibbitts relayed that on May 20<sup>th</sup>, the Board directed him and Dale Bugenig to work with General Moly representatives over the next 60 days on a water resources 3M Plan for the Mt. Hope Project that could be co-submitted to the Nevada State Engineer. Eureka County has been pushing for over three years for a 3M Plan that would work for everybody, including the County, mining interests, and the BLM. On June 7<sup>th</sup> Mr. Tibbitts and Mr. Bugenig participated in an all-day meeting with Bob Pennington, Pat Rogers, and Elise Hoover of General Moly. It was determined that the 3M Plan drafted by the County nearly three years earlier would be used as a basis to work on a joint plan. At the second meeting on June 21<sup>st</sup>, General Moly presented a redline version of that original plan. Mr. Tibbitts and Mr. Bugenig worked on the changes and provided an amended draft to General Moly at a meeting on June 29<sup>th</sup>. In the meantime, the State Engineer's ruling was issued on July 15<sup>th</sup> and directed General Moly to submit a 3M Plan with the input and cooperation of Eureka County. Following the ruling, General Moly wished to meet more extensively, so the one-day meeting scheduled the first week of August was expanded to three days, August 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup>. Although a true consensus has not been reached, a lot of compromise was made on both sides and this is as close as the parties have ever been to agreeing on a 3M Plan. Mr. Tibbitts presented the latest draft to the Board and requested direction on future steps concerning this plan, recommending that the Board conduct a thorough review during their August 19<sup>th</sup> meeting. Per request of Chairman Fiorenzi, Commissioner Ithurralde motioned that the District Attorney and NEPA Committee review the draft 3M Plan and provide comments by August 19<sup>th</sup>; Commissioner Page seconded the motion; motion carried 3-0.

### **RECESS FOR NACO MEETING**

Commissioner Ithurralde excused himself from the meeting to participate in the Nevada Association of Counties meeting by teleconference for approximately 20 minutes. Chairman Fiorenzi recessed the meeting until Commissioner Ithurralde's return.



## **NACO PUBLIC LANDS & NATURAL RESOURCES COMMITTEE**

Commissioner Ithurralde briefly reported on the NACO teleconference and motioned that Eureka County support the NACO Public Lands & Natural Resources Committee resolution supporting the Wild Horse & Burro Act and their filing of a motion in federal courts; Commissioner Page seconded the motion; motion carried 3-0.

## **STATE ENGINEER RULING #6127**

County Appeal of SE Ruling #6127: Chairman Fiorenzi read a written statement, "As the Commissioners did before when the previous ruling of the State Engineer came out, the Board met with their attorneys to discuss the ruling and what it means. We met and we issued a press release indicating there are unsolved issues with this most recent ruling. State water law is based on prior appropriation and protection of those first in time who put water to beneficial use. The State Engineer is required to deny water applications that conflict with existing rights. Existing rights that will be impacted by this ruling were not protected by the State Engineer and that is wrong. For three years Eureka County has tried to develop a Monitoring, Management, and Mitigation Plan with the mine to deal with impacts during the life of this project. Eureka County has not been able to reach an agreement with the mine on the 3M Plan or the other settlement terms Eureka County has proposed; however, the mine has recently been working more urgently with County staff to develop a 3M Plan. I propose to this Board we appeal, but that we also tell the mine that if (1) they work out the conflicts with the water rights holders identified by the 5 foot drawdown contour on the record before the State Engineer and honor the first in time first in right concept, and (2) agree with Eureka County on language for the 3M Plan, the County will withdraw its appeal. Settlement can be reached on the first point by adjusting pumping rates so existing water rights are not affected, or coming to terms with affected water rights holders to their satisfaction for water loss or replacement. Eureka County will only accept signed notarized letters from all water rights holders as proof the issue is resolved. As to the second point, a 3M Plan will be created to Eureka County's satisfaction. In addition to those outlined issues, Eureka County's appeal will also include all legal issues that can be raised in response to the State Engineer's ruling. I intend to put this matter on the agenda for the second meeting in September to determine whether Eureka County's appeal will be withdrawn based on the resolution of the County's issues that I just outlined. That is my recommendation."

In addition to the above statement, Chairman Fiorenzi interjected the following quote from Nevada State Engineer Ruling #4943 on Application No. 64645 filed by the BLM on November 30, 1998, which was protested by Eureka County. In that ruling, State Engineer Michael Turnipseed said, "The State of Nevada is a prior appropriations State where a water right that is first in time is first in right."

Commissioner Ithurralde motioned that Eureka County file an appeal of State Engineer Ruling #6127, noting that the filing deadline was August 12<sup>th</sup> and the County needed to move forward pending resolution of the issues outlined by Chairman Fiorenzi; Commissioner Page seconded the motion; motion carried 3-0.

## **NEVADA RURAL HOUSING AUTHORITY**

Resolution Transferring Private Activity Bond: Gary Longaker, Executive Director of Nevada Rural Housing Authority, explained that each year rural Nevada counties receive a Private Activity Bond Cap allocation from the State to be used for qualifying development projects, including housing in rural areas. Anything not utilized by a certain time reverts back to the State, so many of the counties transfer their allocation to NRHA. Commissioner Ithurralde motioned to adopt a resolution transferring Eureka County's 2011 Private Activity Bond Cap in the amount of \$82,031.64 to Nevada Rural Housing Authority; Commissioner Page seconded the motion; motion carried 3-0.

Single Family Documents – Eureka Canyon Subdivision: Chairman Fiorenzi stated that the latest versions of the single family documents will be reviewed with the District Attorney in preparation for consideration at the next Commissioner meeting.

Update on Multifamily Portion – Eureka Canyon Subdivision: Jack White, JL White & Associates, reported that the multifamily portion of the Eureka Canyon Subdivision is currently in escrow pending approval of the final map by the Commissioners, which is scheduled later in the day's meeting.

Interim Agreement: Mr. White noted that the Interim Agreement had been extended to August 5<sup>th</sup> in anticipation that the single family documents would be signed. Since they are being delayed to the next meeting, NRHA will have a shortfall in funding the delivery and related costs for the townhome units. Mr. White requested an additional \$250,000.00 to cover this shortfall. Commissioner Ithurralde motioned to extend the Interim Agreement including funding for the multifamily portion of the project not to exceed \$250,000.00; Commissioner Page seconded the motion; motion carried 3-0.

Construction Update: Mike Hynick, NRHA Construction Manager, provided a status report on the subdivision. The contractor, Legacy Construction & Development, Inc., is on schedule. Water has been installed to the multifamily site which is now ready for foundation construction. Nevada Department of Transportation permits are in place for transport of the townhomes and they should be in transit within the next ten days. Installation should begin within 30 to 45 days, which is on target with having apartments in place by late October. Mr. White added that Guerdon is working on the design for the single family model home. NRHA has reserved a booth at the Eureka County Fair to provide literature regarding townhome rentals and financing programs.

## **YUCCA MOUNTAIN**

Update on Yucca Mountain Project: Abby Johnson, Nuclear Waste Advisor, provided an overview of Yucca Mountain activities. Governor Brian Sandoval appointed Bob Halstead as Executive Director of Nevada's Nuclear Projects Agency. On the national level, the Nuclear Regulatory Commission (NRC) still has not ruled on the Department of Energy's (DOE) request to withdraw its license application. Nye County recently joined the states of Washington and South Carolina and several industry groups in filing a writ of mandamus to try to force the NRC to rule on DOE's request to withdraw the license application. Due to elimination of funding, NRC is letting staff go and closing down the licensing support network. The Blue Ribbon Commission on America's Nuclear Future just released its draft report related to various aspects of high-level radioactive waste policy. A public hearing will be held on this report in Washington, DC, in October. Eureka County will prepare comments and possibly attend the hearing. Lastly, John Gervers, of Latir Energy Consultants, has worked for the County on Yucca Mountain issues for the past seven years and is retiring at the end of the month.

Lessons Learned Video Project: Six or seven interviews remain and the project is in the editing stage with Mike Clancy, Videographer. Two minute segments of the video will be released on YouTube and the entire interviews will be published on DVD.

## **EUREKA COUNTY SHERIFF**

Out-of-State Travel: Lieutenant Shane Cantrell stated that Sheriff Ken Jones would like to send two staff members to Sacramento for CVSA (computer voice stress analyzer) training September 18<sup>th</sup>-24<sup>th</sup>. The training is provided free by the manufacturer of the equipment and approval is being sought since it is out of state. Commissioner Page motioned to approve out-of-state travel for two Deputy Sheriffs to travel to Sacramento to attend CVSA training September 18-24, 2011; Commissioner Ithurralde seconded the motion; motion carried 3-0.

### **EUREKA COUNTY SCHOOL DISTRICT**

Debt Management Policy, Indebtedness Report, & Capital Improvement Plan: On behalf of the Eureka County School District, JNA Consulting Group, LLC, submitted the Debt Management Policy for Fiscal Year 2011-2012, the Indebtedness Report for Fiscal Year 2010-2011, and the Five Year Capital Improvement Plan beginning July 2011 for the Board's review.

Joint Committee for Gymnasium Project: Commissioner Ithurralde reported that he and Ron Damele met with John Brown, President of the School District Board of Trustees, regarding construction of a new gymnasium. The School District plans to fund the entire project and will own the facility, but felt the County might provide for community use of the facility by funding an after-hours employee and sharing in operation and maintenance costs. A joint committee is being formed to look into the feasibility of these options and Commissioner Ithurralde recommended several people for appointment. Commissioner Page motioned to appoint Commissioner Ithurralde, Amanda Rosener, Steve Zimmerman, David Hicks, and Cindy Adams to the joint committee to meet with School District representatives regarding the new gymnasium; Chairman Fiorenzi seconded the motion; motion carried 3-0.

### **ELKO-LANDER-EUREKA COUNTY LIBRARY SYSTEM**

Library Contract: Commissioner Ithurralde motioned to approve the Elko-Lander-Eureka Library System contract for Fiscal Year 2011-2012 in the amount of \$103,620.00; Commissioner Page seconded the motion; motion carried 3-0.

### **EUREKA COUNTY FAIR BOARD**

Resignation Letter from Beth Cutler: Commissioner Ithurralde motioned to accept the resignation of Beth Cutler from the Eureka County Fair Board as they are moving from the area; Commissioner Page seconded the motion; motion carried 3-0.

### **REHAB SERVICES OF NEVADA**

Contract Renewal: Greg Barker, Director, provided a quarterly report at the July 15<sup>th</sup> meeting in Crescent Valley and requested an adjustment to the mileage rate in the contract. Commissioner Ithurralde motioned to approve the Rehab Services of Nevada contract for Fiscal Year 2011-2012 with the amendment to the mileage reimbursement rate and to authorize the Chairman to sign the contract outside of the meeting; Commissioner Page seconded the motion; motion carried 3-0.

### **APPROVAL OF MINUTES**

June 20, 2011: Commissioner Page motioned to approve minutes of the June 20, 2011, Commissioner meeting; Commissioner Ithurralde seconded the motion; motion carried 3-0.

### **RECESS FOR LUNCH**

The Board recessed for lunch from 12:00 noon to 1:00 p.m.

### **SENIOR CENTERS**

Update Report: Site Director, Millie Oram, reported on the Eureka Senior Center. Site Director, Adell Panning, provided a written report for the Fannie Komp Senior Center. Eureka served 963 meals and Crescent Valley served 792 meals for the month of July. A total of \$21,742.77 was deposited for the month. Eureka's refrigerator broke down and some food was lost, but a repairman from Elko serviced the unit and it is now running fine. A trip to the Miss Senior Nevada Pageant in Las Vegas is planned for August 22<sup>nd</sup>.

## **PUBLIC WORKS**

Update on Public Works Projects: CRESCENT VALLEY ARSENIC TREATMENT PLANT: Jack and bore under the highway is complete and the subcontractor will arrive August 8<sup>th</sup> to begin concrete work for the building pad. 2011 STREET MAINTENANCE PROJECT, PHASES 1&2: Phase 1, installation of reinforced box culverts, is on schedule. Silver Street should be open by evening and the Bateman Street culvert will be completed next. Phase 2, street maintenance, will begin on August 8<sup>th</sup>. SENTINEL MUSEUM EXTERIOR RESTORATION: There is approximately one more week of work on the Museum. COURTHOUSE BACKUP GENERATOR: The generator set had to be relocated causing a slight delay to this project.

National Joint Powers Alliance: At the July 20<sup>th</sup> meeting, Lee Johnson of Reyman Bros. Construction gave a presentation regarding a purchasing/procurement program through a contract with National Joint Powers Alliance administered by the Gordian Group which provides competitive purchasing solutions to public entities. Mr. Damele researched the program and felt it would be beneficial for the County to join since materials and equipment can be obtained at competitive pre-set prices. There is no fee to join and no obligation to purchase anything. The Board asked the District Attorney to review the program for compliance with State law and County policies.

Devil's Gate 250,000 Gallon Tank, Pump Station, & Appurtenances: The old 250,000 gallon water tank, pump station, piping, and miscellaneous materials were dismantled to install the replacement tank and upgraded equipment for the Devil's Gate District 1 & 2 Water Transmission Main & Water Tank Project. Mr. Damele recommended declaring the old equipment as surplus property so it could be donated to a smaller water system. Commissioner Page motioned to declare the old Devil's Gate 250,000 gallon water tank, pump station, and appurtenances as surplus property for the purpose of selling or granting the equipment to a small water system; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Water & Sewer Application from Eureka County School District: An application was received from the School District for service at 360 W. Egan Street in Eureka. The current water and sewer connections are servicing several mobile homes and the School wants to install a water meter at each mobile home, which will require one new water connection and one new sewer connection. Commissioner Ithurralde motioned to approve the water and sewer application from the Eureka County School District for new services at 360 W. Egan Street in Eureka; Commissioner Page seconded the motion; motion carried 3-0.

Report on 991 South Main Street in Eureka: Joel Jeppesen attended the July 20<sup>th</sup> Commissioner meeting to ask for the County's assistance in clearing up questions related to legal access to his property at 991 South Main Street in Eureka. He found conflicts in the title that showed the right-of-way along Highway 50 belonged to Bath Lumber, owner of the adjacent property, but at one time the right-of-way was tied to his property. The County was one of the previous owners of this property, and Mr. Jeppesen felt they made a boundary mistake at the time they sold the property. The Commissioners asked Public Works to research the matter.

Ron Damele reported that the subject property, APN 001-171-04, does not have legal access. The southwest corner of Mr. Jeppesen's property appears to have previously tied into a Nevada Department of Transportation right-of-way which provided access, but that is no longer the case. When NDOT relinquished the right-of-way, it reverted back to townsite property which was eventually sold to Bath Lumber. The property owner's best option is to make application to NDOT for an encroachment permit and make application to the BLM for a small right-of-way as well. The County did nothing to cause a discrepancy in title. In fact the Commissioners had nothing to do with the sale, since it was authorized by the District Judge as Trustee of the townsite property. If a title search had been done at time of purchase, the title company would have identified this access issue.

Application for New Sewer Service at 991 South Main Street: A sewer application was submitted by Joel Jeppesen for new service at 991 South Main Street in Eureka and reviewed by the Commissioners at their July 6<sup>th</sup> meeting. It was determined that a main line extension would be required and, in accordance with County Code, the resident is responsible for the extension costs. If the County chooses to upgrade the extension for future use, the amount paid by the applicant is pro-rated accordingly. A cost estimate to complete the entire task was requested from Day Engineering. A 600 ft. sewer extension with a 4-inch pipe will cost approximately \$36,000.00; an upgrade to an 8-inch pipe will cost approximately \$51,000.00. The excessive costs were partially due to the extension being installed in an NDOT right-of-way and Mr. Damele questioned the fairness of passing this additional cost along to the customer. With that in mind, he had staff prepare a cost estimate based on the County completing the installation themselves, and that would be \$4,856.00. Mr. Damele felt this was the most equitable cost to pass along to the customer while still complying with County Code. Commissioner Ithurralde motioned to approve the sewer application from Joel Jeppesen for new service at 991 South Main Street at a cost to the customer of \$4,856.00 for the mainline extension as required per County Code; Commissioner Page seconded the motion; motion carried 3-0.

Day Engineering Proposal – Water & Sewer Main Line Extension: Day Engineering submitted a proposal for professional engineering services related to a water and sewer main line extension. Commissioner Ithurralde motioned to approve the proposal from Day Engineering for professional services for a water and sewer main line extension, a portion of which may be within the Nevada Department of Transportation US Highway 50 right-of-way, not to exceed \$21,000.00; Commissioner Page seconded the motion; motion carried 3-0.

Gust Electric – Street Light Proposal: A proposal was obtained from Gust Electric to retrofit Eureka street lights to energy efficient induction lamps which are warranted for ten years. Commissioner Page motioned to approve the Gust Electric proposal to upgrade the street lights with induction lamps and related parts in the amount of \$17,000.00 (\$385.00 per fixture); Commissioner Ithurralde seconded the motion; motion carried 3-0.

Final Map for Eureka Canyon Subdivision, Phase 1, Stage 1: The Planning Commission approved the final map for Phase 1, Stage 1, of the Eureka Canyon Subdivision at their August 1<sup>st</sup> meeting. Lumos & Associates provided a letter stating the map was technically correct, but closure calculations on the individual lots are being confirmed. Following approval, Public Works will submit 'will serve' letters to the Nevada Division of Water Resources for water and to Nevada Division of Environmental Protection for sewer to these 31 lots. Commissioner Ithurralde motioned to approve the final map for the Eureka Canyon Subdivision, Phase 1, Stage 1, and authorized the Chairman to sign the map outside of the meeting; Commissioner Page seconded the motion; motion carried 3-0.

Landfill Attendant Position: Pursuant to the attrition policy, Mr. Damele requested authorization to fill the recently vacated Landfill Attendant position. Commissioner Page motioned to authorize Public Works to fill the Landfill Attendant position; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Change Order to Balance Force Account – Main Street Water & Sewer Project: The final cost of the Main Street Water & Sewer Project came in below the bid amount, so Sierra Nevada Construction submitted a change order to balance the force account for the project. Commissioner Ithurralde motioned to accept the change order balancing the force account with a reduction of \$123,806.95; Commissioner Page seconded the motion; motion carried 3-0.

## **NATURAL RESOURCES**

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported that he attended the Boulder Valley/Maggie Creek monitoring update and Humboldt River assessment

meeting at the Division of Water Resources in Carson City on July 28<sup>th</sup>. He participated in a Mt. Hope conference call on August 2<sup>nd</sup>, and spent several days working with General Moly representatives on the draft 3M Plan.

Upcoming Meetings: Upcoming meetings include a Nevada Pinion-Juniper Partnership Workshop in Ely on August 8<sup>th</sup> and 9<sup>th</sup>; a Wildlife Advisory Board meeting on August 9<sup>th</sup>; a Eureka Conservation District meeting on August 10<sup>th</sup>; a Natural Resources Advisory Commission meeting on August 10<sup>th</sup>; a Wild Horse and Burro Advisory meeting in Reno on August 11<sup>th</sup>; and a Ruby Hill Community Advisory meeting on August 17<sup>th</sup>.

Response to BLM's Request for Socioeconomic Data: Mr. Tibbitts recently attended the Socioeconomic Workshop sponsored by the BLM. As a follow-up, the BLM requested "socioeconomic data on public land specific uses ..... which influence local communities." Mr. Tibbitts responded to the request and sent over 50 reports which have been completed by Eureka County staff and contractors over recent years and covered such topics as grazing, mining, recreation, water, etc.

BLM Letter Regarding Designation of Wilderness in Eureka County: A letter was received from the BLM Nevada State Office requesting the County's input regarding designation of wilderness areas. Mr. Tibbitts recommended that the County respond to this letter and reference County policy, specifically the Eureka County Master Plan, which states no additional wilderness areas will be permitted in Eureka County. Commissioner Ithurralde motioned to have Mr. Tibbitts draft this response letter to the BLM regarding the designation of wilderness within Eureka County and that the Chairman be authorized to sign the letter outside of the meeting; Commissioner Page seconded the motion; motion carried 3-0.

#### **HEALTH INSURANCE COMMITTEE**

Survey Letter Regarding Brokerage Firms and Insurance Coverage: Kim Todd, Chairwoman of the Health Insurance Committee, presented a draft letter that the Committee plans to send to surrounding cities and counties to gather insurance information. She stated the Committee would like the Commissioners' approval before sending the letter. Commissioner Ithurralde motioned to authorize the Health Insurance Committee to distribute a letter related to brokerage firms and insurance coverage to surrounding cities and counties to gather insurance information; Commissioner Page seconded the motion; motion carried 3-0.

#### **BID AWARD – EUREKA EMERGENCY VEHICLE STORAGE BUILDING ENERGY UPGRADES**

Bid Award: Mr. Damele reported that Terry Melby of Ganthner Melby checked the two bids that were received earlier in the meeting for the Eureka Emergency Vehicle Storage Building Energy Upgrades. Both bids were complete and correct. Based on this, recommendation was to award to the lowest bidder. Commissioner Ithurralde motioned to accept the Reyman Bros. Construction bid in the amount of \$24,195.00 for the Eureka Emergency Vehicle Storage Building Energy Upgrades; Commissioner Page seconded the motion; motion carried 3-0.

#### **CORRESPONDENCE**

Correspondence was received from: Jerry Sestanovich; Eureka Business Network; Robert Burnham; Diamond Natural Resources Protection & Conservation Association; Beth Cutler; District Attorney, Ted Beutel; Eureka County Public Works, Ron Damele (2); Eureka County Sheriff's Office; Eureka County Planning Commission; Crescent Valley Town Advisory Board; Eureka County School District (Debt Management Policy & Indebtedness Reports); Eureka Moly MolyBits Mailer; Humboldt River Basin Water Authority; Nevada Association of Counties; Washoe County Manager; Gust Electric, Inc.; Day Engineering; Allison, MacKenzie, Pavlakis, Wright, & Fagan, Ltd.; Sierra Nevada Construction; Nevada Division of Water

Resources (State Engineer Ruling #6127); Nevada Rural Housing Authority (2); Nevada Department of Motor Vehicles; Nevada Department of Taxation; Nevada Department of Transportation; Nevada Division of Environmental Protection; NV Energy; Nevada Economy in Brief; Nevada Economic Report; Complete Wireless Consulting; National Association of Counties; Western Counties Alliance, Ken Brown (3); US Dept. of the Interior-BLM (3); National Nuclear Security Administration; and Nuclear Waste Technical Review Board.

**PUBLIC COMMENT**

Chairman Fiorenzi called for public comment. The Board discussed, with staff, the correspondence received from Nevada Energy regarding their tax abatement application to the State for the ON Line Project. Everyone agreed it had very little effect on Eureka County. There were no further public comments.

Approved this 6<sup>th</sup> day of October, 2011.

/s/ Leonard Fiorenzi

Leonard Fiorenzi, Chairman

Attest: /s/ Jackie Berg

Jackie Berg, Clerk

Posted August 16, 2011

**NOTICE IS HEREBY GIVEN** that the Board of Eureka County Commissioners will meet pursuant to law on August 19, 2011, at 9:30 a.m. in the Commissioners' meeting room at the County Courthouse located at 10 South Main Street, Eureka, Nevada.

**AGENDA**

**9:30 - CALL TO ORDER**

1. Approval of the agenda notice with addition of any emergency item and/or deletion of any item. (Action)  
*Unless otherwise stated, items may be taken out of the order presented on the agenda, at the discretion of the Chair.*
2. Pledge of allegiance.

**9:35 - PUBLIC COMMENT and DISCUSSION**

1. Public comment and discussion. (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 shall be limited to (3) minutes per person, and public comment will only be received during the two times specified on the agenda, unless otherwise noted.*
2. Consider items requiring action to be placed on the agenda for the next regular meeting. (Action) *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.*

**9:45 - FINANCE – Mike Rebaleati, County Recorder/Auditor**

1. Payment of expenditures. *NOTE: Expenditures received after action has been taken under this 'Finance' section may be presented and acted upon throughout the day.* (Action)
2. Review Auditor's Report. (Discussion)
3. Discuss, approve, or deny adopting a resolution establishing three enterprise funds effective July 1, 2011: Eureka Town water/sewer enterprise fund, Crescent Valley water enterprise fund, and Devil's Gate GID water enterprise fund. (Action)
4. Discuss, approve, or deny authorizing the County Auditor to make fund transfers as budgeted for Fiscal Year 2011-2012. (Action)

**9:55 - HUMAN RESOURCES POSITION**

1. Discuss, approve, or deny appointing a three-member interview committee to make a recommendation to the Board of County Commissioners for hiring of the Human Resources Analyst position. (Action)

**10:00 - COMMISSIONERS**

1. Commissioner update reports. (Discussion)
2. Discuss, approve, or deny proposing an ordinance as required with the passage of SB299 in the 2011 Nevada State Legislature, which amended NRS Chapter 574 to direct Boards of County Commissioners to adopt an ordinance requiring commercial breeders of dogs and cats to obtain a permit in certain circumstances, and all other matters properly relating thereto. (Action)
3. Discuss, approve, or deny allowing public comment on each agenda item before action is taken, as one of the options outlined in the Nevada Attorney General's recent letter notifying of changes to Open Meeting Law effective July 1, 2011, and all matters properly relating thereto. (Action)
4. General updates, discussion, and possible action regarding the Mt. Hope Mine Project, including but not limited to impacts, housing, the EIS and NEPA process. (Action)

**10:10 - 3M PLAN (FOR MONITORING, MANAGEMENT, & MITIGATION OF IMPACTS TO WATER RESOURCES)**

1. Invite public comment and discuss the 3M Plan made publicly available August 5, 2011, which may be submitted to the State Engineer regarding the 11,300 acre feet annually of water for the Mt Hope Mine Project. (Discussion)

**10:30 - PUBLIC WORKS – Ron Damele, Director**

1. Review Beowawe Road Maintenance Shop/Crescent Valley Public Works Maintenance Facility preliminary plans and design with architect and staff. (Discussion)
2. Discuss, approve, or deny accepting preliminary plans and design for the Beowawe Road Maintenance Shop/Crescent Valley Public Works Maintenance Facility. (Action)
3. Discuss, approve, or deny a proposal from Ganthner Melby, LLC, for professional services relating to construction of the Beowawe Road Maintenance Shop/Crescent Valley Public Works Maintenance Facility, and all matters properly relating thereto. (Action)
4. Discuss, approve, or deny a proposal from Research & Consulting Services, Inc., to prepare a Community Development Assessment for the Town of Crescent Valley, not to exceed \$25,000.00, and all matters properly relating thereto. (Action)
5. Report on Public Works projects. (Discussion)



**10:40 - YUCCA MOUNTAIN** – Ron Damele, Public Works Director, and Abby Johnson, Nuclear Waste Advisor

1. Discuss, approve, or deny a proposal from Research & Consulting Services, Inc., to update and maintain the Socioeconomic Trends and Conditions Report for the Eureka County Nuclear Waste Office through 2015, not to exceed \$60,000.00, and all matters properly relating thereto. (Action)
2. Discuss, approve, or deny sending a letter to John Gervers, Latir Energy Consultants, commending him for his assistance to Eureka County and its Yucca Mountain Nuclear Waste Program. (Action)

**10:45 - COUNTY ENGINEER** - Tom Young, Lumos & Associates

1. Report on the 2011 Street Maintenance Project, Phases 1 and 2. (Discussion)
2. Discuss, approve, or deny accepting bids for the Eureka Airport Runway 18/36 Reconstruction Project. (Action)
3. Discuss, approve, or deny accepting a grant from the FAA for the Eureka Airport Runway 18/36 Reconstruction Project. (Action)

**10:50 - NEVADA RURAL HOUSING AUTHORITY**

1. Review all *single family* development and grant/loan documents related to the Eureka Canyon Subdivision Project. (Discussion)
2. Discuss, approve, or deny signing any or all documents related to the *single family* portion of the Eureka Canyon Subdivision Project. (Action)
3. Discuss, approve, or deny documenting the \$250,000.00 increase to the Interim Agreement approved on August 5<sup>th</sup>. (Action)
4. Discussion and possible action related to further direction and/or decisions on all matters properly relating to the Eureka Canyon Subdivision. (Action)
5. Introduction of marketing professionals for the Eureka Canyon Subdivision and overview of marketing plan. (Discussion)
6. Introduction of NRHA's credit representative, who will be managing financing and credit for potential buyers of the single family lots/homes in the Eureka Canyon Subdivision, and overview of credit and bond programs offered through NRHA. (Discussion)

**11:10 - NV ENERGY** – Jim McMorran, Manager of Transmission Strategy

1. Presentation regarding application to the Nevada State Office of Energy for a renewable energy tax abatement for NV Energy One Nevada (ON Line) Transmission Line Project. (Discussion)

**11:20 - EUREKA COUNTY SHERIFF** – Ken Jones, Sheriff

1. Discuss, approve, or deny accepting the annual Equitable Sharing Agreement and Certification between Eureka County and the US Department of Justice regarding allocation of forfeited cash, property, and proceeds. (Action)

**11:25 - AMBULANCE & EMS** – Mike Sullivan, EMS Coordinator

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

**11:30 - COUNTY FACILITIES & ECONOMIC DEV.** – Andrea Rossman, Cultural, Tourism, & Economic Dev. Director

1. Update report on Opera House, Sentinel Museum, and Economic Development. (Discussion)
2. Discuss, approve, or deny authorizing the Economic Development Program to sponsor and produce a Silver Strike Day on October 8<sup>th</sup> at the Eureka Opera House. (Action)

**11:35 - SWIMMING POOL, PARKS, & RECREATION** – Cindy Adams, Parks, Recreation & Facilities Director

1. Update report on Swimming Pool, parks, and recreational facilities. (Discussion)

**11:40 - NATURAL RESOURCES** – Jake Tibbitts, Natural Resources Manager

1. Report on activities, upcoming meetings, and natural resource issues affecting Eureka County. (Discussion)
2. Discuss, approve, or deny out-of-state travel for Natural Resources Manager to attend the Public Lands Council annual meeting, September 7<sup>th</sup>-8<sup>th</sup> in Park City, Utah. (Action)
3. Discuss and consider response on recent report, *Department of Interior's Economic Contributions*. (Action)
4. Discuss, approve, or deny sending letters of support regarding "National Strategic and Critical Minerals Policy Act of 2011." (Action)
5. Discuss and consider response on BLM's recently announced *Strategy to Conserve Sage Grouse and Protect Its Habitat*. (Action)

**Noon - RECESS FOR LUNCH**

**1:00 - CLERK & TREASURER** – Jackie Berg, Clerk & Treasurer

1. Review Treasurer's Report for July 2011. (Discussion)

**1:05 - APPROVAL OF MINUTES**

1. Approval of minutes from the June 29, 2011, special meeting. (Action)
2. Approval of minutes of the July 15<sup>th</sup> quarterly meeting. (Action)

**1:10 - CORRESPONDENCE**

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

**1:15 - PUBLIC COMMENT and DISCUSSION**

1. Public comment and discussion. (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 shall be limited to (3) minutes per person, and public comment will only be received during the two times specified on the agenda, unless otherwise noted.*
2. Consider items requiring action to be placed on the agenda for the next regular meeting. (Action) *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.*

**1:30 - ADJOURNMENT**

1. Motion to adjourn. (Action)

All times are approximate. Items may be taken out of order, at the discretion of the Chair. Items may be removed from the agenda prior to, or during, meeting. Related agenda items may be combined for discussion or action. (Action) means the Board may take action upon an item, but is not required to. Posted in Eureka at: Courthouse, Admin. Facility, Clerk's Office, Public Bulletin Board, and US Post Office. NOTICE TO PERSONS WITH DISABILITIES: If you require special assistance, please notify the Clerk's Office prior to the meeting at 775-237-5262.

## EUREKA COUNTY BOARD OF COMMISSIONERS

August 19, 2011

STATE OF NEVADA       )  
                                  :SS  
COUNTY OF EUREKA     )

### CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on August 19, 2011. Present were Chairman Leonard Fiorenzi, Vice Chair Mike Page, Member Jim Ithurralde, District Attorney Theodore Beutel, and Clerk & Treasurer Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance. The interactive video conference system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

### APPROVAL OF AGENDA

Chairman Fiorenzi stated he had a request from Eureka Moly to delay the agenda item related to the 3M Plan, so other agenda items will be taken early to accommodate that. With that change, Commissioner Ithurralde motioned to approve the agenda; Commissioner Page seconded the motion; motion carried 2-0.

### PUBLIC COMMENT

Chairman Fiorenzi opened the floor to public comments; there were none.

### FINANCE

Payment of Expenditures: Expenditures were presented for approval by Recorder & Auditor, Mike Rebaleati. Commissioner Ithurralde motioned to approve expenditures in the amount of \$779,884.90 for accounts payable and \$280,527.57 for payroll, for a grand total of \$1,060,412.47; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Page motioned to approve Yucca Mountain expenditures in the amount of \$4,615.00; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Auditor's Report: The Board reviewed the Auditor's Report which reflected current fund balances.

Resolution Establishing Enterprise Funds: Mr. Rebaleati explained that a resolution was on file, but he wanted the Board to formally adopt it so the action was memorialized in the minutes. During earlier meetings, he had informed the Board of the benefits of creating enterprise funds. Commissioner Page motioned to adopt a resolution establishing three enterprise funds effective July 1, 2011, as follows: (1) Eureka Town Water/Sewer Enterprise Fund, (2) Crescent Valley Water Enterprise Fund, and (3) Devil's Gate GID Water Enterprise Fund; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Fiscal Year 2011-2012 Fund Transfers: Mr. Rebaleati requested authorization to proceed with transfers of \$1,000,000.00 from the Assessor's Technology Fund into the General Fund, \$1,000,000.00 from the Landfill Fund into the General Fund, and several transfers out of the General Fund. He will bring forth a resolution outlining the fund transfers at a future meeting. Commissioner Ithurralde motioned to approve proceeding with the Fiscal Year 2011-2012 fund transfers; Commissioner Page seconded the motion; motion carried 3-0.

### HUMAN RESOURCES POSITION

Interview Committee: During the previous selection process for the Human Resources Analyst position, both candidates scheduled to be interviewed by the Commissioners accepted other positions before the meeting/interview date arrived. Mr. Rebaleati felt this was due, in part, to the delay of having to wait for a Commissioner meeting and suggested that an Interview Committee be appointed to streamline the process. Commissioner Page motioned to approve a

three-member committee and recommended himself, Mike Rebaleati, and Ron Damele. Chairman Fiorenzi felt it was a conflict of interest for a Commissioner to sit on the Interview Committee which would make a hiring recommendation to the Commissioners. Commissioner Ithurralde agreed. The motion died for lack of a second.

Commissioner Ithurralde motioned to appoint Mike Rebaleati, Michael Mears, and Kim Todd to the Interview Committee for the Human Resources Analyst position; Commissioner Page seconded the motion; motion carried 2-1. Chairman Fiorenzi voted against the motion, stating that the Commissioners should conduct their own interviews.

## **COMMISSIONERS**

Commissioner Update Reports: Commissioner Page reported that he checked on progress of the Crescent Valley arsenic treatment plant and conducted one employee performance evaluation. Commissioner Ithurralde attended the FEMA meeting regarding the flood plain map updates on August 8<sup>th</sup>; met with a candidate for the physician position at the Eureka Clinic on August 9<sup>th</sup>; and attended the Barrick Ruby Hill Citizen Advisory Committee meeting on August 17<sup>th</sup>. Chairman Fiorenzi has been working with the District Attorney and representatives of Nevada Rural Housing Authority on the Eureka Canyon Subdivision documents for the single family housing.

SB299 Compliance: The 2011 Nevada Legislature passed Senate Bill 299, amending NRS Chapter 574 and directing Boards of County Commissioners to adopt an ordinance requiring commercial breeders of dogs and cats to obtain a permit in certain circumstances. Commissioner Ithurralde proposed amending the Animal Control Ordinance to comply with SB299 as required by the 2011 Nevada State Legislature; Commissioner Page seconded the motion; motion carried 3-0.

Consider Expanding Public Comment: Recent legislative changes to Open Meeting Law require a minimum of two public comment periods in public meetings. A letter from the Nevada Attorney General's office outlined the changes and noted that boards could elect to allow public comment prior to each action item. Chairman Fiorenzi was in favor of this option. Commissioner Ithurralde preferred continuing with the two public comment periods and scheduling additional public comment during items of particular interest to the public. Commissioner Page agreed that the two public comment periods were sufficient because the Chairman has the option to ask for additional public comment. Commissioner Page motioned to continue with the two public comment periods during meetings in compliance with Open Meeting Law; Commissioner Ithurralde seconded the motion; motion carried 2-1 with Chairman Fiorenzi voting against the motion.

Updates Related to Mt. Hope Mine Project: It was noted that General Moly had submitted a letter to Senator Harry Reid opposing the County's request for a 90-day extension to review the Administrative Draft EIS for the Mt. Hope Project.

## **PUBLIC WORKS**

Update on Public Works Projects: US HIGHWAY 50 APPROACHES: The approaches at the Eureka Canyon Subdivision are on schedule to be completed in 63 days. 2011 STREET MAINTENANCE PROJECT, PHASES 1&2: Phase 1, installation of reinforced box culverts, is going well with two of the culverts in place. There is a slight delay in Phase 2, street maintenance, because the contractor had some difficulty procuring an asphalt source. SENTINEL MUSEUM EXTERIOR RESTORATION: The museum will be complete within one to two days. CRESCENT VALLEY ARSENIC TREATMENT PLANT: The concrete pads have been poured. The overall project is about six weeks behind schedule due to difficulty in getting the building delivered. The scheduled completion date is now October 31<sup>st</sup>.

Crescent Valley Community Development Assessment: Rex Massey, Research & Consulting Services, Inc., presented a cost estimate and scope of work for completing a

Community Development Assessment for Crescent Valley. The scope of work is divided in to six main tasks: (1) conduct informational meetings; (2) describe background conditions; (3) identify local employment characteristics; (4) identify development opportunities and constraints; (5) ascertain community amenities supporting development and growth; and (6) complete summary of findings and recommendations, including written report and oral presentation. Commissioner Page motioned to approve the proposal from Research & Consulting Services, Inc., to complete a Community Development Assessment for Crescent Valley, not to exceed \$25,000.00; Commissioner Ithurrealde seconded the motion; motion carried 3-0.

Beowawe Road Maintenance Shop / Crescent Valley Public Works Maintenance Facility: Terry Melby, of Ganthner Melby, LLC, prepared the preliminary design layout for the Beowawe Road Maintenance Shop and some additional work to relocate the ambulance service to the current maintenance building in Crescent Valley. Mr. Melby reviewed the design development and layout for mechanical, electrical, structural, and all site civil work for a total estimated cost of \$2,757,332.96 for the 9,000 sq. ft. building. Commissioner Ithurrealde motioned to accept the preliminary plans from Ganthner Melby, LLC, for the Beowawe Road Maintenance and Crescent Valley Public Works Maintenance Facility; Commissioner Page seconded the motion; motion carried 3-0.

Mr. Damele explained that the architectural and engineering services related to construction of the Beowawe Road Maintenance Shop and Crescent Valley Public Works Maintenance Facility will include preparation of construction documents; bidding assistance; construction administration; expenses including shipping, printing, etc.; and if required, a topographic map and percolation test. Commissioner Page motioned to approve the professional services estimate from Ganthner Melby, LLC, related to construction of the Beowawe Road Maintenance Shop and Crescent Valley Public Works Maintenance Facility, not to exceed \$205,048.00; Commissioner Ithurrealde seconded the motion; motion carried 3-0.

## **COUNTY ENGINEER**

2011 Street Maintenance Project: Tom Young, Lumos & Associates, reported on Phase 1 of the Street Maintenance Project. Installation of the box culverts is ahead of schedule by one week. Paving where the culverts are installed will occur in Phase 2 of the project. Phase 2 of the project, street maintenance, consists of four different parts and due to the delay in acquiring an asphalt source, the last part of the project may have to be delayed until next construction season.

Eureka Airport Runway 18/36 Reconstruction Project: Bids for the project were opened on August 11<sup>th</sup>. Three bids were received from Aggregate Industries, Granite Construction Company, and Qualcon Contractors. Low bidder was Aggregate Industries with a base bid of \$2,581,052.00 and an additional \$376,725.00 for additive alternate A, for a total bid of \$2,957,777.00. Ron Damele noted that the FAA grant will not include additive alternate A, so the County has the option of not completing this or funding it separately. The FAA sent a letter authorizing award of the bid to Aggregate Industries, but has not yet confirmed the grant offer. Mr. Young would like to start the project immediately after Labor Day. If receipt of the grant offer delays the project beyond that, Mr. Young recommends postponing onset until next construction season. Before awarding the bid, a meeting will be held with Aggregate Industries to verify they will honor their bid prices next spring. Commissioner Ithurrealde motioned to accept the bids into the record for the Eureka Airport Runway 18/36 Reconstruction Project; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Ithurrealde motioned to approve the entire bid from Aggregate Industries in the amount of \$2,957,777.00, with the County funding \$376,725.00 of the project for additive alternate A; Commissioner Page seconded the motion; motion carried 3-0.

## **YUCCA MOUNTAIN**

**Socioeconomic Trends & Conditions Report:** Nuclear Waste Advisor, Abby Johnson, reported that with 2010 Census data available, it was time to update the Socioeconomic Trends and Conditions Report for Eureka County. A proposal was obtained from Rex Massey to complete annual updates through 2015. Mr. Massey reported that the original report from 2006 would be updated and expanded for up to \$30,000.00 and annual updates would be completed for up to \$7,500.00. Commissioner Ithurrealde motioned to accept the bid from Rex Massey of Research & Consulting Services, Inc., to update and maintain the Socioeconomic Trends & Conditions Report from 2011 through 2015 for a total cost not to exceed \$60,000.00 to be paid with Yucca Mountain funding; Commissioner Page seconded the motion; motion carried 3-0.

**Letter of Commendation to John Gervers:** John Gervers of Latir Energy Consultants is retiring and has done an outstanding job for Eureka County related to Yucca Mountain. Commissioner Ithurrealde motioned to send a letter to John Gervers, Latir Energy Consultants, commending him for his assistance to Eureka County and its Yucca Mountain Nuclear Waste Program; Commissioner Page seconded the motion; motion carried 3-0.

## **3M PLAN (FOR MONITORING, MANAGEMENT, & MITIGATION OF IMPACTS TO WATER RESOURCES)**

**Public Comment Related to 3M Plan:** Chairman Fiorenzi opened the floor for public comments related to the draft 3M Plan made publicly available on August 5, 2011. The recent State Engineer Ruling 6127, granting 11,300 acre feet annually for the Mt. Hope Mine Project, included a requirement for General Moly to work in cooperation with Eureka County to draft a 3M Plan for submission to the State Engineer.

Mark Moyle, Diamond Natural Resource Protection, commended Jake Tibbitts and Dale Bugenig for their work on the plan. He felt the plan had some good content, but also contained some flaws. Mr. Moyle was concerned about enforceability of the plan and felt that General Moly should provide monetary security to cover all potential impacts. He commented that test pumping in Kobeh Valley has already impacted a spring and, to his knowledge, no mitigation has taken place. If the security isn't obtained up front, it will be very hard to enforce mitigation. He cautioned the County not to rush into agreeing to a plan that will have long-term effects.

Lloyd Morrison was concerned about impacts and felt the mitigation should be bonded, noting that it is not uncommon for mines to be bonded for reclamation. In a later comment, Mr. Morrison cautioned that the Water Advisory Committee needed to be limited to a manageable number or it could become ineffective. He also challenged General Moly to make good on their promise to retire 11,300 acre feet of water in Diamond Valley.

Bob Pennington, of General Moly, commented on the draft 3M Plan, pointing out the following aspects: it is a straightforward and readable document; enforceability lies with the State Engineer; data sharing is a key component; data will be updated as pumping progresses; it allows for participation by the stakeholders (those potentially affected by water usage); it addresses mitigation by having \$1 million up front to take care of impacts, primarily those predicted in Kobeh Valley; it provides a mechanism for adjusting the amount of financial assurance provided; and it is the culmination of several years of studies and work to understand the groundwater and natural resources of the area. Lastly, Mr. Pennington encouraged everyone to move forward with approval of this plan.

Chairman Fiorenzi asked the other Board members if they had any comments. Commissioner Ithurrealde felt bonding, as suggested in some of the comments, was a good idea but wasn't sure how it would be administered. Commissioner Page agreed that bonding should be required.

Chairman Fiorenzi reviewed his comments on the draft 3M Plan and requested several changes and clarifications. He suggested the following additions: identifying Diamond Valley water right holders as participants; defining a vested interest; including Antelope Valley and listing the hot springs in Antelope Valley as potentially affected water. There was a question

whether monitoring should be specified as being covered by the financial assurance for mitigation after cessation of mining, or whether it is understood to be part of mitigation. The Chairman had concerns over ensuring long-term funding for mitigation. Other financial assurances besides bonding were considered, such as setting up a trust. The model will become more accurate as real data, versus predicted data, is recorded and this will determine required funding. The Chairman felt certain language about impacts to existing water rights should be removed; he thought it mislead the reader to think Eureka County approved of mitigating impacts to existing water rights, when in fact, Eureka County's position is that is in violation of State law to grant water rights that will impact existing water rights. Mr. Tibbitts and Mr. Bugenig felt the language recognized that impacts were predicted in the model, and didn't necessarily state a position, but agreed that reworking the language might clarify this. The mention of BLM and NDOW in relation to Federal Public Water Reserves was debated, versus whether it was better to leave this out of the plan; it was noted in the plan that a separate plan and process is in place regarding the BLM.

Chairman Fiorenzi concluded by stating the 3M Plan would be included on the September 6<sup>th</sup> agenda to allow more public comment and included on the September 19<sup>th</sup> agenda for possible action. Commissioner Ithurralde reiterated the need for some type of up-front funding. Mr. Tibbitts stated he would work with Dale Bugenig, Ted Beutel, and possibly Karen Peterson to incorporate the additions, clarifications, and comments received. Chairman Fiorenzi thanked everyone for their work on the plan.

#### **NV ENERGY**

Application to Nevada State Office of Energy for Tax Abatement: NV Energy, in conjunction with Great Basin Transmission, made application to the Nevada State Office of Energy for a renewable energy tax abatement for the One Nevada Transmission Line Project, commonly referred to as the ON Line Project. Jim McMorran, Manager of Transmission Strategy for NV Energy, explained that the project is for a high voltage line that will run from Robinson Summit in White Pine County, through Nye County, Lincoln County, and end at the Harry Allen Substation in Clark County. NV Energy and Great Basin Transmission each own interest in this transmission line. The \$510 million project began in April 2011 and will employ 200 workers at peak of construction, with construction scheduled to be completed in December 2012. This line will allow for transmission of energy from renewable resources, such as power generated from geothermal and wind, and qualifies the project for partial tax abatement. The abatement waives sales and use tax except for the 2.6% that goes to schools, and reduces property tax to 45% for the first 20 years of the project.

How does this project impact Eureka County? A series of capacitors will be installed at the Falcon Substation near Battle Mountain (west of Dunphy) and will increase capacity on the transmission line that runs through Eureka County from the Falcon Substation to the Gonder Substation near Ely, allowing for transmission of the electricity created from renewable energy sources. Equipment installation in the form of towers and conductors will occur in some counties (White Pine, Lincoln, Nye, and Clark) which may affect roads and grazing allotments, but Eureka and Elko Counties will only be impacted by increased capacity on existing lines.

#### **NEVADA RURAL HOUSING AUTHORITY**

Single Family Documents for Eureka Canyon Subdivision: Chairman Fiorenzi stated he has had numerous conversations with the District Attorney and NRHA representatives regarding the single family documents. Some changes have been proposed, but redline documents have not yet been received. NRHA is in agreement with Eureka County that the CC&Rs (conditions, covenants, and restrictions) should be done with the agreement.

Jack White, JL White & Associates, agreed that several people with the County wanted to see the CC&Rs attached to the Real Property Agreement for the single family portion of the

subdivision, but this creates a timeline issue. Mr. White suggested agreeing to an outline of the CC&Rs while moving forward with signing the agreement. NRHA will not sell any single family lots until the CC&Rs are in place. He suggested calling a meeting with the housing core group early the next week to work on the outline of the CC&Rs. NRHA will make the requested amendments to the single family documents and have them ready for approval at the September 6<sup>th</sup> meeting.

Documentation of \$250,000.00 Increase to Interim Agreement: At the last meeting, Mr. White requested an increase of \$250,000.00 to the Interim Agreement to cover delivery and related costs for the townhome units. NRHA modified their budget spreadsheet to reflect this increase and provided copies to the Board and to County Auditor, Mike Rebaleati. The Board will make sure that this is sufficient backup for the Auditor and will let NRHA know if further documentation is needed.

Extension of Interim Agreement: Mr. White requested extension of the Interim Agreement to September 6<sup>th</sup> when the single family documents will be signed. Commissioner Ithurralde motioned to extend the Interim Agreement as requested; Commissioner Page seconded the motion; motion carried 3-0.

Update on Multifamily Portion of Subdivision: Mr. White reported that ground work is progressing with the contractor, Legacy Construction. There has been a holdup with the townhome units due to their fire rating. Guerdon has engaged a hazards expert architect to provide a recommendation for bringing the buildings up to Nevada fire code. As soon as this is resolved, the units are ready to be shipped. The final map, necessary to close escrow, was approved by the Commissioners on August 5<sup>th</sup> and provided to the title company, so escrow is anticipated to close by the end of the month.

Marketing & Credit/Financing Professionals: Mr. White requested that introduction of the marketing professional and the credit/financing representative be tabled to the September 6<sup>th</sup> meeting.

#### **RECESS FOR LUNCH**

The Board recessed for lunch from 12:00 noon to 1:00 p.m.

#### **AMBULANCE & EMS**

Update Report: EMS Coordinator, Mike Sullivan, reported on emergency services since his last report on August 5<sup>th</sup>. Eureka had 19 calls for service (96 year-to-date) and Crescent Valley had seven calls for service (37 year-to-date). A call on July 27<sup>th</sup> involved a rollover accident on State Route 278, requiring extrication of the severely injured patient by ambulance and Eureka Volunteer Fire Department personnel. Mr. Sullivan reported on volunteer staffing levels in both Eureka and Crescent Valley. Applications have been received for one Intermediate EMT and two First Responder Drivers. The driver applicants will be sent to the Nevada EMS Training Conference on September 15<sup>th</sup> for the Emergency Vehicle Operations class. Continuing education is scheduled on August 22<sup>nd</sup> in Eureka and August 25<sup>th</sup> in Crescent Valley. The department presented Physician's Assistant, Duke Gibson, with a certificate of appreciation for his professional service over the past five years. The department provided standby for several activities including: the Eureka County Fair; the Wellness Walk on August 5<sup>th</sup>; a law enforcement incident on August 9<sup>th</sup>; and the Annual Night Out hosted by the Sheriff's Office on August 12<sup>th</sup>.

#### **COUNTY FACILITIES & ECONOMIC DEVELOPMENT**

Update Report: Cultural, Tourism, & Economic Development Director, Andrea Rossman, reported that interviews for the Economic Development Department Assistant were conducted on August 9<sup>th</sup> and Patty Bice was selected for the position. The Opera House and Sentinel



Museum both remain busy through the tourist season. A performance by Gigi Love was scheduled for that evening at the Opera House.

Silver Strike Day: Ms. Rossman requested authorization to schedule Silver Strike Day on October 8<sup>th</sup> to celebrate the history of Eureka County. The event will include an art show, quilt show, arts and craft vendors, and a 'ghost walk' tour of the local cemeteries which will include character portrayals of prominent figures. There is very little overhead cost, so the existing budget will cover the event. Commissioner Ithurrealde motioned to authorize the Economic Development Program to sponsor and produce Silver Strike Day at the Eureka Opera House on October 8<sup>th</sup>; Commissioner Page seconded the motion; motion carried 3-0.

### **SWIMMING POOL, PARKS, & RECREATION**

Update Report: Parks, Recreation, & Facilities Director, Cindy Adams, reported on pool and park activities. The Swimming Pool had 1,297 swimmers for the month of July. This included participants in the various swim and exercise activities, 56 students in the American Red Cross Learn to Swim Program, several bicycle groups, and 95 swimmers on the 4<sup>th</sup> of July. Buildings and grounds crews did cleaning and landscaping at County parks and facilities, which included preparation for the 4<sup>th</sup> of July, the VFW Co-ed Softball Tournament, the Sheriff's Night Out event, the Wellness Walk, and Ruby Hill Mine's annual picnic. Nine employees will be headed back to college in approximately one week.

On behalf of the VFW, Commissioner Ithurrealde thanked Ms. Adams for the cleaning and work done at the ball parks in preparation for the tournament, stating they looked better than they ever had.

### **EUREKA COUNTY SHERIFF**

Equitable Sharing Agreement with US Department of Justice: Sheriff Ken Jones explained that Eureka County enters into an Equitable Sharing Agreement with the US Department of Justice annually specifying allocation of forfeited cash, property, and proceeds. Commissioner Ithurrealde motioned to accept and authorize the Chairman to sign the annual Equitable Sharing Agreement and Certification between Eureka County and the Department of Justice; Commissioner Page seconded the motion; motion carried 3-0.

### **NATURAL RESOURCES**

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities. He attended the Nevada Pinyon-Juniper Partnership workshop in Ely on August 8<sup>th</sup> and 9<sup>th</sup>; attended a Wildlife Advisory Board meeting the evening of August 8<sup>th</sup>; participated in the Eureka Conservation District meeting on August 10<sup>th</sup>; met with Ruby Hill Mine representatives on August 10<sup>th</sup> along with Dusty Mowler, who works for UNR Cooperative Extension and is a member of the Pinyon-Juniper Partnership; attended a Natural Resources Advisory Commission meeting on August 10<sup>th</sup>, which had to be postponed due to lack of quorum; participated in a Mt. Hope conference call on August 16<sup>th</sup>; attended the Ruby Hill Community Advisory Meeting on August 17<sup>th</sup>; and met with BLM representatives regarding several issues on August 18<sup>th</sup>.

The meeting at Ruby Hill Mine included discussion of bio char, an economical and readily available ash product that has proved successful in treating soil and maintaining moisture content for mine reclamation projects.

Mr. Tibbitts had been asked to make a recommendation regarding a request from the Nevada Pinyon-Juniper Partnership for \$20,000.00 to cooperatively fund a full-time staff person. The workshop in Ely showed that the majority of projects are focused in White Pine and Lincoln Counties and Mr. Tibbitts felt the Partnership currently did not show enough benefit to Eureka County to warrant funding.

Upcoming Meetings: Upcoming meetings include a Crescent Valley Firewise meeting on August 24<sup>th</sup>; a BLM Great Basin Resource Advisory Council meeting at the Eureka Opera

House on August 25<sup>th</sup>-26<sup>th</sup>; a NACO Public Lands & Natural Resources Subcommittee meeting on August 29<sup>th</sup>; and a Mt. Hope conference call on August 30<sup>th</sup>.

Out-of-State Travel to Park City, Utah: Commissioner Ithurralde motioned to authorize out-of-state travel for Mr. Tibbitts to attend the annual Public Lands Council meeting in Park City, Utah, on September 7<sup>th</sup>-8<sup>th</sup>; Commissioner Page seconded the motion; motion carried 3-0.

Response to BLM Report: 'Department of Interior's Economic Contributions': Mr. Tibbitts felt this recent report contained several disparities. For example, it attributes more jobs coming from recreation on public lands than hard rock mining, timber, and grazing combined. The overall report downplays mining and grazing and may be laying a foundation or providing a strategy for something coming forward. He recommended that a response be submitted to this report and noted that the County had multiple studies and reports documenting data that conflicted with certain claims made in the report. Chairman Fiorenzi agreed that a cover letter should be sent attaching the reports that refute some of the claims in their survey. Mr. Tibbitts will get feedback from the Natural Resources Advisory Commission at their next meeting. Commissioner Ithurralde stated he would like NACO to review the report as well.

National Strategic & Critical Minerals Policy Act of 2011: Mr. Tibbitts had intended to recommend a letter of support for this Act, but there have been recent changes to the bill that Eureka County may not be supportive of, so for now he will continue to track the legislation.

BLM's Strategy to Conserve Sage Grouse and Protect Its Habitat: Mr. Tibbitts has requested a copy of the *Strategy to Conserve Sage Grouse and Protect Its Habitat*, but has not yet received it and has only seen the BLM press release. He will keep the Board informed on this BLM plan which has garnered the support of LAFLA, an association of western wildlife and fish agencies.

#### **CLERK & TREASURER**

Treasurer's Report: The Treasurer's Report for July 2011 was submitted by Clerk & Treasurer, Jackie Berg, with an ending balance of \$62,539,068.09. The Treasurer's Report is comprised of the various bank accounts, investment accounts, reports on distribution of interest income, allocation of property tax, and itemizes all income received by the County for the month. Ms. Berg reported that her department has been busy preparing for the September 13<sup>th</sup> Special Election for the US Congressional seat formerly held by Dean Heller. Ms. Berg submitted a cost estimate for the election to the Nevada Secretary of State since the State will reimburse all counties that submit an accurate estimate.

#### **APPROVAL OF MINUTES**

June 29, 2011, Special Meeting: Commissioner Ithurralde motioned to approve the minutes for the Special Meeting on June 29, 2011; Commissioner Page seconded the motion; motion carried 3-0.

July 15, 2011, Quarterly Meeting: Commissioner Page motioned to approve the minutes for the Quarterly Meeting on June 15, 2011; Commissioner Ithurralde seconded the motion; motion carried 3-0.

#### **CORRESPONDENCE**

Correspondence was received from: Grad Nite students; Sabrina Reed; Shannon Sena, DDS; District Attorney, Ted Beutel (5); Public Works, Ron Damele (3); Deputy Recorder, Tina Hubbard; Eureka County Economic Development Program (3); Natural Resources Advisory Commission; Crescent Valley Town Advisory Board (3); General Moly, Bruce Hansen; Moly Bits Mailer; Tri-County Meeting; Nevada Rural Housing Authority, Gary Longaker; Allison, MacKenzie, et al; Ganthner Melby, LLC (2); Research & Consulting Services, Inc. (2); Rehab Services of Nevada, Greg Barker; NV Energy; Nevada Pool/Pact (2); Nevada State Controller's Office, Jean Robbins; Nevada Dept. of Taxation; Nevada State Board of Equalization; Nevada Div. of Environmental

Protection; Nevada Dept. of Health & Human Services; Nevada Connections newsletter; NHC Reporter newsletter; Nevada's Economy newsletter; US Geological Survey; US Army Corps of Engineers; US Fish & Wildlife Service (2); and US Dept. of the Interior.

**PUBLIC COMMENT**

Chairman Fiorenzi called for public comments; there were none.

**ADJOURNMENT**

Commissioner Ithurrealde motioned to adjourn the meeting at 1:50 p.m.; Commissioner Page seconded the motion; motion carried 3-0.

Approved this 24<sup>th</sup> day of October, 2011.

/s/ Leonard Fiorenzi

Leonard Fiorenzi, Chairman

Attest: /s/ Jackie Berg

Jackie Berg, Clerk

**NOTICE IS HEREBY GIVEN** that the Board of Eureka County Commissioners will meet pursuant to law on September 6, 2011, 9:30 a.m. in the Commissioners' meeting room at the County Courthouse located at 10 South Main Street, Eureka, Nevada.

**AGENDA**

**9:30 - CALL TO ORDER**

1. Approval of the agenda notice with addition of any emergency item and/or deletion of any item. (Action)  
*Unless otherwise stated, items may be taken out of the order presented on the agenda, at the discretion of the Chair.*
2. Pledge of allegiance.

**9:35 - PUBLIC COMMENT and DISCUSSION**

1. Public comment and discussion. (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 shall be limited to (3) minutes per person, and public comment will only be received during the two times specified on the agenda, unless otherwise noted.*
2. Consider items requiring action to be placed on the agenda for the next regular meeting. (Action) *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.*

**9:45 - FINANCE – Mike Rebaleati, County Recorder/Auditor**

1. Payment of expenditures. *NOTE: Expenditures received after action has been taken under this 'Finance' section may be presented and acted upon throughout the day.* (Action)
2. Review Auditor's Report. (Discussion)
3. Discuss, approve, or deny signing an Interlocal Contract with Nevada State Health Division, Public Health & Clinical Services, related to services provided under NRS Chapter 439 (Administration of Public Health), Chapter 444 (Sanitation), Chapter 446 (Food Establishments), and Chapter 583 (Meat, Fish, Poultry, and Eggs). (Action)

**9:55 - NATURAL RESOURCES – Jake Tibbitts, Natural Resources Manager**

1. Report on activities, upcoming meetings, and natural resource issues affecting Eureka County. (Discussion)
2. Discuss and select Eureka County's 2011-2012 election of Secure Rural Schools and Community Self-Determination Act Title II and/or Title III payments, including adoption of the associated Resolution, to be submitted to the US Forest Service by September 3, 2011. (Action)
3. Discuss, approve, or deny signing two separate Joint Funding Agreements for Federal Fiscal Years 2011-2013 with US Geological Survey for (a) Diamond Valley Flow System Study – Phase III; and (b) Hydrologic Monitoring Program in the Mount Hope and Roberts Mountains Vicinity. (Action)

**10:05 - 3M PLAN (FOR MONITORING, MANAGEMENT, & MITIGATION OF IMPACTS TO WATER RESOURCES)**

1. Discuss the 3M Plan with changes incorporated from discussion at the August 19<sup>th</sup> meeting and invite further public comment on the revised 3M Plan, which may be submitted to the Nevada State Engineer regarding the 11,300 acre feet annually of water for the Mt. Hope Mine Project. (Discussion)
2. Discuss, approve, or deny additions, deletions, or other changes to the 3M Plan (in preparation for consideration of approval at the September 19<sup>th</sup> Commission meeting). (Action)

**10:20 - COMMISSIONERS**

1. Commissioner update reports. (Discussion)
2. Discuss, approve, or deny setting date and time for a public hearing to consider amending the Animal Control Ordinance as required with the passage of SB299 during the 2011 Nevada State Legislature, to require commercial breeders of dogs and cats to obtain a permit in certain circumstances, and other matters properly relating thereto. *This amendment was proposed by the Board of County Commissioners on August 19, 2011.* (Action)
3. Discuss, approve, or deny sending letter BLM thanking them for granting a 90-day review and comment period for the Mt. Hope Project Draft EIS. (Action)
4. General updates, discussion, and possible action regarding the Mt. Hope Mine Project, including but not limited to impacts, housing, the EIS and NEPA process. (Action)

**10:30 - ROAD DEPARTMENT – Raymond Hodson, Road Superintendent**

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

**10:35 - PUBLIC WORKS** – Ron Damele, Director

1. Review, discuss, and approve or deny an update to the *Fiscal Impact Review & Analysis of the Mt. Hope Project* prepared by Research & Consulting Services, Inc., and all matters properly relating thereto. (Action)
2. Report on Public Works projects and activities. (Discussion)
3. Discuss, approve, or deny a Memorandum of Understanding with the Bureau of Land Management to use the Eureka Airport (05U) to maintain a seasonal single engine air tanker base, and all matters properly relating thereto. (Action)
4. Discuss, approve, or deny joining a National Joint Powers Alliance (NJPA) contract with Caterpillar (Contract #100907) for a new 2011 Caterpillar D7E Dozer, contract price \$542,311.40, with a guaranteed buy-back option of \$350,215.00 after five years, and all matters properly relating thereto. (Action)
5. Discuss, approve, or deny joining a Wicomico County, Maryland, bid with Caterpillar for a new 2011 Caterpillar 963D Waste Handling Track Loader in the amount of \$282,079.00. (Action)
6. Discuss, approve, or deny joining a city of Dickinson, North Dakota, bid with Caterpillar for a new 2011 Caterpillar 950H Wheel Loader in the amount of \$199,022.00. (Action)
7. Discuss, approve, or deny joining a Fresno County, California, bid with Caterpillar for a new 2011 RPM Tech LM220 Snow Blower, in the amount of \$125,245.00. (Action)
8. Discuss, approve, or deny out-of-state travel to Washington, DC, scheduled for October 17-21, 2011, for County Commission Chairman Fiorenzi and Natural Resource Manager Tibbitts to meet with Congressional Delegation, Department of the Interior staff, and Environmental Protection Agency staff relating to Eureka County natural resources concerns and issues, including but not limited to the National Environmental Policy Act (NEPA), and all matters properly relating thereto. (Action)

**10:45 - YUCCA MOUNTAIN** – Ron Damele, Public Works Director, and Abby Johnson, Nuclear Waste Advisor

1. Discuss, approve, or deny out-of-state travel to Washington, DC, scheduled for October 17-21, 2011, for Public Works Director to attend the Blue Ribbon Commission on America's Nuclear Future public meeting and to meet with Congressional Delegation and Yucca Mountain representatives. *This travel will be funded by the Department of Energy direct payment grant to Eureka County as an Affected Unit of Local Government.* (Action)

**10:50 - COUNTY ENGINEER** - Tom Young, Lumos & Associates

1. Update report on the 2011 Street Maintenance Project, Phases 1 and 2. (Discussion)
2. Update report on the Eureka Springs Project. (Discussion)
3. Report on the Eureka Airport 18/36 Reconstruction Project. (Discussion)
4. Discuss, approve, or deny accepting a grant for the Eureka Airport 18/36 Reconstruction Project in the amount of \$2,632,351.00 as the FAA portion of the project. (Action)
5. Ratify or approve awarding the Eureka Airport Runway 18/36 Reconstruction Project to the lowest responsive and responsible bidder, Aggregate Industries. (Action)
6. Discuss, approve, or deny modifying the schedule for the Eureka Airport 18/36 Reconstruction Project. (Action)

**11:00 - RECESS FOR DEVIL'S GATE GID MEETING**

**11:20 - NEVADA RURAL HOUSING AUTHORITY**

1. Review all *single family* development and grant/loan documents related to the Eureka Canyon Subdivision Project. (Discussion)
2. Discuss, approve, or deny signing any or all documents related to the *single family* portion of the Eureka Canyon Subdivision Project. (Action)
3. Discussion and possible action related to further direction and/or decisions on all matters properly relating to the Eureka Canyon Subdivision. (Action)
4. Introduction of marketing professionals for the Eureka Canyon Subdivision and overview of marketing plan. (Discussion)
5. Introduction of NRHA's credit representative, who will be managing financing and credit for potential buyers of the single family lots/homes in the Eureka Canyon Subdivision, and overview of credit and bond programs offered through NRHA. (Discussion)

**11:35 - SENIOR CENTERS** - Millie Oram and Adell Panning, Site Directors

1. Update report on activities at the Eureka Senior Center and the Fannie Komp Senior Center. (Discussion)
2. Review Fiscal Monitoring Report from Nevada Aging & Disability Services Division on Transportation Services Grant #07-000-10-BX-11 for the period of July 1, 2010, through June 30, 2011. (Discussion)

**11:45 - LAND SWAP PROPOSAL** – Pete Bigrigg, Eureka resident & landowner

1. Discussion and possible action related to a land swap and property line adjustment in the Town of Eureka, presented and proposed by Pete Bigrigg. (Action)

**on - RECESS FOR LUNCH**

**1:00 - NEVADA DIVISION OF FORESTRY** – Pete Anderson, State Forester and Fire Warden

1. Update on legislative issues and items related to the Fire District and administration of the District. (Discussion)

**1:10 - APPROVAL OF MINUTES**

1. Approval of minutes from the July 6, 2011, Commissioner meeting. (Action)

**1:15 - CORRESPONDENCE**

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

**1:20 - PUBLIC COMMENT and DISCUSSION**

1. Public comment and discussion. (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 shall be limited to (3) minutes per person, and public comment will only be received during the two times specified on the agenda, unless otherwise noted.*
2. Consider items requiring action to be placed on the agenda for the next regular meeting. (Action) *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.*

**1:30 - ADJOURNMENT**

1. Motion to adjourn. (Action)

Times are approximate. Items may be taken out of order, at the discretion of the Chair. Items may be removed from the agenda prior to, or during, the meeting. Related agenda items may be combined for discussion or action. (Action) means the Board may take action upon an item, but is not required to. Posted in Eureka at: Courthouse, Admin. Facility, Clerk's Office, Public Bulletin Board, and US Post Office. NOTICE TO PERSONS WITH DISABILITIES: If you require special assistance, please notify the Clerk's Office prior to the meeting at 775-237-5262.

## EUREKA COUNTY BOARD OF COMMISSIONERS

September 6, 2011

STATE OF NEVADA       )  
                                  :SS  
COUNTY OF EUREKA     )

### CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on September 6, 2011. Present were Chairman Leonard Fiorenzi, Vice Chair Mike Page, Member Jim Ithurralde, District Attorney Theodore Beutel, and Clerk & Treasurer Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance. The interactive video conference system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

### APPROVAL OF AGENDA

Chairman Fiorenzi noted that in addition to the two regular public comment periods, public comment would be taken during discussion of the 3M Plan and during the discussion with Nevada Rural Housing Authority regarding documents for the single family portion of the Eureka Canyon Subdivision. Commissioner Ithurralde motioned to approve the agenda with those additions; Commissioner Page seconded the motion; motion carried 3-0.

### PUBLIC COMMENT

Chairman Fiorenzi opened the floor to public comments. County Assessor, Michael Mears, informed the Board that the Nevada Department of Taxation will be holding a workshop regarding regulations for net proceeds of mines on September 21<sup>st</sup>. He and County Recorder & Auditor, Mike Rebaleati, plan to attend and will keep the Board updated on any developments.

Mark Moyle, Diamond Natural Resources Protection & Conservation Association, commented on the 3M Plan. He would like to see at least three members representing agriculture on the Water Advisory Committee and felt total membership should be limited to seven, or possibly five, since a larger committee would lose effectiveness. Mr. Moyle felt it would be well worth the County's time to review existing 3M Plans for comparison purposes and encouraged the County not to rush, but to take adequate time to ensure implementation of a worthwhile and workable plan.

### FINANCE

Payment of Expenditures: Expenditures were presented for approval by Recorder & Auditor, Mike Rebaleati. Commissioner Ithurralde motioned to approve expenditures in the amount of \$2,400,088.91 for accounts payable (which included a pass-through payment to the School District for \$1,097,394.98), \$1,233,201.00 for an electronic transfer to Nevada Rural Housing Authority, and \$401,205.66 for payroll, for a grand total of \$4,034,495.57; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Page motioned to approve Yucca Mountain expenditures in the amount of \$12,701.39; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Auditor's Report: Mr. Rebaleati stated he planned on completing some fund transfers and would provide an updated report before the end of the meeting. Later in the day he delivered a print-out that reflected the adjusted fund balances for Crescent Valley water, Eureka water, and Devil's Gate GID water.

Interlocal Contract with Nevada State Health Division: This contract, related to health inspector services, was a result of the 2011 legislative changes that passed down certain costs from the State to the counties. District Attorney, Ted Beutel, sent a letter to the Department of Health & Human Services regarding earlier contracts submitted to the County, inquiring whether certain contracts are needed if the County simply agrees to pay the amount for services. No

reply has been received. Commissioner Ithurralde motioned to send another letter to the Nevada Department of Health & Human Services asking if this contract is necessary as long as the County pays the fee related to health inspection services; Commissioner Page seconded the motion; motion carried 3-0.

### **NATURAL RESOURCES**

**Report on Activities:** Natural Resources Manager, Jake Tibbitts, reported on recent activities. On August 23<sup>rd</sup>, Mr. Tibbitts and Commissioner Ithurralde met with BLM State Director, Bob Abbey; Elko District Manager, Ken Miller; and Chief of Office of Communications, Doran Sanchez; to discuss several public lands issues including the Mt. Hope Project. Mr. Tibbitts attended the Crescent Valley Firewise meeting on August 24<sup>th</sup>; the BLM Northeast Great Basin Resource Advisory Council meeting in Eureka on August 25<sup>th</sup>; met with NACO members in Fallon on August 26<sup>th</sup>; attended the NACO Public Lands & Natural Resources Subcommittee meeting on August 29<sup>th</sup>; and met with representatives from the US Geological Survey on August 30<sup>th</sup> in Eureka.

**Upcoming Meetings:** Mr. Tibbitts will attend the Public Lands Council annual meeting in Park City, Utah, on September 7<sup>th</sup>-8<sup>th</sup>; the Natural Resources Advisory Commission meeting on September 14<sup>th</sup>; and will meet with Jeanne Higgins, Forest Supervisor for the Humboldt Toiyabe National Forest, on September 16<sup>th</sup>.

**Resolution for Secure Rural Schools & Community Self Determination Act Funding:** Mr. Tibbitts explained the County's options to select Title II or Title III monies under the Secure Rural Schools & Community Self Determination Act of 2000 (SRS Act). In the past, Eureka County has elected to take the 25% payment under Title III, which equates to about \$25,000.00 to \$30,000.00 per year. This has been used to fund the Firewise Communities and fire prevention education. The deadline for selecting the upcoming year's funding is September 30<sup>th</sup> and Mr. Tibbitts recommended that the County opt for a split between Title II and Title III funding, which will allow a portion to be allocated to weed control. Mr. Tibbitts is a member of the Forest Service Resource Advisory Committee and they are sponsoring a weed management project in Eureka County. Mr. Tibbitts felt it would be worthwhile for the County to utilize the SRS funds to contribute to this project. Commissioner Ithurralde motioned to elect the option with 10% allocated for Title II projects and 10% allocated to Title III projects under the SRS Act and to adopt the associated Resolution; Commissioner Page seconded the motion; motion carried 3-0.

#### **RESOLUTION BEFORE THE BOARD OF COMMISSIONERS FOR EUREKA COUNTY, NEVADA**

In the Matter of the FFY 2011  
Elections for National Forest  
Related Safety-Net Payments

WHEREAS, Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest lands be paid to states for use by the counties in which the lands are situated for the benefit of public schools and roads; and

WHEREAS, the principal source of revenues from National Forest lands is from the sale and removal of timber, which has been curtailed in recent years with a corresponding decline in revenues shared with counties; and

WHEREAS, the United States Congress recognized a need to stabilize education and road maintenance funding through predictable payments to the affected counties, and to achieve that goal enacted the Secure Rural Schools and Community Self-Determination Act of 2000, which has been amended and re-authorized for FFY 2008-2011 ("SRS"); and

WHEREAS, Title I of SRS gives each eligible county the right to elect to receive either its traditional share of revenues from the National Forest lands pursuant to the Act of May 23, 1908 and Section 13 of the Act of March 1, 1911 (the "25-percent



payments"), or instead to receive a guaranteed minimum share of the State payment pursuant to Sections 102(a)(1)(B) and 103 (the "full county payment amount"); and

WHEREAS, an election to receive the full county payment amount is effective for all federal fiscal years through FFY 2011, and an election to receive a 25-percent payment is binding for two years; and

WHEREAS, any county electing to receive a full county payment amount that is \$100,000 or more must further elect to expend an amount not less than 15 percent nor more than 20 percent of its full county payment amount as project funds; and

WHEREAS, Title I, Section 102(d) of SRS requires that counties electing to receive a full county payment amount of \$100,000 or more must allocate its project funds for projects in accordance with Title II and Title III, and return the balance of project funds unspent under Titles II and III to the Treasury of the United States, and communication such allocation to the Secretary of the United States Department of Agriculture; and

WHEREAS, Title II provides for special projects on federal lands or that benefit resources on federal lands, which projects are recommended by local resource advisory committees ("RACs"); and

WHEREAS, RACs recommend projects for consideration by the Secretary of Agriculture, with project funding supplied in whole or in part out of monies allocated for such purposes by participating counties; and

WHEREAS, counties that allocate funding to projects under Title II, and are participants in more than one RAC, may further direct that their Title II project funds be divided between different RACs according to an allocation decided by each participating county, with such funds held in the Treasury of the United States under the name of the county with a designation of the amount allocated to each RAC; and

WHEREAS, Title III provides for county projects, some of which are associated with federal lands, with Title III authorizing expenditures for search, rescue and emergency services, fire prevention and planning under the Firewise Communities program, and development of community wildfire protection plans; and

WHEREAS, a county with a full county payment amount of \$350,000 or more may not allocate more than 7 percent of its full county payment amount for Title III projects.

WHEREAS, in 2008, 2009, and 2010, Eureka County elected to receive the guaranteed minimum full county payment amount pursuant to SRS Sections 102(a)(1)(B) and 103.

NOW, THEREFORE, be it resolved as follows:

1. Eureka County reaffirms its election to receive the guaranteed minimum full county payment amount pursuant to SRS Sections 102(a)(1)(B) and 103.
2. Eureka County has elected to receive a full county payment amount that is \$100,000 or more, and hereby allocates 20 percent of its full county payment amount for expenditure on projects under Title II and Title III. Eureka County will return none (zero percent) of its full county payment amount to the Treasury of the United States.
3. Of the percent allocated to Title II and Title III projects above in paragraph 2, Eureka County further allocates between such Titles for FFY 2011 (for expenditure after FFY 2011) on the following basis: 10 percent of full county payment amount for expenditure on Title II projects and 10 percent of the full county payment amount for expenditure on Title III projects.
4. Of the amount of project funds allocated to Title II projects above in paragraph 3, Eureka County allocates 10 percent to the White Pine/Nye RAC.
5. A copy of this Resolution shall be transmitted to the Nevada State Treasurer and the Nevada State Controller at the following:

OFFICE OF THE STATE TREASURER	OFFICE OF THE STATE CONTROLLER
101 North Carson Street, Suite 4	101 North Carson Street, Suite 5
Carson City, Nevada 89701-4786	Carson City, Nevada 89701-4786
Fax (775) 684-5623	Fax (775) 684-5695

ADOPTED this 6<sup>th</sup> day of September, 2011.

EUREKA COUNTY BOARD OF COMMISSIONERS

/s/ Leonard Fiorenzi

Leonard Fiorenzi, Chairman

Attest: /s/ Jackie Berg

Jackie Berg, Clerk

Joint Funding Agreements with US Geological Survey: Mr. Tibbitts explained that two Joint Funding Agreements were received for consideration. One was for the Diamond Valley Flow System Study, Phase 3, and covers two fiscal years with the County's portion being \$399,575.00 and USGS's portion being \$326,925.00 (45% match). The second was for the monitoring and study of the Roberts Mountain and Mt. Hope areas and also covers two fiscal years with the County's portion being \$183,700.00 and the USGS's portion being \$183,700.00 (50% match). Commissioner Ithurralde motioned to approve the Joint Funding Agreement with US Geological Survey for the Diamond Valley Flow System Study, Phase 3, in the amount of \$399,575.00 for Eureka County's portion; Commissioner Page seconded the motion; motion carried 3-0. Commissioner Ithurralde motioned to approve the Joint Funding Agreement with US Geological Survey for the Hydrologic Monitoring Program in the Mt. Hope and Roberts Mountain areas, in the amount of \$183,700.00 for Eureka County's portion; Commissioner Page seconded the motion; motion carried 3-0.

### **3M PLAN (FOR MONITORING, MANAGEMENT, & MITIGATION OF IMPACTS TO WATER RESOURCES)**

Continued Discussion on 3M Plan: The recent State Engineer ruling, granting water for the Mt. Hope Project, included direction to General Moly to work cooperatively with Eureka County to create a 3M Plan regarding the 11,300 annual acre feet of water granted for the project. Mr. Tibbitts, along with Hydrologist, Dale Bugenig, provided a detailed overview of the revised draft 3M Plan which incorporated comments from the discussion held at the August 19<sup>th</sup> meeting. He noted that most of the changes simply provided clarification on something that was already included in the plan.

Commissioner Page commented that he would like the plan to address what triggers mitigation in the first place. Mr. Tibbitts replied that the plan does address triggers and identifies a process for establishing triggers. Mr. Bugenig added that triggers will be determined by the Water Advisory Committee (WAC) and the Technical Advisory Committee (TAC); since more monitoring data needs to be in place before accurate and effective triggers can be established. Should adverse impacts occur that prove the water model wrong, the State Engineer has authority to curtail or cease pumping. Chairman Fiorenzi suggested that the plan specifically state that the TAC will request action from the State Engineer should this occur. A lengthy discussion ensued regarding triggers, what level of impact would be deemed acceptable versus what might become a triggering point, and who or what makes this determination.

Chairman Fiorenzi invited public comments. Bob Pennington, Vice President of General Moly, presented a hypothetical situation where 11,300 acre feet of water is pumped annually from Diamond Valley for agricultural purposes versus a well field being developed in Kobeh Valley, 15 miles away, to serve the mine's needs, and asked the Board to consider which would result in a greater drawdown, over time, to Diamond Valley's water table. Mr. Pennington stated that General Moly has also struggled with the concept of hard triggers, noting that historical data shows that Diamond Valley has experienced periods of normal, steady drawdown; periods of very little drawdown; and periods of accelerated drawdown, with no real technical data to explain these trends. He felt this showed that a collection of factors, such as natural and climatic conditions, need to be considered when drawdown occurs, rather than assuming it is solely attributable to mine pumping.

Mr. Pennington made several points regarding the 3M Plan: (a) in approximately four weeks a workable plan has emerged; (b) requiring the WAC and TAC to comply with Open Meeting Law is unnecessary bureaucracy; (c) any basis for financial assurance needs to be reasonable; (d) General Moly seeks the County's input, but will not allow a process to take place ~~that doesn't result in a 3M Plan under General Moly's schedule; and (e) their highest priority is~~ that there are no more delays in allowing the Mt. Hope Project to move forward.

Chairman Fiorenzi responded that as a Commissioner, he supports mining in general, but cannot support a project that is created at the detriment of another industry.

Mark Moyle stated that it was evident from the comments that there are still issues that need to be worked out in the 3M Plan. He felt it was important to have enforcement mechanisms written into the plan rather than relying on the State Engineer to regulate and administer the plan. Financial assurance should be provided up front. If General Moly has confidence in their water model, they should not be opposed to financial assurance. Mr. Moyle reiterated that it is important to take the time to create a good workable document up front that includes triggers, enforcement, and security.

There were no further comments. Chairman Fiorenzi thanked everyone for their input.

### **COMMISSIONERS**

Update Reports: Commissioner Page participated in a Nevada Works conference call on September 2<sup>nd</sup>, and recently met with Rex Massey regarding the Crescent Valley Community Development Assessment. Commissioner Ithurralde met with a Nurse Practitioner candidate for the Eureka Medical Clinic; met with BLM Director, Bob Abbey, along with Jake Tibbitts on August 23<sup>rd</sup>; participated in a teleconference for the NACO Public Lands & Natural Resources Subcommittee on August 29<sup>th</sup>; attended the joint committee meeting regarding the School District's proposed gymnasium; and attended the Senior Center Advisory Committee meeting on August 30<sup>th</sup>. Chairman Fiorenzi met with the District Attorney regarding several issues, particularly the Eureka Canyon Subdivision.

Possible Amendment to Animal Control Ordinance: The passage of SB299 during the 2011 Nevada State Legislature directed counties to require permits in certain circumstances for commercial dog and cat breeders. District Attorney, Ted Beutel, reviewed the Animal Control Ordinance from the Eureka County Code and reported that it already covers commercial breeders and requires a kennel operator permit, so no amendments are needed.

Appreciation Letter to BLM: Commissioner Ithurralde motioned to send a letter to Doug Furtado, District Manager of the Battle Mountain BLM, thanking the BLM for granting a 90-day review and comment period for the Mt. Hope Project Draft EIS and for their willingness to hold a public hearing; Commissioner Page seconded the motion; motion carried 3-0. The letter also commented that the County is not opposed to the Mt. Hope Project, but wants it done right.

Abby Johnson, EIS Coordinator, reported that the BLM is working on a spreadsheet of the 2,000-plus comments on the Mt. Hope Project Administrative Draft EIS, and how they were addressed, for distribution to the Cooperating Agencies possibly by the end of September.

### **LAND SWAP PROPOSAL**

Pete Bigrigg, Eureka Resident & Landowner: Pete Bigrigg stated that a County contractor has been working on streets near his property in the town of Eureka. Mr. Bigrigg provided photos showing the work encroached on his property and buried the survey marker that identified his boundary line adjacent to Adams Street. He felt the easiest way to rectify this would be to do a boundary line adjustment and trade the encroached on property for an abandoned portion of Edwards Street that is also adjacent to his property. The Board explained that when dealing with abandoned streets, the County is required to offer a portion to all adjacent property owners; if it is declined then the entire portion can be offered to Bigriggs. Commissioner Ithurralde motioned to direct Public Works to begin working with Pete and Carol Bigrigg to start the process of a land trade, including meeting all legal requirements related to transfer of the property; Commissioner Page seconded the motion; motion carried 3-0.

### **ROAD DEPARTMENT**

Update Report: Road Superintendent, Raymond Hodson, reported on Road Department projects and activities. Work included several roads in the Spring Valley area, Newark Pass, Union Pass, Monitor Valley Road, repair of two cattle guards on County Road 101, installation of a culvert on the 3 Bars Road, cleaning several culverts, and preparations for the County Fair.

Asphalt at the warehouse is being removed in preparation for new asphalt. Extra manpower was sent up north to help the Crescent Valley crew and they continued work in the Grass Valley area, Rose Ranch Road, Sansinena Road, and Tank Farm Road.

### **RECESS FOR LUNCH**

The Board recessed for lunch from 12:00 noon to 1:00 p.m.

### **NEVADA DIVISION OF FORESTRY**

Update on Legislative Issues: State Forester & Fire Warden, Pete Anderson, and Deputy State Forester, Rich Harvey, were in attendance to update the Board on legislative issues that affect the Eureka County Fire District. The main change came with submission of the budget and a directive from the Governor to examine priorities and how they fit with statutes. This resulted in legislation that shifts NDF's main focus to a state-wide wildfire program and transitions all-risk responsibilities to the counties. There is a two to four year window to complete this transition. Mr. Anderson and Mr. Harvey have been visiting the affected districts to get perspectives on what should be included in a state-wide wildfire program and what NDF can do to assist the counties in the transition to an all-risk program.

Commissioner Ithurralde stated one of the concerns was dispatch, since the Fire District has relied on NDF's dispatch center in Elko. Mr. Anderson replied that NDF will still act as a state-wide agency in providing dispatch services, but may look at some consolidation in the future, possibly with other agencies such as the Forest Service and BLM.

NDF is looking into ways to make the State fire account available to the local districts/counties. They believe some sort of funding formula based on population, land base, risk assessment, etc., with local participation in the form of a financial contribution, could make the fund accessible to the local jurisdictions. The goal is to have a bill for the 2013 Legislature that defines the state-wide program, cooperation on large fire events, and funding issues.

Fire District Update: Eureka Battalion Chief, Sam Hicks, reported that the two Eureka engines will be taken to Elko to complete annual pump testing. Annual testing is a National Fire Protection Association requirement and improves the ISO rating, which is a benefit to the County and its residents. He will keep Public Works informed on when the equipment is out of the area.

### **RECESS FOR DEVIL'S GATE GID MEETING**

The Board recessed at 1:30 for a brief Devil's Gate GID meeting to hear a report on the upgrades to the Devil's Gate water system.

### **PUBLIC WORKS**

Update to Fiscal Impact Review & Analysis of the Mt. Hope Project: Per direction from the Board, Rex Massey of Research & Consulting Services, Inc., was retained to update the Fiscal Impact Review & Analysis of the Mt. Hope Project, which was originally completed in 2008. Mr. Massey gave an overview of the updated report. The focus of the report is to anticipate what the County needs to do to prepare for the population growth that will occur with the Mt. Hope Project. Initially there will be a short-term construction workforce followed by the long-term operational workforce. Mr. Massey detailed the increases in public services and staff that will be required, especially in the area of public safety. Capital improvements in the form of housing, additional public water sources and potential treatment, wastewater treatment, landfill expansion, and equipment purchases will also be needed. There are risks involved, because the County will expend money before any tax revenues from the Mt. Hope project are realized, and there is always the risk that revenues may not materialize at all if the project does not happen.

Commissioner Ithurralde motioned to accept the Fiscal Impact Review & Analysis of the Mt. Hope Project as updated by Rex Massey, Research & Consulting Services, Inc.; Commissioner Page seconded the motion; motion carried 3-0.

Update on Public Works Projects: CRESCENT VALLEY ARSENIC TREATMENT PLANT: The building for the Crescent Valley Arsenic Treatment Plant will be delivered on September 9<sup>th</sup> and will take about two weeks to be installed. Six weeks will be scheduled for installation of electricity and telemetry. 2011 STREET MAINTENANCE PROJECT, PHASES 1&2: Phase 1, installation of the reinforced box culverts is on schedule. A field meeting will be held on September 7<sup>th</sup> so all parties are aware of the schedule and when the town streets will be impacted. The notice to proceed has been issued for Phase 2; the concrete treated base should be in place in Diamond Valley within the week and paving will begin on September 8<sup>th</sup>. Fine grading has begun on the US Highway 50 approaches to the Eureka Canyon Subdivision and paving will commence in approximately one week. SENTINEL MUSEUM EXTERIOR RESTORATION: Brick work at the museum is complete and the roof will be done within a week, wrapping up that entire project. COURTHOUSE BACKUP GENERATOR: The backup generator for the Courthouse should be completely installed within two weeks.

Memorandum of Understanding with BLM for Eureka Airport: Mr. Damele explained that the BLM has wanted to maintain a seasonal single engine air tanker base at the Eureka Airport for some time. He and the District Attorney reviewed the Memorandum of Understanding (MOU) and suggested a few changes, including addressing the airport closure next year for approximately 30 days for the Runway Rehabilitation Project. The MOU covers a five-year period but can be terminated at any time with 30 days written notice. Commissioner Ithurralde motioned to approve the Memorandum of Understanding with the BLM to use the Eureka Airport for a single engine air tank base and authorized the Chairman to sign the MOU outside of the meeting; Commissioner Page seconded the motion; motion carried 3-0.

2011 Caterpillar D7E Dozer: Commissioner Page motioned to approve joining National Joint Powers Alliance Contract #100907 with Caterpillar for purchase of a new 2011 Caterpillar D7E Dozer for a contract price of \$542,311.40 with a guaranteed buy-back option of \$350,215.00 after five years; Commissioner Ithurralde seconded the motion; motion carried 3-0.

2011 Caterpillar 963D Track Loader: Commissioner Page motioned to approve joining a Wicomico County, Maryland, bid with Caterpillar to purchase a new 2011 Caterpillar 963D Waste Handling Track Loader in the amount of \$282,079.00 with a buy-back option of \$118,500.00 after five years; Commissioner Ithurralde seconded the motion; motion carried 3-0.

2011 Caterpillar 950H Wheel Loader: Commissioner Ithurralde motioned to approve joining a Dickinson, North Dakota, bid with Caterpillar to purchase new 2011 Caterpillar 950H Wheel Loader in the amount of \$199,022.00 with a buy-back option of \$141,000.00 after five years; Commissioner Page seconded the motion; motion carried 3-0.

2011 RPM Tech LM220 Snow Blower: This item was tabled for further negotiation.

Out-of-State Travel to Washington, DC: Commissioner Ithurralde motioned to approve out-of-state travel for Chairman Fiorenzi and Natural Resources Manager, Jake Tibbitts, to travel to Washington, DC, the week of October 17<sup>th</sup> through October 21<sup>st</sup> to meet with the Congressional Delegation, Department of Interior, and Environmental Protection Agency regarding natural resources, NEPA, and legislative issues affecting Eureka County; Commissioner Page seconded the motion; motion carried 3-0.

## YUCCA MOUNTAIN

Out-of-State Travel to Washington, DC: Commissioner Ithurralde motioned to approve out-of-state travel for Public Works Director, Ron Damele, and Nuclear Waste Advisor, Abby Johnson, to travel to Washington, DC, the week of October 17<sup>th</sup> through October 21<sup>st</sup> to meet with the Congressional Delegation, Yucca Mountain representatives, and to attend the meeting of the Blue Ribbon Commission on America's Nuclear Future; Commissioner Page seconded

the motion; motion carried 3-0. Travel will be funded from the US Department of Energy direct payment grant to Eureka County as an Affected Unit of Local Government.

### **COUNTY ENGINEER**

2011 Street Maintenance Project, Phases 1 & 2: Tom Young, Lumos & Associates, noted that Public Works provided a complete report on the Street Maintenance Project and he had nothing to add.

Eureka Springs Project: Mr. Young reported that the Eureka Springs Project was currently being advertised for bids. It was originally advertised for September 20<sup>th</sup>, but an addendum will be mailed changing it to September 19<sup>th</sup> to coincide with the Commissioners' meeting. Bid opening will be at 10:00 a.m. with bid award that afternoon.

Eureka Airport 18/36 Runway Reconstruction Project: Mr. Young reviewed the Eureka Airport Runway Reconstruction Project. Bids were opened on August 11<sup>th</sup>. The bids came in higher than expected, so a letter was sent to the FAA requesting an increase in the grant amount. FAA approved an adjusted grant total of \$2,632,351.00; which will cover construction and engineering. When the bid of \$2,581,052.00 was awarded on August 19<sup>th</sup> (pending confirmation of the grant), the County approved an additional \$376,725.00 to repave the apron, which was not covered by the grant. Because of these delays and the lateness of this construction season, Mr. Young contacted the FAA and requested that the project be postponed until next spring.

FAA Grant: Commissioner Ithurralde motioned to accept the grant award from the Federal Aviation Administration for the Eureka Airport 18/36 Runway Reconstruction Project in the amount of \$2,632,351.00; Commissioner Page seconded the motion; motion carried 3-0.

Runway Reconstruction Project Bid Award: Commissioner Ithurralde motioned to ratify awarding the Eureka Airport 18/36 Runway Reconstruction Project to the lowest responsive bidder, Aggregate Industries, in the amount of \$2,957,777.00; Commissioner Page seconded the motion; motion carried 3-0.

Modified Schedule for Runway Reconstruction Project: Commissioner Ithurralde motioned to approve modifying the schedule for the Eureka Airport 18/36 Reconstruction Project by postponing construction to Spring 2012; Commissioner Page seconded the motion; motion carried 3-0.

### **SENIOR CENTERS**

Update Report: Millie Oram, Site Director, reported on activities at the Senior Centers for August. A total of 21 seniors from Eureka and Crescent Valley traveled to the Ms. Senior Nevada Pageant in Las Vegas on August 26<sup>th</sup> where Claire Morrow represented Eureka County as a contestant. Claire did a wonderful job and her photo was included in the pageant booklet. Meal counts for August were 1,053 in Eureka and 838 in Crescent Valley. A total of \$11,174.42 was deposited for the month.

Fiscal Monitoring Report: The Nevada Aging & Disability Services Division conducted an audit in July and recently submitted the Fiscal Monitoring Report on Transportation Services Grant #07-000-10-BX-11 for the period of July 1, 2010, through June 30, 2011. The Division found that all requirements of the grant were met and funds were used according to grant guidelines.

### **NEVADA RURAL HOUSING AUTHORITY**

Review Single Family Documents Related to the Eureka Canyon Subdivision: NRHA representatives present were: Gary Longaker, Executive Director; Tom Stone, Real Estate Manager; Mike Hynick, Construction Manager; and Jack White, JL White & Associates. The Board and NRHA reviewed the most recent changes to the single family documents, made as a

result of the Housing Core Group meeting on August 23<sup>rd</sup> and meetings between Chairman Fiorenzi and the District Attorney.

Covenants, Conditions, & Restrictions (CC&Rs): A concern was raised at the Housing Core Group meeting that CC&Rs were not yet drafted. Some County representatives felt they should be included as an attachment to the single family documents. Roger Mancebo, NRHA Board Member, explained at that meeting that if CC&Rs become a part of an agreement, it makes it very cumbersome any time you want to amend or change the CC&Rs. Instead, language was added to the agreement restricting NRHA from selling any lots in the subdivision until approved CC&Rs are in place. Jack White explained that the agreed upon deadline for approving CC&Rs was November 21<sup>st</sup>, the second Commission meeting in November. Mr. Beutel advised that if the CC&Rs are going to be handled apart from the agreement, then the paragraph outlining what the CC&Rs are going to accomplish should be removed from the agreement and the only reference should be that they will be in place before sale of any lots.

Michael Mears stated that a draft of the CC&Rs should be available prior to the November 21<sup>st</sup> meeting to allow the Housing Core Group an opportunity to review them. Mr. White informed that the attorneys are already working on a draft which should be available the first week of October, in approximately 30 days. Commissioner Ithurrealde agreed that he would like to see a draft before any agreements are approved, even if they won't be included as a part of the agreement.

Termination Clause: Discussion was held regarding how the real property will be conveyed back to the County in the event of termination of the agreement either at the end of the five years covered in the agreement or at any stage during the process.

The single family lots will be deeded to NRHA in phases for development and sale, with the County holding a note, or secured interest, on the property. Upon termination of the agreements, any unsold real property reverts back to the County. But State law restricts NRHA from simply deeding back to the County, so an action of foreclosure must be filed in court.

Commercial Property: It was noted that property in the subdivision identified as commercial on the tentative map is not included in any agreements and remains solely under the control of Eureka County.

Tentative Map: The tentative map will be used for the agreements, since incremental final maps will be created rather than one final map. The tentative map identifies 20 single family lots. Mr. White explained that these are the original 16 single family lots, but four of the 1/4 acre lots were divided into eight lots making a total of 20 single family lots. This will allow NRHA to sell these as 1/8 acre lots or as 1/4 acre lots, providing the ability to offer some lower cost lots/homes. Lots may be sold with or without vertical building improvements.

Temporary Construction Worker Housing: Mr. White commented that NRHA has no desire to interfere with any agreements the County has with Eureka Moly for temporary construction worker housing, but there are concerns that it may impede their ability to perform on the sale of single family lots. At the last Housing Core Group meeting there was discussion about possibly moving the temporary housing into the area identified as Stage 2, Phase 2. This may not be without problems as well, but Mr. White felt it would be beneficial for the County to consider an alternate location.

Clarification on Funding Amounts: During discussion of the Grant Agreement, Recorder & Auditor, Mike Rebaleati, requested that better definition of the dollar amounts be included. This led to a lengthy discussion regarding how the documents should identify funds allocated to this project. Some felt that inclusion of the maximum dollar amount in the five-year agreement and the budgets provided in the exhibits were sufficient, and felt that further breakdown would encumber and complicate the documents. Mr. White stated that a breakdown itemized by phase and stage could be provided to the Auditor. Mr. Beutel clarified that Mr. Rebaleati's request wasn't simply for a breakdown, but a request that the documents clearly identify that funding is



contingent upon the requirements of the agreement being carried out. Mr. Rebaleati agreed and stated he would email Mr. White language that would accomplish this in a sentence or two.

Recoverable Versus Non-Recoverable Funding: Mr. Beutel recommended that the Grant Agreement identify the recoverable and non-recoverable amounts. It was decided that the document will reflect the initial selling price of 122 lots, noting that this is the maximum recoverable amount, dependent upon sales of the lots and subject to increase or decrease in sale price upon approval by the Commissioners.

Extension of Interim Agreement: Mr. White stated the changes will be incorporated into the single family documents and signature-ready originals will be provided for the September 19<sup>th</sup> Commission meeting. At the request of the District Attorney, a new Interim Agreement will also be drafted with a new budget, but in the meantime, Mr. White requested that the current one be extended to September 19<sup>th</sup>. Commissioner Page motioned to extend the Interim Agreement to September 19, 2011; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Update on Townhome Units: Mr. White informed that the Nevada Manufactured Housing Division raised a concern over the fire rating of the townhome units. Guerdon obtained a legal opinion from a professional architect and provided recommendations to the Division. A ruling is expected shortly. Mr. White explained that the buildings had been certified for the State of Nevada approximately 18 months earlier and they had paid \$15,000.00 for that service, so Guerdon will bear the costs of any modifications, but delivery will be delayed.

Introduction of Marketing Group: Edward Estipota, of Estipota Group, gave an overview of the marketing plan and materials for the Eureka Canyon Subdivision. Mr. Estipota showed samples of the logo created for the Eureka Canyon Subdivision, which will be printed with different colorations for the single family portion and the multifamily portion of the development. He described how the logo was selected to honor the history, tradition, and natural environment of Eureka. Next he showed brochures and a sample of the sign, scheduled to be installed at the site in about a week. A website has been created and can be accessed at [myecliving.com](http://myecliving.com). Displays have been prepared to use to promote the subdivision during local and neighboring events and press opportunities will be used to further promote the development through the media.

Credit & Financing Representative: This item was tabled to a future meeting, as Deputy Director, CJ Manthe was unable to attend.

## **APPROVAL OF MINUTES**

July 6, 2011: Commissioner Ithurralde motioned to approve minutes for the July 6, 2011, Commissioner meeting; Commissioner Page seconded the motion; motion carried 3-0.

## **CORRESPONDENCE**

Correspondence was received from: Ben & Mary Zunino; District Attorney, Ted Beutel (2); Natural Resources Manager, Jake Tibbitts; Crescent Valley Town Advisory Board; University of Nevada Cooperative Extension; Central Nevada Regional Water Authority; Battle Mountain BLM RMP newsletter; Washoe County E-Update; Nevada Division of Forestry, Pete Anderson; Nevada Dept. of Health & Human Services; Nevada Aging & Disability Services Division; Nevada Division of Water Resources; Nevada State Public Defender; Nevada Rural Housing Authority; Nevada Dept. of Motor Vehicles; Nevada Gaming Control Board (2); Nevada Shade Tree Council; Nevada Dept. of Taxation; Nevada Taxpayers Organization; Tax Topics newsletter; Economy in Brief newsletter; US Geological Survey; US Forest Service, Jose Noriega; USDA Forest Service; US Dept of the Interior-BLM: US Fish & Wildlife Service (2); and US Census Bureau.

The Board requested that the following letter commending Cindy Adams, be made a part of the record:



Mrs. Cindy Adams  
PO Box 187  
Eureka, Nevada 89316

30 August 2011

Dear Cindy,

The purpose of this letter is to thank you for the opportunities you have afforded Heather and AJ through various trainings and work experiences these past years. Heather has started her own business and was a supervisor at the University pool. AJ has become a responsible employee, trainer, and a supervisor for you. I say these things about my children knowing that you have done the same for many youngsters who were willing to work hard and take on responsibility.

You have demonstrated a commitment to the youth of Eureka. I have heard it said that it takes a whole village to raise a child. This is true if it is done by responsible people. It is my opinion that you are the kind of role model we need to work with our youth. It is evident that you have had an impact on the youth of Eureka as demonstrated by the high level of respect they have for you and their willingness to perform their tasks at a high level. The Eureka community has benefited from your efforts with the youth.

I read a Gallup poll that was sent to tens of thousands of parents. The poll was asking various questions about schooling. One of the questions asked: what parents wanted most from school. The number one wish (after the safety of the child) was a teacher who cared. Cindy, I believe you are a teacher who cares. Thank you.

Sincerely,

By Ben and Mary Zumbo

cc: Eureka County Commissioners  
Ron Gamble

## **PUBLIC COMMENT**

Chairman Fiorenzi called for public comments. Lloyd Morrison read the following statement into the record: *"My name is Lloyd Morrison. We are talking about the General Moly 3M Plan, and if the 3M Plan and model are so well developed, then bonding for the project should be fairly inexpensive. So General Moly could afford to put in place a \$50 million bond, similar to a reclamation bond that would ensure adequate protection for the County. As I understand it, the Newmont-Barrick flow model has not performed as predicted, and what is in place to mitigate any problems there? My goal is to balance and conserve the Diamond Valley flow system. We're basically performing an autopsy of the Diamond Valley flow system and assigning values to each part of the corpse. By the time impacts are pinpointed and mitigated, it will be too late to save the flow system. Let's try to save the resource, not just [assign] a dollar value for a depleted resource. The State of Nevada has a history of over-allocation. We are dealing with a flow system where demand is more than the supply. Their solution is to allocate more water from the flow system. AB419, as I understand it, is going to mandate some conservation of critical resource basins. Diamond Valley will be included in that. Any conservation by the farmers will mask the impacts from the mine, blurring the trigger points and encouraging mitigation as the only resolution to the impacts. The original commitment to the farmers from the mine was for the mine to retire 1,130 acre feet in Diamond Valley, and I would like the Commissioners to encourage the mine to honor their original commitment."* Mr. Morrison concluded by stating he has a new appreciation for the Commissioners' job and thanking the Board for their time.

There were no further public comments.

**ADJOURNMENT**

Commissioner Ithurralde motioned to adjourn the meeting at 5:19 p.m.; Commissioner Page seconded the motion; motion carried 3-0.

Approved this 7<sup>th</sup> day of November, 2011.

/s/ Leonard Fiorenzi  
Leonard Fiorenzi, Chairman

Attest: /s/ Jackie Berg  
Jackie Berg, Clerk

Posted September 14, 2011

**NOTICE IS HEREBY GIVEN** that the Board of Eureka County Commissioners will meet pursuant to law on September 19, 2011, at 9:30 a.m. in the Commissioners' meeting room at the County Courthouse located at 10 South Main Street, Eureka, Nevada.

**AGENDA****9:30 - CALL TO ORDER**

1. Approval of the agenda notice with addition of any emergency item and/or deletion of any item. (Action)  
*Unless otherwise stated, items may be taken out of the order presented on the agenda, at the discretion of the Chair.*
2. Pledge of allegiance.

**9:35 - PUBLIC COMMENT and DISCUSSION**

1. Public comment and discussion. (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 shall be limited to (3) minutes per person, and public comment will only be received during the two times specified on the agenda, unless otherwise noted.*
2. Consider items requiring action to be placed on the agenda for the next regular meeting. (Action) *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.*

**9:45 - FINANCE – Mike Rebaleati, County Recorder/Auditor**

1. Payment of expenditures. *NOTE: Expenditures received after action has been taken under this 'Finance' section may be presented and acted upon throughout the day.* (Action)
2. Review Auditor's Report. (Discussion)

**10:00 - BID OPENING – EXISTING SPRINGS WATER COLLECTION SYSTEM, PHASE 1: REHABILITATION PROJECT**

1. As advertised, receive, open, and accept bids into the record for the Existing Springs Water Collection System, Phase 1: Rehabilitation Project, and direct staff and engineer to review bids for possible recommendation for award later in the day. (Action)

**10:10 - EUREKA FAMILY DENTISTRY – Dr. Steven Hooper, DDS**

1. Introduction by Dr. Hooper of Daniel Norris, DDS, replacement dentist for Eureka Family Dentistry. (Discussion)

**10:15 - COMMISSIONERS**

1. Commissioner update reports. (Discussion)
2. Discuss, approve, or deny changing the regularly scheduled Commission meeting from October 20<sup>th</sup> to October 24<sup>th</sup> (or other date) in order to accommodate conflicting obligations of member(s) of the Board. (Action)
3. Review letter from Jacqualeene Campbell and discuss, approve, or deny any action related to request for sidewalk and driveway accesses located at 154 N. Main Street and 160 N. Main Street in Eureka. (Action)
4. General updates, discussion, and possible action regarding the Mt. Hope Mine Project, including but not limited to impacts, housing, the EIS and NEPA process. (Action)

**10:25 - PUBLIC WORKS – Ron Damele, Director**

1. Discuss, approve, or deny a force account change order from Sierra Nevada Construction to asphalt pave the drainage improvement structure adjacent to the County Warehouse, square foot price not to exceed \$3.32. (Action)
2. Discuss, approve, or deny joining Fresno County bid #070-4874 for a new 2011 RPM Tech LM220 Snow Blower, with contract price of \$134,481.00. (Action)
3. Discuss, approve, deny, or modify a proposal from Reyman Bros. Construction to remodel the interior of the Physician's Assistant residence located at 381 Well Street in the amount of \$87,471.19; work will be performed under the National Joint Powers Alliance, Gordion Group contract #NV02-032911-RBC, and all matters properly relating thereto. (Action)

**10:35 - EUREKA LIVESTOCK, LLC – Jim Etcheverry (via letter)**

1. Review letter from Eureka Livestock, LLC, regarding concerns over adverse impacts to local water resources, and per request, read the letter into the record. (Discussion)

**10:45 - AMBULANCE & EMS – Mike Sullivan, EMS Coordinator**

1. Update report on ambulance and emergency services. (Discussion)
2. Discuss, approve, or deny ambulance bill write-off for patient #2006586 in the amount of \$325.00. (Action)

10:55 - **COUNTY FACILITIES & ECONOMIC DEV.** – Andrea Rossman, Cultural, Tourism, & Economic Dev. Director

1. Update report on Opera House, Sentinel Museum, and Economic Development. (Discussion)

11:00 - **SWIMMING POOL, PARKS, & RECREATION** – Cindy Adams, Parks, Recreation & Facilities Director

1. Update report on Swimming Pool, parks, and recreational facilities. (Discussion)

05 - **NEVADA RURAL HOUSING AUTHORITY**

1. Review all *single family* development and grant/loan documents related to the Eureka Canyon Subdivision Project. (Discussion)
2. Discuss, approve, or deny signing any or all documents related to the *single family* portion of the Eureka Canyon Subdivision Project. (Action)
3. Discuss, approve, or deny signing a new or updated Interim Agreement between Eureka County and Nevada Rural Housing Authority. (Action)
4. Discuss, approve, or deny adopting a Resolution authorizing a grant to Nevada Rural Housing Authority upon certain conditions. (Action)
5. Discussion and possible action related to further direction and/or decisions on all matters properly relating to the Eureka Canyon Subdivision. (Action)

11:20 - **NATURAL RESOURCES** – Jake Tibbitts, Natural Resources Manager

1. Report on activities, upcoming meetings, and natural resource issues affecting Eureka County. (Discussion)

11:30 - **EUREKA COUNTY FAIR BOARD** – Fair Board members

1. Report and budget update regarding 2011 Eureka County Fair. (Discussion)
2. Discuss, approve, or deny authorizing attendance and providing funding assistance for Fair Board members to participate in an upcoming convention. (Action)

11:40 - **CANVASS THE RESULTS OF THE 2011 SPECIAL ELECTION**

1. Review abstract of the vote and canvass the results of the September 13, 2011, Special Election. (Action)

045 - **CLERK & TREASURER** – Jackie Berg, Clerk & Treasurer

1. Review Treasurer's Report for August 2011. (Discussion)

11:50 - **APPROVAL OF MINUTES**

1. Approval of minutes from the July 20, 2011, Commissioner meeting. (Action)

11:55 – **CORRESPONDENCE**

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

Noon - **RECESS FOR LUNCH**

1:00 - **EUREKA COUNTY PLANNING COMMISSION** – Ellen Rand, Chairwoman

1. Discuss, approve, or deny parcel map (altering lot lines within APN 002-027-22 and APN 002-027-23) for Larry & Benita Jones, as approved by the Planning Commission on September 1<sup>st</sup>. (Action)

1:15 - **MT. HOPE PROJECT 3M PLAN (FOR MONITORING, MANAGEMENT, & MITIGATION OF IMPACTS TO WATER RESOURCES)**

1. Update from staff regarding the draft 3M Plan with changes incorporated from discussion at the September 6<sup>th</sup> meeting and invite further public comment on the revised draft 3M Plan, which may be submitted to the Nevada State Engineer. (Discussion)

1:30 - **NEVADA STATE ENGINEER RULING 6127**

1. Update from Eureka Moly, LLC, on status of development of a 3M Plan acceptable to the County for submittal to the Nevada State Engineer. (Discussion)
2. Update from Eureka Moly, LLC, on the status of efforts to address impacts to existing water rights that will be impacted due to Mt. Hope Project operations. (Discussion)
3. Discuss, approve, or deny accepting or rejecting Eureka Moly, LLC, efforts on both the 3M Plan and impacts to existing water rights. (Action)
4. Discuss, approve, or deny moving forward with appeal of Nevada State Engineer Ruling 6127. (Action)

**1:45 - BID AWARD – EXISTING SPRINGS WATER COLLECTION SYSTEM, PHASE 1: REHABILITATION PROJECT**

1. Discuss, approve, or deny awarding the bid for the Existing Springs Water Collection System, Phase 1: Rehabilitation Project, and all other matters properly relating thereto. (Action)

**1:50 - PUBLIC COMMENT and DISCUSSION**

1. Public comment and discussion. (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 shall be limited to (3) minutes per person, and public comment will only be received during the two times specified on the agenda, unless otherwise noted.*
2. Consider items requiring action to be placed on the agenda for the next regular meeting. (Action) *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.*

**2:00 – ADJOURNMENT**

1. Motion to adjourn. (Action)

Times are approximate. Items may be taken out of order, at the discretion of the Chair. Items may be removed from the agenda prior to, or during, the meeting. Related agenda items may be combined for discussion or action. (Action) means the Board may take action upon an item, but is not required to. Posted in Eureka at: Courthouse, Admin. Facility, Clerk's Office, Public Bulletin Board, and US Post Office. NOTICE TO PERSONS WITH DISABILITIES: If you require special assistance, please notify the Clerk's Office prior to the meeting at 775-237-5262.

## **PROOF OF SERVICE**

Pursuant to NRAP 25(d), I hereby certify that on the 26<sup>th</sup> day of July, 2013, I caused a copy of the foregoing ***JOINT APPENDIX VOLUMES 1 THROUGH 8*** to be served on the following parties as outlined below:

### ***VIA COURT'S EFLEX ELECTRONIC FILING SYSTEM:***

Francis Wikstrom  
Jessica Prunty  
Cassandra Joseph  
Dana Walsh  
Gary Kvistad  
Bradford Jerbic  
Daniel Polsenberg  
Bradley Herrema  
Michael Pagni  
Jeffrey Barr  
Debbie Leonard  
Josh Reid  
Theodore Beutel  
Karen Peterson  
John Zimmerman  
Francis Flaherty  
Paul Taggart  
Michael Rowe  
Gregory Walch  
James Erbeck  
Jennifer Mahe  
Dawn Ellerbrock  
Neil Rombardo  
Ross de Lipkau

///

///

***VIA US MAIL, POSTAGE PRE-PAID  
ADDRESSED AS FOLLOWS:***

William E. Nork, Settlement Judge  
825 W. 12<sup>th</sup> Street  
Reno, NV 89503

Dated this 26<sup>th</sup> day of July, 2013.

/s/ Therese A. Ure

THERESE A. URE, NSB# 10255

Schroeder Law Offices, P.C.

440 Marsh Avenue

Reno, NV 89509

PHONE (775) 786-8800;

FAX (877) 600-4971

counsel@water-law.com

*Attorneys for Appellants Michel and  
Margaret Ann Etcheverry Family, LP,  
Diamond Cattle Company LLC, and  
Kenneth F. Benson*